



**DATE:** August 13, 2014

**TO:** Washington State Board of Health Members

**FROM:** Michelle Davis  
Executive Director

**SUBJECT:** UPDATE OF STATE BOARD OF HEALTH POLICIES

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**Background and Summary:**

The State Board of Health has a number of administrative policies and procedures, which are intended to guide Board members and staff activities and actions on a variety of topic areas, including rule-making and rule petitions. Board staff periodically reviews administrative policies to assure that they are clear, up to date, and align with statewide standards.

This summer, we examined two policies 2001-001 Considering Delegation of Rules to the Department of Health, and 2005-001 Responding to Petitions for Rule Making. Both policies include statements that are intended to enable the work to move forward if the Board does not have a regularly scheduled meeting within two months of receiving a delegation request or petition for rulemaking. The current policies do not reflect the Board's ability to hold special meetings, and may be inconsistent with the Open Public Meetings Act, RCW 42.30.

2001-001 Considering Delegation of Rules to the Department of Health, identifies the policy considerations the Board relies upon when deciding whether it will delegate its rulemaking authority to the Department of Health under RCW 43.20.050. The proposed amendments clarify that if the Board receives a delegation request, and is not scheduled to meet again within two months, the Chair may call a special meeting of the Board to consider the request, if the Department justifies a pressing need for action prior to the next regularly scheduled Board meeting.

2005-001 Responding to Petitions for Rule-Making, describes how the Board will handle petitions for rulemaking received under RCW 34.05.330. The proposed amendments to this policy clarify the Board will take action at a special meeting if the Board does not have a regularly scheduled meeting that aligns for the 60 day deadline set in the Administrative Procedures Act, RCW 34.05. The proposed policy also adds information about the appeals process that a petitioner may use if the Board denies a petition.

**Recommended Board Action:**

I recommend the Board consider the proposed updates the Board policies. The Board may wish to consider, amend if necessary, and adopt the following motion:

*Motion: the Board adopts the recommended revisions to the following Board policies and procedures submitted on August 13, 2014:*

- *2000-001 Considering Delegation of Rules to Department of Health*
- *2005-001 Responding to Petitions for Rule Making*

**Staff Contact:** Michelle Davis