



November 20, 2024

Subject: Informative- Information on Agency Rulemaking November 1-15th, 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 blue ink handwritten signature of Candice Wilson.

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

CC: Umair A. Shah, MD, MPH, Secretary of Health, Department of Health
Michelle Davis, Executive Director, Washington State Board of Health
Lacy Fehrenbach, Deputy Secretary, Prevention Safety & 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 1-15, 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 1-15, 2024. If you have any questions about the documents, please contact the person on the forms.

Preproposal Statement of Inquiry (CR-101)

Public Records. WA-DOH is considering creating a new chapter within Title 246 WAC regarding public records. The department is considering amending and relocating its existing public records rules in chapter 246-08 WAC and adopting new rules as necessary. Changes under consideration are a result of changes in statutes, changes in internal operations, staffing reorganization, and an effort to provide clear, concise, and reasonable rules. Filed as [WSR 24-22-127](#).

Proposed Rules (CR-102)

Medical Assistant - Medication administration requirements and apprenticeship programs. WA-DOH is proposing rule amendments to WAC 246-827-0010, 246-827-0200, and 246-827-0240 to align rules with updated statutes and best practices. WA-DOH is also proposing a new section, WAC 246-827-0340, to address the medication administration requirements for the medical assistant-registered credential. Filed as [WSR 24-22-100](#).

Affiliated Counselor Credentials. WA-DOH is proposing amendments to chapter 246-810 WAC, to establish requirements for affiliated counselor credentials (AAC), including supervised experience, education, and coursework requirements; establish that student interns are eligible for the registered AAC; add federally qualified health centers as an approved practice setting for AACs after January 1, 2028; and clarify credential requirements for the certified counselor, certified adviser, and hypnotherapist professions. Filed as [WSR 24-22-101](#).

Proprietary Treatment Testing Requirements. WA-DOH is proposing to add NSF/ANSI 40 testing to WAC 246-272A-0110. Filed as [WSR 24-22-133](#).

Expedited Rulemaking (CR-105)

No Filings

Adopted Rules (CR-103P)

Osteopathic Physicians Assistants. The Washington Medical Commission adopted amendments to WAC 246-918-895 and 246-919-945 to align rule language with currently accepted language. Filed as [WSR 24-23-042](#).

Physician Assistant Collaborative Practice. The Washington Medical Commission adopted amendments to chapter 246-918 WAC to implement Engrossed Substitute House Bill (ESHB) 2041 (chapter 62, Laws of 2024) which aims to establish clear guidelines and requirements for the collaboration between physician assistants and supervising physicians. The commission also adopted amendments that clarify and update terms. Filed as [WSR 24-23-043](#).

Optometrist Scope of Practice. The Board of Optometry adopted new WAC 246-851-515 and amendments to WACs 246-851-400, 246-851-410, and 246-851-570 through 246-851-600 to expand optometrist scope of practice to include advanced procedures an optometrist may perform with an advanced procedures license endorsement. Filed as [WSR 24-23-044](#).

Licensed Optometrist CE. The Board of Optometry adopted an amendment to WAC 246-851-490 that removes the jurisprudence (JP) examination requirement from initial licensure. The board is also adopting amendments to WAC 246-851-090 that adds the JP exam as a requirement for a licensed optometrist's first full CE reporting period, allowing it to count for a maximum of three hours within the existing CE hour requirements. Filed as [WSR 24-23-045](#).

Emergency Rules (CR-103E)

Certified Agency Affiliated Counselor (AAC) and Licensed Agency Affiliated Counselor Credentials. WA-DOH adopted amendments to WACs 246-810-010, 246-810-015, and 246-810-990 in chapter 246-810 WAC to amend the definition of "mental health professional" (MHP) and create two new AAC credentials. WA-DOH implemented changes by emergency rule originally under WSR 23-16-031, filed on July 21, 2023, and has continued without change these same amendments over the past year. This emergency rule further continues the emergency rules without change. Filed as [WSR 24-23-051](#).

Preproposal Statement of Inquiry (CR-101)

Orthotists and Prosthetists – Reducing barriers to licensure. WA-DOH along with the