

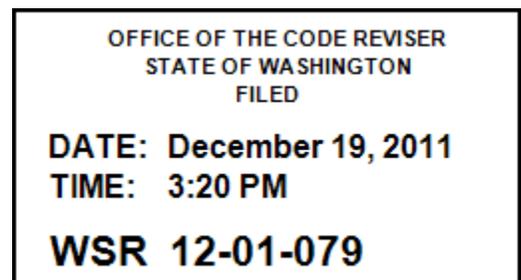


January 2012 Rules Agenda

This report details current and anticipated rulemaking activities for the Department of Health (DOH) (department) and the State Board of Health (SBOH). If you have any questions about this report or DOH rulemaking activities, please contact Tami Thompson, Regulatory Affairs Manager at (360) 236-4044 or tami.thompson@doh.wa.gov. If you have any questions about SBOH rulemaking activities please contact Michelle Davis, Executive Director for SBOH at (360) 236-4105 or michelle.davis@doh.wa.gov.

This agenda is for information purposes, and the noted dates of anticipated rulemaking actions are estimates. Governor Gregoire signed an Executive Order (EO) 11-03 on October 11, 2011 directing agencies under her jurisdiction to continue to suspend non-critical rule development and adoption activities until the end of 2012.

Any errors in this agenda do not affect the rules and rulemaking notices filed with the Office of the Code Reviser and published in the Washington State Register. There may be additional rulemaking activities that cannot be forecasted as DOH or SBOH may initiate rulemaking to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the “**Key**” at the end of the tables for explanations of terms and acronyms.



State Board of Health Rule Making

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 28A.210.140	State Board of Health	Chapter 246-105 WAC, Immunizations of child care and school children against certain vaccine-preventable diseases	Anticipate Filing before 06-2012 Rule necessary to protect public health.				JEFF WISE (360) 236-3494
RCW 43.20.050(2)	State Board of Health	WAC 246-290-460 Fluoridation of Drinking Water—Revises the fluoride concentration in Group A public water systems that choose to fluoridate under RCW 57.08.012	11-11-046 05/13/2011	Anticipate filing 04/2012 Requested by regulated community to protect public health. Filing date pending federal action			NED THERIEN (360) 236-4103
RCW 43.20.050	State Board of Health	Chapter 246-272A WAC - On-site Sewage Systems. This rulemaking will explore creation of a process for the approval and state registration of drain field remediation technologies. The State Board of Health does not currently regulate remediation technologies.	06-12-108 06/7/2006	Suspended until 2012 due to EO 10-06. Continuing Suspension until 2013 due to EO 11-03			STUART GLASOE (360)236-3246

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 43.20.050	State Board of Health	Chapter 246-291 WAC, Group B Public Water Supplies	07-14-147 070/5/2007	Anticipate filing 04/2012 Rule necessary to assist Department of Health manage a budget shortfall and protect public health.			THERESA PHILLIPS (360) 236-3147
RCW 43.20.050	State Board of Health	Chapter 246-390 WAC, Drinking Water Laboratory Certification	06-23-077 11/13/2006	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			THERESA PHILLIPS (360) 236-3147
RCW 70.62.240	State Board of Health	Chapter 246-360 WAC Transient Accommodations	07-14-148 07/5/2007	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			JOHN HILGER (360) 236-2929
RCW 43.20.050 and 43.20.145	State Board of Health	Chapter 246-215 WAC, Food Service	10-04-068 01/29/2010	Anticipate filing 05/2012 Rule continuation requested by regulated community. Necessary to protect public health.			JOE GRAHAM (360) 236-3305

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 43.20.050, 70.119A.080	State Board of Health	WAC 246-203-103 Keeping of Animals	09-17-132 08/19/2009	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			NED THERIEN (360) 236-4103

Department of Health

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.35.161	Board of Hearing and Speech	WAC 246-828-XXX Prohibiting the use of the title "Audioprosthologist"	09-11-116 05/20/2009	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			JANETTE BENHAM (360) 236-4857
HB 1181 (Chapter 41, Laws of 2011) and SSB 5152 (Chapter 40, Laws of 2011)	Board of Naturopathy	Chapter 246-836 WAC, Naturopathic physicians – amending to create the board of naturopathy and update the scope of practice	11-23-108 11/18/2011 Rules are necessary to implement state law.	Anticipate Filing 03/2012			SUE GRAGG (360) 236-4941
RCW 18.52.071	Board of Nursing Home Administrators	WAC 246-843-010, 070, 071, 073, 090, 093, 095, 230 and 231 - Application for Initial License and endorsement	06-12-109 06/7/2006	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			KENDRA PITZLER (360) 236-4723
ESSB 5708 (Chapter 366, Laws of 2011)	Board of Nursing Home Administrators	Chapter 246-843 WAC, Nursing home administrators – amending to adopt rules defining parameters for on-site full-time administrators with small resident populations when the home has converted some of its licensed beds for assisted living.	11-19-012 9/07/2011 Rules are necessary to implement state law.	Anticipate Filing 02/2012			KENDRA PITZLER (360) 236-4723

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.54.070	Board of Optometry	WAC 246-851-XXX Optometry Multicultural Education	10-05-060 02/11/2010	10-21-104 10/20/2010 Hearing was Cancelled on 12/03/10 Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			JUDY HAENKE (360) 236- 4947
RCW 18.64.005	Board of Pharmacy	Chapter 246-886 WAC, Animal Control-Legend Drug Sodium Pentobarbital	09-11-049 05/13/2009	Anticipate Filing 04/2012 Rule Requested by regulated entity.			DOREEN BEEBE (360) 236-4834
RCW 18.64.005, 18.64.165	Board of Pharmacy	New chapter 246- 874 WAC Pharmaceutical Services -- Correctional Facilities. The Board of Pharmacy is considering developing rules that will establish minimum enforceable requirements specifically for Washington correctional facilities in safe handling, storage, recordkeeping and administration of pharmaceuticals.	07-14-145 07/5/2007	Anticipate Filing 04/2012 Rule is necessary to protect public health, safety, and welfare.			KITTY SLATER (360) 236- 4861

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
HB 1353 (Chapter 71. Laws of 2011)	Board of Pharmacy	Chapter 246-901 WAC, Pharmacy ancillary personnel – amending to add continuing education requirements	11-17-10 08/22/2011 Rules are necessary to implement state law.	Anticipate Filing 02/2012			KITTY SLATER (360) 236- 4861
RCW 18.25.0171	Chiropractic Quality Assurance Commission	WAC 246-808-180 Expired Licenses	Anticipate Filing 12/2011 Rule is necessary to protect public health, safety, and welfare.				LEANN YOUNT (360)- 236-4856
RCW 18.25.0171	Chiropractic Quality Assurance Commission	WAC 246-808-150 Continuing education	09-09-031 04/07/2009	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			LEANN YOUNT (360) 236-4856
RCW 18.25.0171 18.130.050(1) and (12)	Chiropractic Quality Assurance Commission	WAC 246-808-550 Future Care Contracts Prohibited, Revising the current rule to clarify the requirements for future care contracts.	10-06-017 02/22/2010	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			LEANN YOUNT (360) 236-4856
RCW 18.32.040, 18.130.064	Dental Quality Assurance Commission	WAC 246-817-310 and –XXX Maintenance and Retention of Dental Records and Dental Treatment Records	09-13-097 06/17/2009	Suspended Until 2012 due to EO 10-06 Continuing Suspension			JENNIFER SANTIAGO (360) 236- 4893

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
				until 2013 due to EO 11-03			
RCW 18.84.040	Department of Health	WAC 246-926-180 Amending the Parenteral Procedures for Radiologic Technologists	10-15-101 07/20/2010	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			SUSAN GRAGG (360) 236-4941
SHB 2430 (Chapter 92, Laws of 2010)	Department of Health	Chapter 246-926 WAC, establishing licensure requirements for cardiovascular invasive specialists	10-19-035 9/09/2010	Anticipate Filing 12/2011 Rules are necessary to implement state law.			SUE GRAGG (360) 236-4941
RCW 43.70.040, 70.38.135	Department of Health	WAC 246-310-XXX Hospital Acute Care Bed Methodology	09-16-118 08/04/2009	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			JOHN HILGER (360) 236-2929
Chapter 70.185 RCW	Department of Health	Chapter 246-562 WAC, J-1 Physician Visa Waiver regulations	08-14-077 6/26/2008		Anticipate Filing 04/2012 Rule required by federal law; benefits regulated entities.		HSQA - JENNEL PRENTICE (360) 236-2814

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 43.70.040, 70.38.135	Department of Health	WAC 246-310-XXX Revising and Updating the Certificate of Need Adjudicative Proceeding Rules	Anticipate Filing 2013 Continuing Suspension until 2013 due to EO 11-03				JOHN HILGER (360) 236-2929
Chapter 18.88B RCW; Initiative 1163	Department of Health	Chapter 246-980 WAC, Home care aid – amending certification dates and the requirements for home care aides.		Anticipate Filing Jan. 2012 Rules are necessary to implement state law.			KENDRA PITZLER (360) 236-4723
E2SSB 5073 (chapter 181, Laws of 2011)	Department of Health	Chapter 246-75 WAC – repealing medical marijuana rule			11-22-088 11/1/2011 Rule is no longer necessary because of change in state law.	Anticipate Filing 2012	KRIS REICHL (360) 236-4985
RCW 70.119.050	Department of Health	Chapter 246-292 WAC Waterworks Operator Certification	09-21-043 10/13/2009	Anticipate Filing 08/2012 Rule necessary to implement legislation, and is a benefit to regulated community.			THERESA PHILLIPS (360) 236-3147
RCW 70.119A.170	Department of Health	Chapter 246-296 WAC Drinking Water State Revolving Fund Loan Program (DWSRF).	11-03-021 01/07/2011	11-19-094 01/07/2011		Anticipate Filing by 12/2011 Rule is necessary to meet federal requirements; benefit to regulated community; replaces emergency rules.	THERESA PHILLIPS (360) 236-3147

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 70.98.050	Department of Health	Chapter 246-247 WAC - Radiation Protection - Air Emission	05-12-140 06/1/2005	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			MICHELLE AUSTIN (360) 236-3250
RCW 70.98.085	Department of Health	WAC 246-254-130, Radioactive waste disposal site surveillance fee Rule necessary to assist Department of Health manage a budget shortfall.		Anticipate filing 01/2012			TRACI BLACK (360) 236-3259
RCW 18.71.017, 18.130.050, and 18.71.430	Medical Quality Assurance Commission	WAC 246-919-430 (physicians) and WAC 246-918-XXX (physician assistants) Requiring additional practice information at renewal	09-14-114 06/30/2009	10-21-098 06/30/2009 Anticipate filing new CR-102 04/12 as a result of SB5480 passed in 2011			JULIE KITTEN (360) 236-2757

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.59.090, 18.130.050	Occupational Therapy Practice Board	WAC 246-847-030 Occupational therapists acting in a consulting capacity; WAC 246-847-055 Initial application for individuals who have not practiced within the past four years; WAC 246-847-068 Expired license; WAC 246-847-070 Inactive credential; WAC 246-847-125 Applicants currently licensed in other states or territories and WAC 246-847-XXX Renewal for those that have not practiced in four years.	08-15-088 07/17/2008	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			JANETTE BENHAM (360) 236-4857
RCW 18.22.015 18.130.050	Podiatric Medical Board	WAC 246-922-010 Definitions; adding new sections to chapter 246-922 WAC to establish standards for prescribing orthotic devices by podiatrists	07-16-140 08/1/2007	Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03			ERIN OBENLAND (360) 236-4945
RCW 18.92.030	Veterinary Board of Governors	WAC 246-933-460 Courses approved by the veterinary board – amending the list of approved organizations	10-13-095 06/16/2010	10-21-081 10/19/2010		Suspended until 2012 due to EO 10-06 Continuing Suspension until 2013 due to EO 11-03	JUDY HAENKE (360) 236-4947
RCW 70.119A.110	Department of Health	Chapter 246-294 WAC, Drinking water operating permits; and WAC 246-290-990, Water system evaluation and project review and approval fees		11-22-089 11/01/11 Rules are necessary to manage budget shortfall		Anticipate Filing by 02/2012	THERESA PHILLIPS (360)236-3147

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 70.98.050, 70.98.080(5)	Department of Health	WAC 246-247-035, National standards adopted by reference for sources of radionuclide emissions; WAC 246-247-075, Monitoring, testing, and quality assurance; and WAC 246-247-080, Inspections, reporting, and recordkeeping		11-20-091 10/04/11 Rules are necessary to implement federal law.		Anticipate Filing by 12/2011	THERESA PHILLIPS (360)236-3147
SHB1575 (Chapter 76, Laws of 2011) 2ESHB1087 (Chapter 50, Laws of 2011)	Department of Health	Chapter 246-330 WAC - Definition of ambulatory surgical facilities and fees	Anticipate filing 2/2012 Necessary to manage budget shortfalls				KRIS REICHL (360) 236-4985
RCW 71.12.6 70	Department of Health	Chapter 246-337 WAC – Residential treatment facilities	10-17-119 8/18/10 Rules necessary to implement federal laws				BARB RUNYON (360) 236-2937
2ESHB1087 (Chapter 50, Laws of 2011)	Department of Health	WAC 246-314-990 - Construction review services fees	Anticipate filing 1/2012 Necessary to manage budget shortfalls				BART EGGEN (360) 236-2960
2ESHB1087 (Chapter 50, Laws of 2011)	Department of Health	WAC 246-310-990 - Certificate of need fees	Anticipate filing 2/012 Necessary to manage budget shortfalls				BART EGGEN (360) 236-2960
2ESHB1087 (Chapter 50, Laws of 2011)	Department of Health	WAC 246-320-199. 246-322-990 & 246-324-990 - Hospital fees	Anticipate filing 2/2012 Necessary to manage budget				BART EGGEN (360) 236-2960

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
			shortfalls				
2ESHB1087 (Chapter 50, Laws of 2011)	Department of Health	WAC 246-335-990 - In-home services fees	Anticipate filing 2/2012 Necessary to manage budget shortfalls				BART EGGEN (360) 236-2960

KEY

CR means “Code Reviser” on the notice forms created by the Office of the Code Reviser for use by all state agencies.

CR-101 is a Preproposal Statement of Inquiry filed under RCW 34.05.310.

CR-102 is a Proposed Rule Making notice filed under RCW 34.05.320 or 34.05.340.

Department means the Department of Health

Proposal is Exempt under RCW 34.05.310(4) means a rule that does not require the filing of a CR-101 notice under RCW 34.05.310(4).

CR-105 is an Expedited Rule Making notice filed under RCW 34.05.353. This is an accelerated rule adoption process with no public hearing required.

CR-103 is Rule Making Order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

EMERGENCY rules are temporary rules filed under RCW 34.05.350 and 34.05.380 by using a CR-103 Rule Making Order. Emergency rules may be used to meet certain urgent circumstances. These rules are effective for 120 days after the filing date, and may be extended in certain circumstances.

EO is the Executive Order 10-06 of 2010

EO is the Executive Order 11-03 of 2011

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

TBD- To Be Determined is when a date is still being discussed

RCW is the Revised Code of Washington

SBOH means the State Board of Health

WAC is the Washington Administrative Code

WSR number is the Washington State Register official filing reference number given by the Office of the Code Reviser when a notice is filed.