



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 15, 2024

TIME: 1:56 PM

WSR 24-07-065

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-17-091; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: Athletic Trainer scope of practice for medication purchase, storage, and administration in chapter 246-916 WAC. The Department of Health (department), in consultation with the Athletic Training Advisory Committee (committee), is proposing to create a new section of rule, WAC 246-916-070 Medications, to define terms used and establish education and training requirements for athletic trainers in response to Substitute House Bill (SHB) 1275, (chapter 143, Laws of 2023).

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 2, 2024	1:00pm	In-Person: WA State Department of Health 111 Israel Rd SE Town Center 2 Room 166/167 Tumwater, Washington 98501 Zoom Link: Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_BLdmPYJrKmAfpXHQKS55w After registering, you will receive a confirmation email containing information about joining the webinar.	The Department of Health will be offering a hybrid hearing. You may attend virtually or in person. You may also submit comments in writing.

Date of intended adoption: May 9, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Allyson McIver, Program Manager
Address: PO Box 47852, Olympia WA 98504-7852
Email: <https://fortress.wa.gov/doh/policyreview/>
Fax: 360-236-2901
Other: allyson.mciver@doh.wa.gov
By (date) May 2, 2024

Assistance for persons with disabilities:

Contact Allyson McIver, Program Manager
Phone: 360-236-2878
Fax: 360-236-2901
TTY: 711
Email: allyson.mciver@doh.wa.gov
Other:
By (date) April 25, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposed new rule is to: (1) Define terms to provide direction to athletic trainers regarding what types of medications an athletic trainer is permitted to purchase, store, and administer; and (2) Create training requirements for an athletic trainer to purchase, store, and administer medications.

The proposed rule provides clear instructions and requirements for athletic trainers to use both over-the-counter and prescription medications as a part of athletic training care, while supporting patient safety.

Reasons supporting proposal: SHB 1275 authorizes athletic trainers to purchase, store, and administer over-the-counter medications as prescribed by an authorized health care practitioner for the practice of athletic training. SHB 1275 also permits athletic trainers who have completed accredited training programs on pharmacology and medication administration to purchase, store, and administer medications in accordance with the accredited training programs, as prescribed by an authorized health care practitioner. SHB 1275 requires athletic trainers complete an accredited training program prior to purchasing, storing, or administering prescription medications. However, SHB 1275 does not specify what is considered an appropriate accredited training program. The proposed rule is needed to create specific training guidelines and requirements to ensure athletic trainers receive appropriate education on how to store, purchase, and administer these medications safely. SHB 1275 does not define "medications" which could cause confusion among athletic trainers regarding what types of medications they can purchase, store, and administer. Chapter 69.50 RCW, Uniform Controlled Substances Act, excludes athletic trainers from handling medications that are controlled substances. The proposed rule is necessary to ensure athletic trainers know that they are not permitted to purchase, store, and administer controlled substances and to create an enforceable standard.

Statutory authority for adoption: RCW 18.250.020 and 18.250.030

Statute being implemented: Substitute House Bill 1275, (chapter 143, Laws of 2023) codified as RCW 18.250.110

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Department of Health

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Allyson Mclver	111 Israel Rd NW, Tumwater, WA 98501	360-236-2878
Implementation: Allyson Mclver	111 Israel Rd NW, Tumwater, WA 98501	360-236-2878
Enforcement: Allyson Mclver	111 Israel Rd NW, Tumwater, WA 98501	360-236-2878

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Allyson Mclver, Program Manager

Address: PO Box 47852, Olympia WA 98504-7852

Phone: 360-236-2878

Fax: 360-236-2901

TTY: 711

Email: allyson.mciver@doh.wa.gov

Other:

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

[RCW 34.05.310](#) (4)(b)
(Internal government operations)

[RCW 34.05.310](#) (4)(e)
(Dictated by statute)

[RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

[RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

[RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

[RCW 34.05.310](#) (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: The proposed rules only impact WA state credentialed athletic trainers.

(2) Scope of exemptions: Check one.

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: 3/15/2024

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:

A black rectangular redaction box covers the signature area.

NEW SECTION

WAC 246-916-070 Medications. (1) An athletic trainer licensed under chapter 18.250 RCW may, for the practice of athletic training:

(a) Purchase, store, and administer over-the-counter medications as prescribed by an authorized healthcare practitioner;

(b) Purchase, store, and administer medications as prescribed by an authorized healthcare practitioner, if the athletic trainer has completed an accredited training program on the topic of pharmacology and medication administration. The athletic trainer shall only purchase, store, and administer medications in accordance with the accredited training program completed.

(2) For the purposes of this section:

(a) "Accredited training program on the topic of pharmacology and medication administration" includes:

(i) Coursework on pharmacology and medication administration within an accredited athletic training program approved under WAC 246-916-020;

(ii) Board of certification for the athletic trainer (BOC) approved Category A continuing education on the topic of pharmacology and medication administration;

(iii) BOC approved Category C postcertification college and university coursework on the topic of pharmacology and medication administration;

(iv) Other accredited training programs on the topic of pharmacology and medication administration.

(b) "Over-the-counter medications" has the same meaning as RCW 69.60.020, and also includes vitamins.

(c) "Medications" means legend drugs as defined under RCW 69.41.010, and does not include controlled substances as defined under RCW 69.50.101.

(3) Athletic trainers shall follow other medication limitations and requirements in RCW 18.250.110.