



December 3, 2024

Subject: Informative- Information on Agency Rulemaking November 16-30, 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: Michelle Davis, Executive Director, Washington State Board of Health
Lacy Fehrenbach, Deputy Secretary, Prevention Safety & Health, Department of Health
Umair A. Shah, MD, MPH, Secretary of 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



WASHINGTON STATE BOARD OF HEALTH

Department of Health/State Board of Health
Rule Report
November 16-30, 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 November 16-30, 2024. If you have any questions about the documents, please contact the person on the forms.

Preproposal Statement of Inquiry (CR-101)

Anesthesiologist Assistant Fees. WA-DOH, in consultation with the Washington Medical Commission is considering rulemaking to establish a new section in chapter 246-921 WAC to create licensing and regulation fees for anesthesiologist assistants. [Filed as WSR 24-23-060.](#)

RN and LPN Licensing and Continuing Competency Rules. The Washington State Board of Nursing (board) is considering amendments to WAC 246-840-015 through WAC 246-840-260 to clarify and update outdated language, rewrite and reformat existing rules to reflect current best practices, and restructure sections as necessary. This rulemaking is Phase 1 of the board's formal review process. The board will consider additional topics to reduce barriers and simplify regulations for multistate licensure applicants, reduce barriers for applicants educated outside the United States, and explore limiting NCLEX attempts before remediation. The board also plans to address impacts from upcoming proposals from bills passed in the 2025 Legislative Session. [Filed as WSR 24-24-011.](#)

Residential Treatment Facilities (RTF) and Private Psychiatric Hospitals - Licensing fees of Indian health care providers as establishments. WA-DOH is considering amendments to RTF regulations in WAC 246-337-010 and WAC 246-337-990 along with private psychiatric hospital regulations in WAC 246-322-020 and WAC 246-322-990 to implement Substitute House Bill (SHB) 2075 (chapter 204, Laws of 2024). SHB 2075 directs WA-DOH to issue RTF and private psychiatric hospital licenses to Indian health care providers by July 1, 2025, if the provider submits a tribal attestation and an attestation processing fee. Amendments may include other necessary changes to licensing regulations in chapters 246-322 and 246-337 WAC. WA-DOH may also consider amending the Behavioral Health Agency (BHA) regulations in WAC 246-341-0367 regarding tribal attestation fees to align with RTF and private psychiatric hospital tribal attestation fees. [Filed as WSR 24-24-023.](#)

Proposed Rules (CR-102)

Certified Peer Specialists and Certified Peer Specialist Trainees - Certification standards in chapter 246-929 WAC. WA-DOH is proposing rules to establish requirements including: the application process; and education and examination requirements. [Filed as WSR 24-23-063.](#)

Dialysate and Dialysis Device Manufacturers and Wholesalers in Home Dialysis Programs – Supplemental proposal. The Pharmacy Quality Assurance Commission (commission) is proposing to amend WAC 246-945-090, WAC 246-945-091, WAC 246-945-092, and WAC 246-945-093 to include manufacturers and wholesalers of dialysis devices and approved legend drugs, including dialysate, in home dialysis program rules under the commission’s jurisdiction. This supplemental proposal further amends WAC 246-945-090 to add the word “may” and list the dialysis devices manufacturers and wholesalers may sell, deliver, possess, or dispense to home dialysis patients, and to amend WACs 246-945-091, 246-945-092, and 246-945-093 to conform to the list of dialysis devices. [Filed as WSR 24-24-028.](#)

Expedited Rulemaking (CR-105)

Provider Fees - Washington Physician Health Program (WPHP) surcharge assessed to physicians, physician assistants, osteopathic physicians, podiatric physicians, dentists, and veterinarians, and correcting the HEAL-WA fee for speech-language pathologists. WA-DOH is proposing amendments to WAC 246-817-990, 246-853-990, 246-918-990, 246-919-990, 246-922-990, and 246-933-990 to update fee changes made by House Bill (HB) 1972 (chapter 15, Laws of 2024) codified in RCW 18.71.310, 18.71A.020, 18.57.015, 18.22.250, 18.32.534, and 18.92.047. The department is also proposing to correct an error in the fee table in WAC 246-828-990 to ensure it accurately reflects the fees that are being charged for the speech-language pathologist inactive license. [Filed as WSR 24-24-026.](#)

Adopted Rules (CR-103P)

Acupuncture and Eastern Medicine Point Injection Therapy - Allowing virtual training for point injection therapy for acupuncture and Eastern medicine. WA-DOH, in consultation with the Acupuncture and Eastern Medicine Advisory Committee, adopted amendments to WAC 246-803-040 requiring an acupuncturist or acupuncture and Eastern medicine practitioner performing point injection therapy to continue to complete 24 hours of training, however not all training must be in-person. A hybrid approach is being adopted which allows flexibility. [Filed as WSR 24-24-029.](#)

Dental Military Spouses - Reducing barriers to temporary practice permits for dental licenses. The Dental Quality Assurance Commission amended WAC 246-817-187 by removing the requirement for military spouses who hold a license in another state to first leave employment before applying for a temporary practice permit in Washington State. [Filed as WSR 24-24-027.](#)

Genetic Counselors – Reducing Barriers. WA-DOH amended WAC 246-825-080 to remove licensure barriers, updating rules to waive education, training, experience, and examination requirements for applicants that qualify for licensure by endorsement. [Filed as WSR 24-23-061.](#)

Occupational Therapy Licensure and Endorsement - Reducing barriers and amending code of ethics requirements. The Occupational Therapy Practice Board (board) adopted rule amendments to implement legislation to reduce barriers to entering and remaining in the occupational therapy workforce. Additionally, the board updated the continuing education requirements to align with national standards and the code of ethics requirements for consistency and clarity in occupational therapy services. [Filed as WSR 24-24-012.](#)

Occupational Therapy Temporary Permit and Fee Updates. The Occupational Therapy Practice Board (board) and WA-DOH adopted amendments to the temporary permit and fee rules in response to legislation. [Filed as WSR 24-24-021.](#)

Osteopathic Physician Continuing Education Requirements. The Board of Osteopathic Medicine and Surgery has adopted amendments to WAC 246-853-080 to update the continuing education (CE) requirements for licensure renewal of osteopathic physicians to clarify Washington-specific mandated CE requirements. [Filed as WSR 24-24-038.](#)

Pharmacy Prescription Transfer Requirements. The Pharmacy Quality Assurance Commission adopted amendments to WAC 246-945-345 and created a new section, WAC 246-945-346, to establish the expectations of pharmacies related to noncontrolled and controlled substance prescription transfers upon patient request. [Filed as WSR 24-24-024.](#)

Pharmacy Intern Credentials - Extending the duration of temporary practice permits for pharmacy interns and establishing a renewal extension process for pharmacy interns. The Pharmacy Quality Assurance Commission (commission) adopted amendments to WAC 246-945-155 and WAC 246-945-156 related to pharmacy intern registration requirements. The commission amended WAC 246-945-155 to grant additional renewals to pharmacy interns parties, and amended WAC 246-945-156 to extend the duration of pharmacy intern temporary practice permits to 180 days. [Filed as WSR 24-24-025.](#)

Respiratory Care Practitioner – Reducing barriers. WA-DOH amended WAC 246-928-560 and adopted a new section, WAC 246-928-575, for applicants with a current national certification to align licensure and endorsement requirements with recent legislation. The rules reduce barriers to entering and remaining in the respiratory care practitioner workforce and reduce barriers for military spouses entering and remaining in the workforce. [Filed as WSR 24-23-062.](#)

Emergency Rules (CR-103E)

No Filings

Miscellaneous Filings

Board of Osteopathic Medicine and Surgery – 2024 revised regular meeting schedule. [Filed as WSR 24-23-073.](#)

Board of Naturopathy – 2025 regular meeting schedule. Filed as WSR 24-23-094.

Chiropractic Quality Assurance Commission – 2025 regular meeting schedule. [Filed as WSR 24-23-074.](#)

WA-DOH, Acupuncture and Eastern Medicine Advisory Committee – 2025 regular meeting schedule. [Filed as WSR 24-23-084.](#)