



October 21, 2024

Subject: Informative- Information on Agency Rulemaking October 1-15, 2024

Dear Tribal Leaders,

We thank you for your partnership and guidance on the Washington State Department of Health rulemaking process. As an agency, we are committed to honoring the Tribal sovereignty of Washington's first Nations. As part of this commitment, and in appreciation of the governance structures of Tribal Nations, we welcome your expertise and collaboration in these current and upcoming rulemaking activities. We prioritize Tribal involvement early in the process to better ensure we are incorporating Tribal expertise, perspectives, and transparency in agency rulemaking.

In accordance with [Chapter 43.376 RCW](#), the [Washington State Centennial Accord of 1989](#), and the [Department of Health's \(WA-DOH\) Tribal Consultation and Collaboration Procedure](#), DOH invites you to review the list of rulemaking activities below and actively collaborate with staff on all topics that may be of interest.

We appreciate your feedback, if you have any suggestions or questions about how to best honor Tribal sovereignty and strengthen agency processes, please let us know.

To provide comments or requests for additional information, please contact:

Candice Wilson – Quatz'tenaut (Lummi)
Executive Director
Office of Tribal Public Health Relations
Candice.Wilson@doh.wa.gov
360-819-7626

Tami Thompson
Regulatory Affairs Manager
Tami.Thompson@doh.wa.gov
360-628-0096

Sincerely,

A blue ink handwritten signature of Candice Wilson, consisting of a stylized 'C' followed by a series of loops.

Candice Wilson – Quatz'tenaut (Lummi)
Executive Director OTPHR

CC: Umair A. Shah, MD, MPH, Secretary of Health, Department of Health
Michelle Davis, Executive Director, Washington State Board of Health
Lacy Fehrenbach, Deputy Secretary, Prevention Safety & Health, Department of Health
Tao Sheng Kwan-Gett, MD, MPH, Chief Science Officer, Department of Health
Kristin Peterson, Chief of Policy, Planning & Evaluation, Department of Health
Elizabeth Perez, Chief of Public Affairs and Equity, Department of Health
Jessica Todorovich, Chief of Staff, Department of Health

The following Department of Health (WA-DOH) and State Board of Health (SBOH) rules and documents were filed with the Washington State's Code Reviser Office October 1-15, 2024. If you have any questions about the documents, please contact the person on the forms.

Preproposal Statement of Inquiry (CR-101)

Athletic Trainers – Reducing Licensing and Endorsement Barriers. WA-DOH, in collaboration with the Athletic Training Advisory Committee, will consider amending WAC 246-916-010 and 246-916-030 to update substantial equivalency and initial licensure rules to comply with recent legislation. [Filed as WSR 24-21-034.](#)

Dental Hygienist Compact. WA-DOH, in consultation with the Dental Hygiene Examining Committee, is considering establishing new section(s) of rule in chapter 246-815 WAC to implement recent legislation which creates a new interstate compact for dental hygienists and gives member states the discretion to charge a fee for granting compact privileges. [Filed as WSR 24-21-056.](#)

Dental Sedation Continuing Education (CE) - Clarifying CE Requirements for Dentists Administering Sedation. The Dental Quality Assurance Commission is considering amending WAC 246-817-773 to ensure clear CE requirements. [Filed as WSR 24-21-038.](#)

Proposed Rules (CR-102)

Advanced Registered Nurse Practitioner (ARNP) Licensure Education Requirements. The Washington State Board of Nursing is proposing amendments to education requirements in WAC 246-840-010, 246-840-340, and 246-840-342 in response to the Joint Administrative Rules Review Committee's (JARRC) recommendation. [Filed as WSR 24-20-129.](#)

Birth Doula - Reducing Certification Barriers. WA-DOH is proposing amendments to WAC 246-835-040, to implement recent legislation to reduce barriers to entering and remaining in the birth doula workforce and to shorten the credentialing process. [Filed as WSR 24-21-016.](#)

Expedited Rulemaking (CR-105)

No Filings

Adopted Rules (CR-103P)

Pharmacy - Incorporation by Reference of Federal Statutes, Regulations and National Consensus Codes in Pharmacy Rules. The Pharmacy Quality Assurance Commission adopted revisions to WAC 246-945-010, 246-945-013, 246-945-030, 246-945-550, and 246-945-565 to update various references incorporated throughout the rules. The new section adopted as WAC 246-945-034 incorporates updates to FDA drug classifications.

When effective, the amendments to WAC 246-945-030 and adoption of WAC 246-945-034 will supersede emergency rules filed as WSR 24-16-085 on August 1, 2024. [Filed as WSR 24-21-069.](#)

Emergency Rules (CR-103E)

Substance Use Disorder Professionals and Trainees – Reducing Barriers to Joining the Workforce and Streamlining the Credentialing Process. WA-DOH is adopting these emergency rules to reduce barriers to entering and remaining in the behavioral health workforce, to streamline the substance use disorder professional and trainee credentialing process, and to implement recent legislation. WA-DOH is amending WACs 246-811-010, 246-811-025, 246-811-030, 246-811-035, 246-811-045, 246-811-046, 246-811-048, 246-811-049, 246-811-060, 246-811-070, 246-811-220, 246-811-240, 246-811-260, 246-811-990 and, creating WAC 246-811-310. These emergency rules are being continued while permanent rulemaking files under WSR 24-10-011 on April 18, 2024, are in progress. [Filed as WSR 24-21-002.](#)

Miscellaneous Filings

Pharmacy Quality Assurance Commission - Effective November 11, 2024, Rescission of WSR 24-16-085, CR-103E, emergency rules for naloxone nasal spray as over-the-counter status, WAC 246-945-030 and 246-945-034. The commission is rescinding these emergency rules because permanent rulemaking has been completed to update these rules. The permanent rule was filed as WSR 24-21-069 on October 11, 2024, and becomes effective November 11, 2024. Memo to rescind emergency rule [filed as WSR 24-21-081.](#)

WA-DOH, Athletic Trainers – Withdrawal of WSR 24-13-078, CR101 for WAC 246-916- 030, Applicants Currently Licensed in Other States. A new CR-101 will be filed to include WAC 246-916-010 to also consider national certification. Withdrawal [filed as WSR 24-21-035.](#)

WA-DOH, Home Care Aides – Withdrawal of WSR 23-04-064, CR101 for WAC 246-980-100 and chapter 246-980 WAC regarding home care aide examinations. The CR-101 is no longer needed as the objectives of this rulemaking project were completed under another rulemaking project that was recently finalized on July 9, 2024, under WSR 24-15-025. Withdrawal [filed as WSR 24-21-057.](#)