



Washington State Board of Health Policy for Considering Delegation of Rules to the Department of Health

In some instances, the Washington State Board of Health (SBOH) may determine it is appropriate to delegate its authority for rulemaking to the Department of Health (DOH).¹ The SBOH and DOH recognize the need to balance both broad constituent participation and administrative efficiency when making decisions about any rule delegation.

For this reason, SBOH and DOH have agreed upon a set of criteria to assist Board members in their decisions related to rule delegation.

The decision to delegate a specific rule will always be made on a case-by-case basis. The parameters of that decision will be determined at the time of delegation and may range from specific aspects of a rule to a broader body of regulatory authority (i.e., all drinking water or farm worker housing regulations). Once a rule has been delegated, the Board expects to be kept informed about the rule making process in the form of progress reports. The Board also maintains the authority to rescind delegation if necessary.²

When considering delegation of authority to modify or adopt a rule, the SBOH may consider the following.

- The extent to which the proposed rule revision is expected to include editorial and/or grammatical changes that do not change the substance of the rule;
- The extent to which the proposed rule seeks to adopt federal requirements in which the state has little or no discretion;
- The extent to which the substance and direction of the proposed rule is expected to have broad public and professional consensus;
- The extent to which the proposed rule may make significant changes to a policy or regulatory program; and
- The extent to which the rule revision process would benefit from the Board's role as a convener of interested parties.

¹RCW 43.20.050 "The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority."

² *ibid.*