



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
*Olympia, Washington 98504*

February 26, 2019

TO: Kathleen Buchli  
Code Reviser

FROM: Tami Thompson *Tami M Thompson*  
Regulatory Affairs Manager

SUBJECT: WITHDRAWAL OF WSR 17-05-015, CR-101 for WAC 246-824-010,  
Dispensing Optician – Adding “Personal Supervision” to the definition

This memo serves as notice that the Department of Health (department) is withdrawing the CR-101 for WAC 246-824-010 Definitions, which was filed February 3, 2017, and published as WSR 17-05-015.

The department is withdrawing this CR-101 because the department became aware of concerns by stakeholders regarding the department’s intent to initiate rulemaking to address the definition of personal supervision. After consultation with stakeholders, the department determined a different course of action would be more appropriate and is withdrawing this Preproposal Statement of Inquiry.

The department convened a meeting of representatives from each of three professions – dispensing opticians, optometrists and ophthalmologists – to discuss a definition of personal supervision in the context of chapter 18.34 RCW and to see if consensus could be achieved. The group reviewed definitions of supervision used by other health professions. Good debate ensued, but did not result in consensus. Concern was expressed about changing a practice that has afforded optometrists and ophthalmologists with business model flexibility – especially in more rural communities where licensed dispensing opticians are hard to find.

Though there has been an uptick in the number of complaints related to the unlicensed practice of dispensing opticianry, none of the complaints have related to substandard care or patient harm. The department will not pursue rulemaking or publication of a formal interpretive policy to define personal supervision. Rather, when investigating complaints of unlicensed practice, the department recommends that disciplining authorities evaluate whether adequate supervision of unlicensed employees is in place to optimize patient safety.

Individuals requiring information on this rule should contact Debra Mendoza, Program Manager, at 360-236-4841. Thank you for your attention to this matter.

cc: Debra Mendoza

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