



November 5, 2024

Subject: Informative- Information on Agency Rulemaking October 16-31, 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:

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Sincerely,

A handwritten signature in blue ink, appearing to read "Candice Wilson".

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
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Elizabeth Perez, Chief of Public Affairs and Equity, Department of Health
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WASHINGTON STATE BOARD OF HEALTH

Department of Health/State Board of Health
Rule Report
October 16-31, 2024

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 16-31, 2024. If you have any questions about the documents, please contact the person on the forms.

Preproposal Statement of Inquiry (CR-101)

Orthotists and Prosthetists – Reducing barriers to licensure. WA-DOH along with the Orthotics and Prosthetics Advisory Committee, is considering amendments to comply with recent legislation. To align chapter 246-850 WAC with 2SHB 1724 (chapter 425, Laws of 2023), WA-DOH is considering amending the jurisprudence examination as a requirement for licensure and possibly incorporating knowledge of professional jurisprudence into continuing competency requirements for orthotists and prosthetists. WA-DOH will consider amending WACs 246-850-060, 246-850-140, 246-850-150 and other related sections, along with the establishment of potential new WAC sections. [Filed as WSR 24-21-096.](#)

Dentist Compact. The Dental Quality Assurance Commission and WA-DOH are considering adding new section(s) to chapter 246-817 WAC to implement provisions of ESHB 1576 (chapter 297, Laws of 2023), codified as chapter 18.33 RCW, which creates a new interstate compact for dentists and gives member states the discretion to charge a fee for granting compact privileges. [Filed as WSR 24-21-097.](#)

Administrator-in-Training (AIT) Programs and Endorsement. The Board of Nursing Home Administrators (board) is considering amendments to WAC 246-843-090, 246-843-095, and 246-843-230 to consider aligning with the National Association of Long Term Care Administrator Boards AIT program which could make the instructions easier to understand and make language consistent with other states' AIT programs. The board is also considering amending language for endorsement requirements to align with RCW 18.130.077. [Filed as WSR 24-21-101.](#)

Nurse Administrators - Education and experience requirements for baccalaureate nursing education programs in Washington state. The Washington State Board of Nursing (board) is considering amendments to education and experience requirements in WAC 246-840-517 and other related sections in chapter 246-840 WAC for nurse administrators of baccalaureate nursing education programs in response to E2SSB 5582 (Chapter 126, Laws of 2023) codified as RCW 18.79.150. [Filed as WSR 24-21-151.](#)

Proposed Rules (CR-102)

Veterinarian-Client-Patient Relationship as related to telehealth. In response to three rules petitions received in 2022, the Veterinary Board of Governors is proposing changes to WAC 246-933-010 and 246-933-200 to establish additional standards for use of telehealth. The proposed rules add relevant definitions and specify boundaries on the use of telehealth in veterinary services. [Filed as WSR 24-21-098.](#)

Large On-Site Sewage System Rules – Establishing a civil penalty schedule in WAC 246-272B-08105. WA-DOH is proposing to establish a civil penalty schedule for violations of a law or rule regulating large on-site sewage systems. This proposed rule is necessary to clarify WA-DOH penalties based on significance of the violation, previous compliance record, and the presence of aggravating or exacerbating circumstances. [Filed as WSR 24-21-102.](#)

Physical Therapists and Physical Therapist Assistants - Reducing licensure barriers. The Board of Physical Therapy (board) is proposing amendments to WAC 246-915-030, 246-915-040, 246-915-085, and 246-915-120 in order to comply with Section 8 of 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.130.077 and to make general and housekeeping updates to these sections. Additionally, the board is proposing amendments to WAC 246-915-040 to further expand upon the endorsement pathway required under 2SHB 1724 and amendments to WAC 246-915-120 to streamline the foreign educated applicant application process. [Filed as WSR 24-21-147.](#)

Medication Assistance – Establishing standards for the practice of medication assistance in community-based and in-home care settings. The Pharmacy Quality Assurance Commission and WA-DOH are jointly proposing adding five new sections, WACs 246-945-710, 246-945-712, 246-945-714, 246-945-716, and 246-945-718, to establish standards for the practice of medication assistance. The proposed rules describe definitions, actions, and restrictions pertaining to the provision of medication assistance in accordance with chapter 69.41 RCW. [Filed as WSR 24-21-154.](#)

Behavioral Health Agency (BHA) Licensing and Certification Requirements as they relate to Opioid Treatment Programs (OTP). WA-DOH is proposing updates to WACs 246-341-0200, 246-341-0300, 246-341-0342, 246-341-1000, and 246-341-1100 and repealing WACs 246-341-1005 through 246-341-1025. The proposed amendments and repeals are to address general cleanup, streamline the licensing and certification requirements, remove duplicate requirements, align OTP regulations with the Code of Federal Regulations (CFR), and implement Second Engrossed Second Substitute Senate Bill (2E2SSB) 5536 (chapter 1, Laws of 2023, 1st Special Session). [Filed as WSR 24-22-054.](#)

Hospital Financial Data Reporting – Accounting and Reporting Manual requirements for the uniform, hospital, and financial reporting system. WA-DOH is proposing amendments to chapter 246-454 WAC to simplify existing rules regarding the uniform system for hospitals for accounting, financial reporting, budgeting, and cost allocation. Also proposed are amendments to update outdated language within chapter 246-454 WAC, and two sections of Hospitals-Assessments and Related Reports, WAC 246-451-010 and 246-451-050. [Filed as WSR 24-22-090.](#)

Farmers Market Nutrition Program - Electronic Benefits Payments. WA-DOH is proposing amendments to chapter 246-780 WAC to include requirements for the use of electronic benefit payments. [Filed as WSR 24-22-091.](#)

Expedited Rulemaking (CR-105)

No Filings

Adopted Rules (CR-103P)

Behavioral Health Support Specialist - establishing certification standards in chapter 246-821 WAC. WA-DOH adopted certification standards for the new profession created by SSB 5189 (chapter 270, Laws of 2023). WA-DOH established requirements including: the application process; education and curriculum; supervised experience; continuing education; professional standards; the educational program approval process; and fees. [Filed as WSR 24-21-083.](#)

Radioactive Materials Licensing Fees. WA-DOH adopted increases in radioactive material licensing fees in chapter 246-254 WAC to cover operating costs for: small business discount provision and optional fee payment schedule applicable to radioactive materials licensees; specialized radioactive material licenses; medical and veterinary radioactive material use; industrial radioactive material licenses; laboratory radioactive materials licenses; and licensing and compliance actions. When adopted rules increase the fees 31% across all of the licenses, do not add any new license categories, removes the 50% discount for additional sites, and removes the 25% small business discount. [Filed as WSR 24-21-092.](#)

Osteopathic Physicians and Surgeons - Chapter review. The Board of Osteopathic Medicine and Surgery (board) conducted a review of all sections in chapter 246-853 WAC that have not been reviewed in the last five years and identified that WAC 246-853-045 and 246-853-210 contain outdated language. The board adopted amendments to update the term “practitioner” to “osteopathic physician” to be consistent with the entire chapter. The board has also identified that WAC 246-853-060 does not contain any rule language content and is repealing this section. [Filed as WSR 24-21-095.](#)

Nursing Fee Rule Housekeeping Correction to Totals. WA-DOH in consultation with the Washington State Board of Nursing, permanently adopted amendments to WAC 246-840-990 to make a housekeeping change to correct fee total amounts. There is no change to the fees being charged. The changes only correct a technical error in the total lines. [Filed as WSR 24-21-150.](#)

Emergency Rules (CR-103E)

Testing of drinking water contaminates - State action levels (SAL) and state maximum contaminant levels (MCL) in WAC 246-290-315. To ensure safe drinking water, water must be tested for contaminants. The SBOH establishes SALs and MCLs to ensure contaminate levels are below a certain threshold. SBOH sets criteria for the adoption of SALs and MCLs in WAC 246-290-315 and includes criteria that would apply upon federal adoption of MCLs. WAC 246-290-315(8) states that upon federal adoption of a MCL, the MCL will supersede a less stringent SAL and associated requirements, including monitoring and public notice.

SBOH adopted an emergency rule to amend WAC 246-290-315 such that the criteria would apply on the effective date of an MCL as set in the federal standard, not the adoption date, in order to maintain vital public health protections for drinking water safety. This 2nd emergency rule continues the emergency rule originally filed on June 24, 2024, as WSR 24-14-016, without change. [Filed as WSR 24-21-138.](#)

Medication Assistance in community-based and in-home care settings. The Pharmacy Quality Assurance Commission and WA-DOH are filing jointly to reinstate medication assistance rules as permitted under chapter 69.41 RCW by adopting new rules in WAC 246-945-710, 246-945-712, 246-945-714, 246-945-716, 246-945-718, 246-945-720, 246-945-722, 246-945-724, 246-945-726, and 246-945-728. This adopted emergency rule will extend WSR 24-14-078 filed on June 28, 2024, without change. [Filed as WSR 24-22-013.](#)

Mental Health Counselor, Marriage and Family Therapist, and Social Worker Professions - Reducing barriers to licensure and streamline the credentialing process. WA-DOH is continuing emergency rules, without changes, to implement parts of 2SHB 1724 (chapter 425, Laws of 2023) and E2SHB 2247 (chapter 371, Laws of 2024). WA-DOH is adopting and continuing amendments to WACs 246-809-110, 246-809-130, 246-809-220, 246-809-221, 246-809-230, 246-809-330, and 246-809-990. These emergency rules continue emergency rules initially filed under WSR 24-14-080, on June 28, 2024. The emergency rules will be renewed while permanent rulemaking filed under WSR 24-10-012 on April 18, 2024, is in progress. [Filed as WSR 24-22-014.](#)

Psychologists - Reduce barriers to licensure and streamline the credentialing process. The Examining Board of Psychology is adopting emergency rules to amend WACs 246-924-010, 246-924-046, 246-924-053, 246-924-095, and 246-924-100, establish 246-924-048 and 246-924-0481, and repeal 246-924-047 in chapter 246-924 WAC to implement parts of 2SHB 1724 (chapter 425, Laws of 2023). These emergency rules continue emergency rules initially filed on June 18, 2024, under WSR 24-14-079. The rules also incorporate an additional amendment, reducing the minimum amount of direct, face-to-face individual supervision from 2 hours per 20 hours of pre-internship experience to 1 hour per 20 hours. These emergency rules will be continued while permanent rules filed under WSR 24-11-005 on May 2, 2024, are in progress. [Filed as WSR 24-21-015.](#)

Miscellaneous Filings

WA-DOH, Certified Counselors and Hypnotherapist Advisory Committee - 2025 regular meeting schedule. [Filed as WSR 24-21-124.](#)

Podiatric Medical Board - 2025 regular meeting schedule. [Filed as WSR 24-21-136.](#)

Dental Quality Assurance Commission – Revised 2025 regular meeting schedule. [Filed as WSR 24-22-088.](#)