



April 3, 2024

Subject: Informative – Information on Agency Rulemaking March 18-31, 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,

A handwritten signature in blue ink, appearing to read "Candice Wilson", is positioned above the typed name.

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

Cc:

Umair A. Shah, MD, MPH, Secretary of Health, Department of Health
Jessica Todorovich, Chief of Staff, Department of Health
Kristin Peterson, Chief of Policy, Planning & Evaluation, Department of Health
Elizabeth Perez, Chief of Public Affairs and Equity, Department of Health
Tao Sheng Kwan-Gett, MD, MPH, Chief Science Officer, Department of Health
Lacy Fehrenbach, Deputy Secretary, Prevention Safety & Health, Department of Health
Michelle Davis, Executive Director, Washington State Board of Health

**Department of Health/State Board of Health
Rule Report | March 18-31, 2024**

The following is a summary and list of Department of Health and State Board of Health rules and documents filed with the Washington State’s Code Reviser Office, March 18-31, 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
18	38	4	9	10	7

- **Department of Health**
 - Pursuing rulemaking to add new applicants eligible for brief adjudicated proceedings.
 - Extended emergency rules for agency affiliated counselors while permanent rulemaking continues. The emergency rule amends the definition of “mental health professional” and establishes two new credentials, Certified Agency Affiliated Counselor (C-AAC) and Licensed Agency Affiliated Counselor (L-AAC).
- **Boards and Commissions**
 - Several boards and commissions are in various stages of rulemaking working to reduce credentialing barriers.
 - Washington Medical Commission is proposing amendments to the opioid prescribing and tapering rules. Amendments are based on new data.

Agency Rulemaking

Proposed Rulemaking (CR101)

Brief Adjudicative Proceedings under Department of Health Authority. The Department of Health is considering amending WAC 246-10-501 to include applicants for interstate license compacts, milk banks, and 988-line crisis call centers to the list of applicant types who are eligible for brief adjudicated proceedings as a due process recourse if their application is denied. [Filed as WSR 24-08-043.](#)

Hearing and Speech - Removing Barriers to Certification for Speech-Language Pathology Assistants and Related Clarification. The Board of Hearing and Speech is considering amendments to WAC 246-828-020, WAC 246-828-510, and WAC 246-828-617 to update requirements for speech-language pathology assistant certification. The board may also consider making related updates or new sections to clarify and streamline licensure in chapter 246-828 WAC. [Filed as WSR 24-08-058.](#)

Pharmacy Intern Permit Extensions. The Pharmacy Quality Assurance Commission is considering amending WAC 246-945-155, WAC 246-945-156, and adding a new section to chapter 246-945 WAC. These changes would grant renewal extensions to pharmacy interns and would extend temporary pharmacy intern practice permits for spouses of military personnel in accordance with Second Substitute House Bill 1009 (chapter 165, Laws of 2023). [Filed as WSR 24-07-105.](#)

Proposed Rule Making (CR-102)

Opioid Prescribing and Tapering Rules for Allopathic Physicians and Physician Assistants. The Washington Medical Commission is proposing amendments to the commission’s opioid prescribing rules for allopathic physicians and physician assistants to exclude patients with sickle cell disease, to clarify tapering considerations, and to clarify the use of biological specimen testing. Amending WAC 246-918-801, WAC 246-918-870, WAC 246-918-900, WAC 246-919-851, WAC 246-919-920, and WAC 246-919-950. [Filed as WSR 24-07-106.](#)

Physician Postgraduate Medical Training. The Washington Medical Commission is proposing amendments to WAC 246-919-330 to remove two requirements that have become a barrier to licensure. The purpose of this proposal is to amend the rules to align them with current practices and remove barriers to licensure for qualified applicants entering the physician workforce. [Filed as WSR 24-07-107.](#)

Adopted Rules (CR-103P)

Dental School Faculty Member Licenses. The Dental Quality Assurance Commission is adopting amendments to update rules regarding out-of-state licensure in line with Senate Bill 5113 (chapter 89, Laws of 2023) to include any institution of higher education in Washington state accredited by the Commission on Dental Accreditation (CODA) for faculty licensure. [Filed as WSR 24-08-057.](#)

Emergency Rules (CR-103E)

Agency Affiliated Counselors - Amending “mental health professional” definition and creating two new agency affiliated counselor (AAC) credentials. Second Substitute House Bill 1724 (chapter 425, Laws of 2023) made several immediate changes impacting behavioral health agencies, including amending the definition of “mental health professional” (MHP) and to establish two new credentials, the certified agency affiliated counselor (C-AAC) and the licensed agency affiliated counselor (L-AAC). This emergency rule continues without changes to the original emergency rule package while permanent rule making is in progress. [Filed as WSR 24-07-100.](#)

Expedited Rule Making (CR-105)

None filed during this period.

Miscellaneous

Board of Nursing revised meeting schedule for 2024. [Filed as WSR 24-08-041.](#)

Department of Health, Memo Rescinding an Incomplete CR103E. The Department of Health rescinded the CR103E filed as WSR 24-07-062 amending behavioral health agency licensing and certification requirements because it was incomplete. The emergency rule was refiled correctly under WSR 24-07-100. [Filed as WSR 24-08-001.](#)