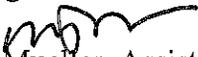




STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
DIVISION OF HEALTH SYSTEMS QUALITY ASSURANCE  
*Olympia, Washington 98504*

December 1, 2014

**TO:** Michelle Davis, Executive Director  
Washington State Board of Health

**FROM:**   
Martin Mueller, Assistant Secretary  
Division of Health Systems Quality Assurance

**SUBJECT:** RULEMAKING AUTHORITY DELEGATION REQUEST  
WAC 246-215-06570, Food Service, Methods—Prohibiting Animals  
WAC 246-260-151, Water Recreational Facilities, Restrictions on Animals  
WAC 246-262-030, Recreational Water Contact Facilities, Construction Permits  
WAC 246-650-010, Newborn Screening, Definitions

The Department of Health (department) requests that the Washington State Board of Health (board) delegate rulemaking authority to amend the following WACs:

- WAC 246-215-06570, Food Service, Methods—Prohibiting Animals (this WAC currently uses the term “disabled employee or person”)
- WAC 246-260-151, Water Recreational Facilities, Restrictions on Animals (this WAC currently uses the term “disabled person and physical and mental disability”)
- WAC 246-262-030, Recreational Water Contact Facilities, Construction Permits (this WAC currently the term “handicapped accessibility”)
- WAC 246-650-010, Newborn Screening, Definitions (this WAC currently uses the term “mental retardation”)
- Note: WAC 246-680-020—Board of Health standards for screening and diagnostic tests during pregnancy uses the term “developmental delay”. However, the SBOH will work in conjunction with Deb Doyle of the Screenings and Genetics Unit to update the entire chapter in 2015, and will revise the term at that time.

The legislature passed House Bill (HB) 2490 (Chapter 94, Laws of 2010), which changes outdated terminology to move toward fulfillment of the goals stated in RCW 44.04.280, to remove demeaning language from the Revised Code of Washington and to use respectful language when referring to individuals with disabilities. In order to comply with the law, the department identified 35 departmental rule sets and five board rule sets that contain terms identified in HB 2490 that are considered outdated. Those terms identified in board rules include:

- Disabled employee
- Disabled person
- Physical and mental disability
- Handicapped accessibility
- Mental retardation
- Developmental delay.

These terms will be replaced with new terminology that is recommended in HB 2490. More respectful terms required by HB 2490 include:

- Individuals with disabilities
- Individuals with developmental disabilities
- Individuals with mental illness
- Individuals with intellectual disabilities

This delegation request will allow the department to change the outdated terms to reference in WAC more respectful terms pursuant to HB 2490 in the five board rule sets listed above.

#### **Conforming with the State Board of Health Delegation Criteria**

The board's "Policy for Considering Delegation of Rule to the Department of Health" provides the specific criteria for consideration. The following criteria apply to the rulemaking:

#### **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:**

- HB 2490 requires the Code Reviser and state agencies to avoid reference in rules to terminology that is outdated and considered disrespectful to certain populations. Language that is recommended in HB 2490 will be inserted into the proposed rule revisions with the prior consultation and approval of board staff. These editorial changes do not change the substance of the identified rules.

#### **The extent to which the substance and direction of the proposed rule is expected to have broad public and professional consensus.**

- HB 2490 requires the outdated terms to be replaced with more politically correct and respectful terminology that has been identified in the passed legislation. It is expected that these proposed revisions will have broad public and professional consensus as HB 2490 passed in 2010 with no opposition from interested parties, and updated and more respectful terminology is expected to have broad public and professional support. In addition, the Office of the Code Reviser and other state agencies have implemented HB 2490 to replace outdated terminology with more respectful language when referring to individuals with disabilities.

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The department will make the proposed, amended rules available upon request and will solicit comments via the department's rule comment website.

For additional information, please contact Maura Craig, Policy Analyst, Office of the Assistant Secretary, Health System Quality Assurance, (360) 236-4997 or by email to: [maura.craig@doh.wa.gov](mailto:maura.craig@doh.wa.gov).

cc: Andy Fernando  
Maura Craig

