



May 15, 2025

Subject: Informative- Information on Agency Rulemaking May 1-15, 2025

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
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360-819-7626

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

Sincerely,

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

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

CC: Jessica Todorovich, Interim Secretary of Health, WA-DOH
Kristin Peterson, Chief of Policy, Planning & Evaluation, WA-DOH
Lacy Fehrenbach, Deputy Secretary, Prevention Safety & Health, WA-DOH
Tao Sheng Kwan-Gett, MD, MPH, Chief Science Officer, WA-DOH
Michelle Davis, Executive Director, Washington State Board of Health

WASHINGTON STATE **BOARD OF HEALTH**

Department of Health/State Board of Health
Rule Report
May 1-15, 2025

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 May 1-15, 2025. If you have any questions about the documents, please contact the person on the forms.

Preproposal Statement of Inquiry (CR-101)

No filings.

Proposed Rules (CR-102)

Pharmacy Uniform Facility Enforcement Framework. The Pharmacy Quality Assurance Commission proposes adding a new section, WAC 246-945-007, to implement a uniform process for fining pharmacies in alignment with Engrossed Substitute Senate Bill 5271 (chapter 121, Laws of 2024). The rule outlines enforcement actions related to repeated violations and establishes fines scaled to severity and operation size. Filed as [WSR 25-10-089](#).

Expedited Rulemaking (CR-105)

No filings.

Adopted Rules (CR-103P)

Indian Health Attestation for Psychiatric Hospitals, Residential Treatment Facilities (RTF), and Behavioral Health Agencies (BHA). WA DOH adopted new and amended rules in WAC 246-322, 246-337, and 246-341 to establish administrative fees for attestations that a tribal RTF or tribal private psychiatric hospital meets state minimum standards for licensure, and to align those fees with proposed attestation fees for tribal BHAs. The amended rules also clarify that the standard licensure process does not apply to tribes seeking licensure via attestation. Filed as [WSR 25-11-050](#).

Licensed Counselor and Therapist Credentialing and Practice Standards. WA DOH adopted rules in chapter 246-809 WAC to streamline the licensure process for mental health counselors, marriage and family therapists, and social workers. Changes include updates to education, supervision, and credentialing standards, as well as reducing barriers for associate-level and out-of-state applicants. Filed as [WSR 25-11-019](#).

Radionuclide Air Emissions – Update to National Standards. WA DOH amended WAC 246-247-035 to adopt the 2025 federal regulations by reference. This amendment makes no changes to any requirements previously adopted but is required for WA DOH to receive delegation of the Radionuclide Air Emissions Program from the U.S. Environmental Protection Agency. Filed as [WSR 25-11-002](#).

Emergency Rules (CR-103E)

Emergency Medical Treatment and Labor Act (EMTALA) for Hospitals. WA DOH adopted emergency rules amending WAC 246-320-281 to maintain access to emergency care, including abortion services, while permanent rulemaking is in progress. These emergency rules align with newly enacted ESSB 5557 (chapter 182, Laws of 2025) and preserve protections for emergency medical care. Filed as [WSR 25-11-018](#).

Miscellaneous Filings

Music Therapist Advisory Committee – Revised 2025 schedule of regular meetings. Filed as [WSR 25-11-048](#).

Washington Medical Commission – Notice of adoption of interpretive statement INS2025-01, "*Qualified Physician Under Optometry Law*", interpreting qualifications for physicians licensed under chapter 18.71 RCW for purposes of chapter 18.53 RCW, as amended by ESSB 5389 (chapter 400, Laws of 2023). Effective May 9, 2025. Filed as [WSR 25-11-037](#).