



May 3, 2024

Informative – Information on Agency Rulemaking April 16-30, 2024

Dear Tribal Leaders, Partners, & 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 \(DOH\) 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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Respectfully,

Candice Wilson – Quatz’tenaut (Lummi)
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Michelle Davis, Executive Director, Washington State Board of Health

**Department of Health/State Board of Health
Rule Report
April 16-30, 2024**

The following is a summary and list of Department of Health (WA-DOH) and State Board of Health rules and documents filed with the Washington State’s Code Reviser Office between April 16-30, 2024.

More information on the following rules is available at: [DOH Rulemaking](#)

Highlights of Agency Rulemaking

Numbers in table are cumulative beginning January 1, 2024.

| Notice of Rulemaking (CR-101) | Proposed for Hearing (CR-102) | Expedited Proposal (CR-105) | Adopted Rules (CR-103P) | Emergency Rules (CR-103E) | Policy & Interpretive Statements |
|-------------------------------|-------------------------------|-----------------------------|-------------------------|---------------------------|----------------------------------|
| 25 | 43 | 4 | 11 | 15 | 7 |

- **Department of Health**
 - Beginning rulemaking to reduce barriers to licensure and streamlining the credentialing process for Mental Health Counselors, Marriage and Family Therapists, Social Workers, and Substance Use Disorder Professionals.
 - Considering rule adoption to establish standards and fees for non-potable water systems.
 - Proposed rules to establish 23-hour crisis relief centers.
 - Proposed new requirements to establish emergency exemptions for kidney treatment centers.
 - Adopted expanded licensure for midwives to prescribe, obtain, and administer medications and certain therapies.
 - Continued through emergency rules amendments to the drinking water state revolving fund loan program to allow more projects to qualify for disadvantaged community benefits.
 - Continued emergency rules to require acute care hospitals to report hospital maintenance and operation data to the department through WA Health.
- **State Board of Health**
 - Proposing amendments to requirements to align with recent legislation for (human) remains reduced through cremation, alkaline hydrolysis, and natural organic reduction.

Agency Rulemaking

Preproposal Statement of Inquiry (CR101)

Denturist Exam Requirements. The Board of Denturists (board) is considering updates to jurisprudence exam and examination requirements to reduce barriers for Denturists. The board is considering adopting substantial equivalency standard rules within WAC 246-812-120, WAC 246-812-125, WAC 246-812-159, and other rules to comply with Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023). [Filed as WSR 24-10-064.](#)

Mental Health Counselor, Marriage and Family Therapist, and Social Workers. WA-DOH is considering rule amendments to reduce barriers to licensure and streamlining the credentialing process in chapter 246-809 WAC. [Filed as WSR 24-10-012.](#)

Supervisor Directory, Standards, and Stipend Program for Mental Health Counselors, Marriage and Family Therapists, and Social Workers. WA-DOH is considering implementing recent legislation by establishing a directory to help mental health counselor, marriage and family therapist, and social worker associates find supervisors; standards for supervision of associates a stipend program to offset some costs of supervision; and other changes. [Filed as WSR 24-10-010.](#)

Naturopathic Licensure Requirements. The Board of Naturopathy is considering amendments to licensure requirements relating to the jurisprudence examination as a condition for licensure and to clarify, update, and simplify rules to comply with Second Substitute House bill (2SHB) 1724, (chapter 425, Laws of 2023) codified as RCW 18.130.077. [Filed as WSR 24-10-050.](#)

On-Site Non-Potable Water Systems. WA-DOH is considering adopting a new chapter to Title 246 that establishes general administrative procedures and fees for non-potable water systems. [Filed as WSR 24-09-067.](#)

Substance Use Disorder Profession (SUDP). WA-DOH is considering updates to chapter 246-811 WAC to lower barriers to entering and remaining in the SUDP workforce and to streamline and shorten the credentialing process. [Filed as WSR 24-10-011.](#)

Veterinarian and Veterinary Technician Licensure Requirements. The Veterinary Board of Governors is considering updates to licensure, reactivation, continuing education, and examination requirements, which may include adding a new section in chapter 246-933 WAC and chapter 246-935 WAC to implement Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023) and Second Substitute House Bill (2SHB) 1009 (chapter 165, Laws of 2023). [Filed as WSR 24-10-093.](#)

Proposed Rule Making (CR-102)

23-hour Crisis Relief Centers for Acute Care Centers. WA-DOH is proposing to amend WAC 246-320-111, Hospital Responsibilities, to implement Second Substitute Senate Bill (2SSB) 5120 (chapter 433, Laws of 2023), an act concerning the establishment of 23-hour crisis relief centers in Washington state. The proposed amendments establish requirements for licensed acute care hospitals that wish to discharge or transfer a patient to a 23-hour crisis relief center. [Filed as WSR 24-10-090.](#)

23 Hour Crisis Relief Center Behavioral Health Agency. WA-DOH is proposing to amend the behavioral health agency regulations in chapter 246-341 WAC to implement Second Substitute Senate Bill (2SSB) 5120 (chapter 433, Laws of 2023) establishing 23-hour crisis relief centers in Washington state. The department is also proposing amendments to align the regulations with statutory changes passed by the 2023 legislature and to make non-substantive changes. [Filed as WSR 24-10-095.](#)

Dietitians and Nutritionists Requirements. WA-DOH is proposing to clarify, streamline, update, and modernize rules for licensing dietitians and nutritionists in chapter 246-822 WAC. This is a supplemental proposal and includes an additional definition in WAC 246-822-010,

clarification of application and education requirements for both dietitians and nutritionists, updates requirements for dietitian qualified supervisors, and removes unnecessary terms in rules regarding providing services. [Filed as WSR 24-10-088.](#)

Handling of Human Remains. The State Board of Health is proposing amending WAC 245-500-050, WAC 246-500-053, and WAC 246-500-055 to align with changes in Substitute House Bill 1974 (chapter 57, Laws of 2024), codified in RCW 68.50.230. These rules establish the requirements for remains reduced through cremation, alkaline hydrolysis, and natural organic reduction. [Filed as WSR 24-10-094.](#)

Kidney Disease Treatment Center Temporary Emergency Exemptions. WA-DOH is proposing a new section, WAC 246-310-825 Kidney disease treatment centers— Temporary emergency situation exemption, and amending existing kidney disease treatment center rules, WAC 246-310-800 through 246-310-833, to implement Substitute Senate Bill (SSB) 5569 (chapter 48, Laws of 2023). [Filed as WSR 24-10-089.](#)

Adopted Rules (CR-103P)

Initial Nursing licensure Applying via Interstate Endorsement. The Washington State Board of Nursing adopted amendments to WAC 246-840-030 and WAC 246-840-090 clarifying specific licensing requirements for out-of-state Registered Nurse and Licensed Practical Nurse applicants. [Filed as WSR 24-10-063.](#)

Midwives Limited Prescriptive License Extension and Health Equity Continuing Education. WA-DOH adopted amendments to chapter 246-834 WAC implementing Substitute Senate Bill (SSB) 5765 (chapter 289, Laws of 2022), which created two levels of limited prescriptive license extensions for midwives to prescribe, obtain, and administer medications and certain therapies. The department also adopted amendments to chapter 246-834 WAC to implement Engrossed Substitute Senate Bill (ESSB) 5229 (chapter 276, Laws of 2021) regarding health equity CE requirements. The adopted amendments additionally replace gendered language with gender-neutral terms to make the chapter more inclusive. [Filed as WSR 24-10-091.](#)

Emergency Rules (CR-103E)

Drinking Water State Revolving Fund (DWSRF) Loan Program. WA-DOH adopted emergency rules to extend the existing emergency rule without making changes to the previous emergency rules. The amendments allow the department to modernize the definition of disadvantaged community, allow for partial or full loan forgiveness for projects serving disadvantaged and non-disadvantaged communities, remove water system plan requirements for those systems that are seeking a loan to address lead service line identification and replacement, and update priority rating and ranking criteria to allow more water systems to qualify for loans. [Filed as WSR 24-10-049.](#)

Home Care Aide and Nursing Assistant-Certified Alternate Certification Time Frames. WA-DOH continues rules to establish alternate certification time frames for individuals working toward certification as a home care aide or nursing assistant. This emergency rule continues the previous emergency rule without change. Due to lasting impacts caused by the coronavirus disease 2019 (COVID-19) pandemic, many long-term care workers are still unable to obtain training and certification as home care aides or NA-Cs within statutory time frames. [Filed as WSR 24-10-062.](#)

Out-of-state nursing School Requirements for Licensure. The Washington State Board of Nursing amended WAC 246-840-030 and 246-840-090 to clarify existing licensure requirements for registered nurse (RN) and licensed practical nurse (LPN) applicants applying for initial licensure via an out-of-state traditional nursing education program approved by another U.S. nursing board, and applicants applying via interstate endorsement. This rule continues the previous emergency rule without change. [Filed as WSR 24-10-096.](#)

WA HEALTH reporting for acute care hospitals. New WAC 246-320-700, Reporting of health system readiness data. WA-DOH extended and existing emergency rule to continue to require acute care hospitals in Washington state, licensed under chapter 70.41 RCW, to report hospital maintenance and operation data to the department through Washington's Healthcare and Emergency and Logistics Tracking Hub (WA HEALTH) in accordance with the WA HEALTH User Guide. [Filed as WSR 24-10-015.](#)

Expedited Rule Making (CR-105)

None filed during this period.

Miscellaneous

Department of Health, withdrawal of CR101 for On-site Potable Water Systems CR101.

WA-DOH withdrew the CR101 filed as WSR 21-17-040 for non-potable water systems because the scope of the possible rulemaking was too narrow. The department filed a broader scope to develop a more comprehensive rule. [Filed as WSR 24-09-068.](#)

Department of Health, withdrawal of WSR 24-02-038, the CR-101 for chapter 246-809 WAC, supervisor directory and standards, and stipend program for licensure for Mental Health Counselors, Marriage and Family Therapists, and Social Workers. Recent legislation substantially amended the structure of the planned stipend program. The department filed a new CR-101 to give appropriate notice to all impacted interested parties. [Filed as WSR 24-10-009.](#)

Department of Health, Washington Hospital Staffing Advisory Committee revised meeting schedule for 2024. [Filed as WSR 24-10-013.](#)

Department of Health, Substance Use Disorder Certification Advisory Committee revised schedule of regular meetings, for the year 2024. [Filed as WSR 24-10-019.](#)

Department of Health, Mental Health Counselors, Marriage and Family Therapists, and Social Workers Advisory Committee revised schedule of regular meetings for the year 2024. [Filed as WSR 24-10-021.](#)

Department of Health Rescinded Policy Number: BHS 01.22 | Federal Rules Regarding Over-the-Counter Hearing Aids. The content was incorporated into WAC 246-828-100 as published in WSR 24-01-087 on December 18, 2023. [Filed as WSR 24-10-040.](#)