



# RULE-MAKING ORDER

**CR-103E (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** Department of Health

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** The purpose of the rule is to obtain immediately from health care providers and health care facilities notification of cases and suspected cases caused by novel influenza A (H1N1) resulting in hospitalization or death. This information will allow for the monitoring of hospitalizations as opposed to monitoring all illnesses due to influenza and will identify periods when epidemic flu "thresholds" are exceeded. In addition, such a system will identify groups at-risk for serious illness in order to prioritize their vaccination in any influenza vaccination programs in the coming 2009-2010 influenza season.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 246-101-101, WAC 246-101-301  
 Suspended:

**Statutory authority for adoption:** RCW 43.20.050

**Other authority :** WAC 246-101-015(4)

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Observing the time requirements of the regular rulemaking process would impede the department's ability to track, respond and understand the novel influenza A (H1N1) virus before the upcoming 2009-2010 influenza season. It is necessary to obtain this information to identify groups at-risk for serious illness in order to prioritize their vaccination in any influenza vaccination programs. For this reason, immediate adoption of this rule is necessary to protect the public health.

**Date adopted:**

**CODE REVISER USE ONLY**

**NAME (TYPE OR PRINT)**

Mary C. Selecky

**SIGNATURE**

**TITLE**

Secretary of Health

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	<u>2</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	<u>2</u>	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>2</u>	Repealed	_____