



DATE: October 9, 2013

TO: Washington State Board of Health Members

FROM: John Austin, Chair

SUBJECT: RESCINDING DELEGATION OF RULE MAKING TO DEPARTMENT OF HEALTH REGARDING CHAPTER 246-101 WAC, NOTIFIABLE CONDITIONS

Background and Summary:

At its June 13, 2013 meeting, the State Board of Health delegated its rule making authority to the Department of Health in order to change the words “boarding homes” to “assisted living facilities” in a number of the Board’s rules. The change to these rules is needed in response to legislation (SHB 2056) that passed during the 2012 session. The Board’s delegation included chapter 246-101 WAC, Notifiable Conditions.

The Department is requesting the Board rescind its delegation for the Notifiable Conditions rules to allow the Board to proceed with the update of the definition of elevated blood lead level. The Board could consider the housekeeping change for the term “assisted living facilities” as part of its rule making for chapter 246-101 WAC.

Board Policy 2000-001, Considering Delegation of Rules to the Department of Health, specifies the Board may rescind its delegation at any time. Please refer to materials behind Tab 10 in your packets for a copy of the Board’s delegation policy.

Ned Therien, Board Staff, will attempt to answer any questions you have about this recommendation. Vicki Bouvier, Department of Health, is in the audience and could be called on to help.

Recommended Board Action:

The Board may wish to consider the following motion:

The Board rescinds its delegation of authority to the Department of Health made on June 13, 2013 to adopt revisions to chapter 246-101 to change the words “boarding homes” to “assisted living facilities” to assure consistency with Chapter 10 Laws of 2012 (SHB 2056).

Staff Contact: Ned Therien