



January 2013 Rules Agenda

This report details current and anticipated rulemaking activities for the Department of Health (DOH) and the State Board of Health (SBOH). If you have any questions regarding this report or Department of Health rulemaking activities, please contact Tami Thompson at (360) 236-4044. If you have any questions regarding State Board of Health rulemaking activities please contact Michelle Davis at (360) 236-4106.

This agenda is for information purposes, and the noted dates of anticipated rulemaking actions are estimates. Governor Gregoire signed an Executive Order (EO) 11-03 on December 3, 2011 directing agencies under her jurisdiction to suspend until 2013 non-critical rule development and adoption activities. For those rules that were suspended the department is reviewing them to determine when the rules should be reactivated.

Any errors in this agenda do not affect the rules and rulemaking notices filed with the Office of the Code Reviser and published in the Washington State Register. There may be additional DOH rulemaking activities that cannot be forecasted as the Department initiates rulemaking to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the “**Key**” at the end of the tables for explanations of terms and acronyms.

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 21, 2012

TIME: 2:47 PM

WSR 13-02-041

State Board of Health Rule Making

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 7.70.060 70.24.380	State Board of Health	WAC 246-100-207 (1)(a) Human Immunodeficiency Virus (HIV) clarifying informed consent	12-15-080 07/18/2012	12-20-083 10/03/2012 Rule making was requested by regulated entity		Anticipate filing 01/2013	MARAIA COURAGEN (360) 236-3458
RCW 43.20.050, 70.119A.080	State Board of Health	WAC 246-203-103 Keeping of Animals	09-17-132 08/19/2009	Rule making was suspended until 2013 due to EO 11-03			NED THERIEN (360) 236-4103
RCW 43.20.050 and 43.20.145	State Board of Health	Chapter 246-215 WAC, Food Service	10-04-068 01/29/2010	12-17-160 08/22/2012 Rule continuation requested by regulated community. Necessary to protect public health.		Anticipate filing 01/2013	JOE GRAHAM (360) 236-3305
RCW 43.20.050	State Board of Health	Chapter 246-272A WAC - On-site Sewage Systems. This rulemaking will explore creation of a process for the approval and state registration of drain field remediation technologies. The State Board of Health does not currently regulate remediation technologies.	06-12-108 06/7/2006	Rule making was suspended until 2013 due to EO 11-03.			STUART GLASOE (360)236-3246

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 69.30.030	State Board of Health	WAC 246-282-006 Vibrio Parahaemolyticus (VP) control plan	12-24-036 11/29/2012	Anticipate filing 1/2014 Rule necessary to protect public health.			RICK PORSO (360)236-3302
RCW 43.20.050(2)	State Board of Health	WAC 246-290-460 Fluoridation of Drinking Water— Revises the fluoride concentration in Group A public water systems that choose to fluoridate under RCW 57.08.012	11-11-046 05/13/2011	Filing date pending federal action. Rule requested by regulated community to protect public health.			NED THERIEN (360) 236-4103
RCW 43.20.050	State Board of Health	Chapter 246-390 WAC, Drinking Water Laboratory Certification Establishing reporting requirements to the Department of Health; removing duplication of	06-23-077 11/13/2006	Rule making was suspended until 2013 due to EO 11-03			THERESA PHILLIPS (360) 236-3147

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
		requirements with Department of Ecology					

Department of Health

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.35.161	Board of Hearing and Speech	WAC 246-828-XXX Prohibiting the use of the title "Audioprosthologist"	09-11-116 05/20/2009	Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			JANETTE BENHAM (360) 236-4857
HB 1181 (Chapter 41, Laws of 2011) and SSB 5152 (Chapter 40, Laws of 2011)	Board of Naturopathy	WAC 246-836-080 Naturopathy Continuing Competency Program Requirements	Anticipate filing in 2013				SUE GRAGG (360) 236-4941
RCW 18.52.071	Board of Nursing Home Administrators	WAC 246-843-010, 070, 071, 073, 090, 093, 095, 230 and 231 - Application for Initial License and endorsement	06-12-109 06/7/2006	Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			KENDRA PITZLER (360) 236-4723
RCW 18.54.070	Board of Optometry	WAC 246-851-235 Credits for Cultural Competency in Clinical Care	10-05-060 2/11/2010	10-21-104 10/20/2010 (Expired) Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			JUDY HAENKE (360) 236-4947

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18-25-0171	Chiropractic Quality Assurance Commission	WAC 246-808-180 Expired Licenses	12-01-129 12/21/2011 Rule is necessary to protect public health, safety, and welfare.	12-21-121 10/23/2012 Hearing 12/13/2012		Anticipate adoption 2013	LEANN YOUNT (360) 236-4856
RCW 18.25.0171	Chiropractic Quality Assurance Commission	WAC 246-808-150 Continuing education	09-09-031 04/07/2009	Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			LEANN YOUNT (360) 236-4856
RCW 18.25.0171 18.130.050(1) and (12)	Chiropractic Quality Assurance Commission	WAC 246-808-550 Future Care Contracts Prohibited, Revising the current rule to clarify the requirements for future care contracts.	11-03-017 02/22/2010	Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			LEANN YOUNT (360) 236-4856
RCW 18.32.0365	Dental Quality Assurance Commission	WAC 246-817-510,-520,-525,-540,-545 Expanded Function Dental Auxiliaries (EFDA) Acts that may not be performed by registered dental assistants or no credentialed persons	10-23-081 11/15/2010	Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			JENNIFER SANTIAGO (360) 236-4893
E2SSB 5620 (chapter 23, Laws of 2012); RCW 18.32.0365	Dental Quality Assurance Commission	Chapter 246-817 WAC Dental Anesthesia Assistant Certification. Establishing a new profession.	12-14-068 07/02/2012	Anticipated filing Spring 2013			JENNIFER SANTIAGO (360) 236-4893

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.32.040, 18.130.064	Dental Quality Assurance Commission	WAC 246-817-310 and –XXX Maintenance and Retention of Dental Records and Dental Treatment Records	09-13-097 06/17/2009	Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			JENNIFER SANTIAGO (360) 236-4893
HB 2056 (chapter 10, Laws of 2012)	Department of Health	Multiple sections of title 246 WAC, Replacing the term “boarding home” with “assisted living facility” in department rules			Anticipate filing 2013		JOHN HILGER (360) 236-2929
RCW 43.70.040	Department of Health	WAC 246-12-050 How to obtain a Temporary Practice Permit National Background Check			12-23-045 11/16/12 Expedited rule under RCW 34.05.353	Anticipate adoption Spring 2013	ANDY FERNANDO (360) 236-4692
SB 6290 (chapter 45, Laws of 2012)	Department of Health	Chapter 246-12 Administrative Procedures and Requirements for Credentialed Health Care Providers. Establishing military status and military spouse inactive license status	12-14-033 6/22/2012 Rule making required by state law.	Anticipate filing 2013			BILLIE JO DALE, (360) 236-47852
RCW 43.70.250	Department of Health	WAC 246-282-990, Sanitary Control of Shellfish – Fees – Commercial geoduck Paralytic Shellfish Poisoning (PSP) testing. Annual adjustment of PSP testing fees based on the number of tests done in 2012.		Anticipate filing 3/2013			BRANDY BRUSH (360) 236-3342

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 70.98.050	Department of Health	Chapter 246-247 WAC, Radiation Protection – Air Emission	05-12-140 6/1/2005	Rule making was suspended until 2013 due to EO 11-03			MICHELLE AUSTIN (360) 236-3250
RCW 70.98.085 (Chapter 19, Laws of 2012)	Department of Health	Chapter 246-249 WAC, Radioactive waste – Use of the commercial disposal site Chapter 246-254 WAC, Low-level radioactive waste site use permit fees for generator or broker Transfer of the site use permit program from Department of Ecology to the Department of Health.		Anticipate filing 2/2013			MICHELLE AUSTIN (360) 236-3250
RCW 70.98.050	Department of Health	Chapter 246-232 WAC, Radioactive material – Licensing applicability Chapter 246-233 WAC, Radioactive material – General licenses Chapter 246-235 WAC, Radioactive material – Specific licenses Adopt Nuclear Regulatory Commission rule changes for compatibility.		Anticipate filing 2/2013			MICHELLE AUSTIN (360) 236-3250
RCW 70.98.050	Department of Health	Chapter 246-220 WAC, Radiation protection – General provisions Chapter 246-221 WAC, Radiation protection standards Chapter 246-222 WAC, Radiation		Anticipate filing 3/2013			MICHELLE AUSTIN (360) 236-3250

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
		protection – Worker rights Adopt Nuclear Regulatory Commission rules for compatibility.					
RCW 70.119.050	Department of Health	Chapter 246-292 WAC Waterworks Operator Certification	09-21-043 10/13/2009	<i>Anticipate Filing 06/2013</i> <i>Rule necessary to implement legislation, and is a benefit to regulated community.</i>			THERESA PHILLIPS (360) 236-3147
RCW 70.230.010 70.230.020	Department of Health	WAC 246-330-010 Definitions for Ambulatory Surgical Facilities			12-23-046 11/16/12 Expedited rule making under RCW 34.05.353	Anticipate filing Spring 2013	MAURA CRAIG (360) 236-4997
Chapter 43.70 RCW	Department of Health	Chapter 246-809 WAC Counselors, Marriage and Family Therapists, and Social Workers; Chapter 246-811 WAC Chemical Dependency Professionals; Chapter 246-810 WAC Certified Counselors and Advisors - Suicide Continuing Education Training	12-16-058 07/30/2012 Rule making required by state law.	Anticipate filing Spring 2013			BETTY MOE (360) 236-4912
RCW 18.135.030 Chapter 153, Laws 2012	Department of Health	Chapter 246-826 WAC Health Care Assistants Amending the Rules to Align with New Rules for Medical Assistants	12-23-044 11/16/12 Rule making necessary to comply with state law	Anticipate filing Spring 2013			BRETT CAIN (360) 236-4766

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
Chapter 153, Laws 2012	Department of Health	New chapter 246-827 WAC Establishing the Medical Assistant Profession	12-14-098 07/03/2012 Rule making required by state law	Anticipate filing Spring 2013			BRETT CAIN (360) 236-4766
RCW 18.130.050; (chapter 137, Laws of 2012)	Department of Health	New Chapter 246-831 WAC Reflexology. Establishing a New Profession; Includes the Certification Requirements and Fees	12-14-069 07/02/2012	Anticipate filing 2013			KRIS WAIDELY (360) 236-4847
RCW 18.89.050, 18.89.140	Department of Health	WAC 246-928-442 Respiratory Therapist Acceptable Continuing Education	10-17-098 8/17/2010	Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			SUSAN GRAGG (360) 236-4941
RCW 18.89.040	Department of Health	WAC 246-928-XXX Respiratory Therapist Scope of Practice Regarding Administration of Medications	10-17-099 8/17/2010	Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			SUSAN GRAGG (360) 236-4941
RCW 70.225.020 70.225.025 Chapter 192, Laws of 2012	Department of Health	Chapter 246-470 WAC Prescription Monitoring Program. Alternative Reporting for Veterinarians	12-14-034 06/26/2012 Rule making required by state law	Anticipate filing 2013			Lisa Hodgson (360) 236-2927
RCW 18.84.040	Department of Health	WAC 246-926-180 Amending the Parenteral Procedures for Radiologic Technologists	10-15-101 07/20/2010	Rule making was suspended until 2013 due to EO 11-03 <i>Rule is</i>			SUSAN GRAGG (360) 236-4941

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
				<i>being reviewed for possible reactivation</i>			
RCW 18.36A.060	Department of Health	WAC 246-836-080 Continuing Competency Program Requirements for Naturopathic Physicians	10-16-106 8/2/2010 Rule making was suspended until 2013 due to EO 11-03	<i>CR-101 will be withdrawn- Rule authority is now under the Board of Naturopathy</i>			SUSAN GRAGG (360) 236-4941
RCW 18.36A.060 and 18.36A.100	Department of Health	Chapter 246-836 WAC, Amending Accreditation Requirements for Naturopathic Medical Educational Institutions	10-15-097 07/20/2010 Rule making was suspended until 2013 due to EO 11-03	<i>CR-101 will be withdrawn. Rule authority is now under the Board of Naturopathy</i>			SUSAN GRAGG (360) 236-4941
18.36A.060	Department of Health	WAC 246-836-010 and 246-836-210 Nonsurgical Cosmetic Procedures by Naturopathic Physicians.	10-15-098 07/20/2010 Rule making was suspended until 2013 due to EO 11-03	<i>CR-101 will be withdrawn. Rule authority is now under the Board of Naturopathy</i>			SUSAN GRAGG (360) 236-4941
RCW 43.70.040, 70.38.135	Department of Health	WAC 246-310-XXX Hospital Acute Care Bed Methodology	09-16-118 08/04/2009	Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			JOHN HILGER (360) 236-2929
RCW 43.70.040, 70.38.135	Department of Health	WAC 246-310-XXX Revising and Updating the Certificate of Need Adjudicative Proceeding Rules	Anticipate Filing 2013				JOHN HILGER (360) 236-2929

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 71.12.670	Department of Health	Chapter 246-337 WAC, Residential treatment facilities Revise to align with current law and practices	12-22-029 10/31/2012 Rule making necessary to protect public health				BARBARA RUNYON, (360) 236-2937
Chapter 70.185 RCW	Department of Health	Chapter 246-562 Physician Visa Waivers – Revising rules consistent with current law.	Anticipate filing 2013				RENEE FULLERTON (360) 236-2814
ESHB 2314 (Chapter 164, Laws of 2012), chapters 18.88B and 18.130 RCW	Department of Health	Chapter 246-980 WAC, Home care aid – addressing recent changes in law and application process	13-01-094 12/19/12 Rule making necessary to comply with state law	Anticipate filing 2013			KENDRA PITZLER (360) 236-4723
RCW 70.119.050	Department of Health	Chapter 246-292 WAC Waterworks Operator Certification Incorporating changes in state law.	09-21-043 10/13/2009 Rule necessary to implement legislation, and is a benefit to regulated community.				THERESA PHILLIPS (360) 236-3147
RCW 70.290.060	Department of Health	New Chapter in 246 WAC; Health Benefit Plans and Third Party Administrators – Civil Penalties	Anticipate Filing 01/31/2013				JEFF WISE (360) 236-3483
ESHB 2366 (Chapter 181, Laws of 2012)	Examining Board of Psychology	Chapter 246-924 WAC Psychology – Suicide continuing education and training	12-17-137 8/21/2012 Rule making necessary to implement state law	Anticipate filing 2013			BETTY MOE (360) 236-4912

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.71.017, 18.130.050, and 18.71.430	Medical Quality Assurance Commission	WAC 246-919-430 (physicians) and WAC 246-918-XXX (physician assistants) Requiring additional practice information at renewal	09-14-114 06/30/2009	10-21-098 06/30/2009 (Expired) Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			JULIE KITTEN (360) 236-2757
Chapter 7, Laws of 2012 2 nd Spec. Sess.; RCW 18.130.250; 18.79.110	Nursing Care Quality Assurance Commission	Chapter 246-840 WAC Establishing a Retired Active License Status for Nurses	12-20-020 9/24/2012 Rule making requested by regulated entities	Anticipate filing 2013			PAULA MEYER (360) 236-2714
ESSB 6237 (chapter 153, Laws of 2012); RCW 18.79.110	Nursing Care Quality Assurance Commission	WAC 246-840-010 Definitions; 246-840-840 Nursing Technician – Adding Clinics to the Facilities Where a Nursing Technician may work		Anticipate filing 2013			MARY DALE (360) 236-2477
RCW 18.79.110	Nursing Care Quality Assurance Commission	WAC 246-840-045, 246-840-130 Reducing Licensing Barriers for Registered Nurses and Practical Nurses Who Graduate from an International Schools of Nursing	12-17-079 8/14/2012 Rule making requested by regulated entities				PAULA MEYER (360) 236-2714

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
ESHB 2314 (chapter 164, Laws of 2012) RCW 18.79.110	Nursing Care Quality Assurance Commission	WAC 246-840-910 through 246-840- 970 Nurse Delegation; Adding Home Care Aides to the List of Providers Eligible for Delegation		Anticipate filing 2013			MARY DALE (360) 236-2477
RCW 18.79.110 18.130.050	Nursing Care Quality Assurance Commission	WAC 246-840-740 Sexual Misconduct Prohibited – Updating the 1999 rules.	12-17-017 08/02/2012 Rule making necessary to protect public health				PAULA MEYER (360) 236-2714
ESHB 2473 (chapter 208, Laws of 2012)	Nursing Care Quality Assurance Commission	Chapter 246-841 WAC Nursing assistant-certified medication assistant endorsement. New credential.	12-20-019 9/24/2012 Rule making necessary to implement state law	Anticipate filing 2013			PAULA MEYER (360) 236-2714
RCW 18.59.090, 18.130.050	Occupational Therapy Practice Board	WAC 246-847-030 Occupational therapists acting in a consulting capacity; WAC 246- 847-055 Initial application for individuals who have not practiced within the past four years; WAC 246- 847-068 Expired license; WAC 246- 847-070 Inactive credential; WAC 246-847-125 Applicants currently licensed in other states or territories and WAC 246-847- XXX Renewal for those that have not practiced in four	08-15-088 07/17/2008	Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			JANETTE BENHAM (360) 236-4857

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
		years.					
ESHB 2366 Chapter 181, Laws of 2012	Occupational Therapy Practice Board	WAC 246-847-____ Suicide Continuing Education Training	Anticipate filing in 2013				JANETTE BENHAM (360) 236-4857
RCW 18.92.030 and 18.130.050	Veterinary Board of Governors	Chapter 246-933- XXX Expired License. Requirements for reinstating an expired license.	12-14-048 6/28/2012 Beneficial to regulated entities				JUDY HAENKE (360) 236-4947
RCW 18.92.030	Veterinary Board of Governors	246-933-460 Continuing Education Courses Approved by the Veterinary Board	10-13-095 6/15/2010	10-21-081 10/19/10 (expired) Rule making was suspended until 2013 due to EO 11-03 <i>Rule is being reviewed for possible reactivation</i>			JUDY HAENKE (360) 236-4947

KEY

CR means "Code Reviser" on the notice forms created by the Office of the Code Reviser for use by all state agencies.

CR-101 is a Preproposal Statement of Inquiry filed under RCW 34.05.310.

CR-102 is a Proposed Rule Making notice filed under RCW 34.05.320 or 34.05.340.

Proposal is Exempt under RCW 34.05.310(4) means a rule that does not require the filing of a CR-101 notice under RCW 34.05.310(4).

CR-105 is an Expedited Rule Making notice filed under RCW 34.05.353. This is an accelerated rule adoption process with no public hearing required.

CR-103 is Rule Making Order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

EMERGENCY rules are temporary rules filed under RCW 34.05.350 and 34.05.380 by using a CR-103 Rule Making Order. Emergency rules may be used to meet certain urgent circumstances. These rules are effective for 120 days after the filing date, and may be extended in certain circumstances.

EO is the Executive Order 11-03 of 2010

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

TBD- To Be Determined is when a date is still being discussed

RCW is the Revised Code of Washington

WAC is the Washington Administrative Code

WSR number is the Washington State Register official filing reference number given by the Office of the Code Reviser when a notice is filed.