



July 2, 2025

Subject: Informative- Information on Agency Rulemaking – June 16-30, Updated

Dear Tribal Leaders, Partners and Professionals,

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: 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
June 16-30, 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 June 16-30, 2025. If you have any questions about the documents, please contact the person on the forms.

Preproposal Statement of Inquiry (CR-101)

Co-Occurring Disorder Specialist Enhancement. WA DOH is considering amendments to chapter 246-804 WAC to update curriculum standards, develop application processes, and clarify definitions for the co-occurring disorder specialist (CODS) enhancement program. Filed as [WSR 25-13-086](#).

Vital Records Birth Certification Fee Waiver. WA DOH is considering amending WAC 246-491-350 to implement a new birth certificate fee waiver process authorized by Substitute Senate Bill 5030. Filed as [WSR 25-14-024](#).

Proposed Rules (CR-102)

Allopathic Physician (MD) Office-Based Surgery Use of Nitrous Oxide. The Washington Medical Commission is proposing a new section WAC 246-919-603, concerning the use of nitrous oxide in office-based settings, and proposing changes to WAC 246-919-60 concerning safe and effective analgesia and anesthesia administration in office-based surgical settings. Filed as [WSR 25-14-080](#).

Ground Ambulance Balance Billing. WA DOH proposed amendments to WAC 246-976-260 and 246-976-270 to implement new laws prohibiting balance billing by out-of-network ground ambulance services. Filed as [WSR 25-14-020](#).

Pharmacy Wholesaler Reporting of Suspicious Orders and Zero Reports. The Pharmacy Quality Assurance Commission proposed to amend WAC 246-945-585 and WAC 246-945-590, to clarify expectations for wholesalers submitting suspicious orders and zero reports to the commission. Filed as [WSR 25-14-077](#).

Adopted Rules (CR-103P)

Anesthesiologist Assistant Licensure. The Washington Medical Commission adopted new chapter 246-921 WAC, creating a licensure framework and practice standards for anesthesiologist assistants. Filed as [WSR 25-14-053](#).

Medical Assistant Emergency Medical Technician (MA-EMT) Credential. WA DOH adopted amendments to chapter 246-827 WAC and related sections to establish the new credential of MA-EMT to implement Substitute Senate Bill 5940. Filed as [WSR 25-13-095](#).

Per- and Polyfluoroalkyl Substances (PFAS) Adoption by Reference. WA DOH proposed amending chapters 246-290 and 246-390 WAC to adopt by reference federal PFAS standards and requirements. Filed as [WSR 25-13-093](#).

Primary and Secondary School Environmental Health and Safety Regulations. SBOH repealed Chapter 246-366A and WAC 246-366-160, and amended WAC 246-366-005 to prevent the implementation of outdated and obsolete rules. Filed as [WSR 25-13-109](#)

Veterinary Licensure and Examinations. The Veterinary Board of Governors adopted amendments to chapters 246-933 and 246-935 WAC to remove outdated exam requirements and reduce barriers. Filed as [WSR 25-14-065](#).

Emergency Rules (CR-103E)

PFAS Testing Standards for Group A Public Water Systems. SBOH extended emergency rules establishing testing requirements for State Action Levels and Maximum Contaminant Levels of PFAS detection in drinking water. Filed as [WSR 25-13-104](#).

Psychology Licensure Barrier Reduction. WA DOH extended emergency rules reducing barriers for psychologists. Filed as [WSR 25-14-006](#).

Miscellaneous

Gender Affirming Care Data Sharing Restrictions. WA DOH adopted policy statement CHS-A31-2025 restricting data sharing of gender-affirming treatment data or records with jurisdictions that restrict gender affirming treatment inconsistent with WA law. Filed as [WSR 25-13-072](#).

Uniform Facility Enforcement Framework for Behavioral Health Agencies (BHAs). WA DOH withdrew CR-101 filed under WSR 25-03-002 regarding uniform enforcement framework for BHAs in order to consider including additional facility types. Filed as [WSR 25-13-074](#).

Pharmacy Quality Assurance Commission – Policy Statement P007.1, 'Accreditation of Schools or Colleges of Pharmacy.' Effective July 1, 2025. Filed as [WSR 25-14-033](#)

Board of Optometry. Revised 2025 schedule of regular meetings. Filed as [WSR 25-13-091](#).

**** Updated information** 7/2/25**

Farmers Market Nutrition Program. WA DOH is considering amending Chapter 246-780 WAC to implement Enrolled Substitute Senate Bill 5214. The rules would allow mobile markets to participate in the Farmers Market Nutrition Program. Filed as [WSR 25-12-055](#).