



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

PO Box 47990 • Olympia, Washington 98504-7990

March 17, 2022

Kimberlee Baker
1640 Windermere Dr. E
Seattle, WA 98112

Sent Via Email

Dear Kimberlee Baker:

Thank you for the rulemaking petition you submitted to the State Board of Health (Board) on February 21, 2022, requesting amendment to WAC 246-100-036, Responsibilities and duties – Local health officers. Specifically, you requested the Board amend WAC 246-100-036 to include provisions requiring the local health officer to receive approval from the local board of health prior to instituting disease control measures deviating from those instituted by the state Department of Health.

The Board has the authority in RCW 43.20.050(2)(f) to adopt rules to prevent and control disease.

The Board met on March 9, 2022 and after reviewing and discussing your petition, voted to deny your request. The Board denied the petition for the following reasons. The Board concluded that by statute the local board of health already provides oversight to the local health officer. The Board referred to RCW 70.05.070(3), which states that the local health officer acts under the direction of the local board of health or administrative officer when working to control and prevent contagious diseases.

The Board also noted that the local health officers' qualifications as persons holding medical licenses is an important part of the local health framework. Additionally, the Board referred to the state Department of Health issuing general guidance concerning disease, but not instituting specific disease control measures and noting that this duty lies with the local health officer to respond to unique needs in their community. For these reasons, the Board denied your petition.

As you may be aware, under RCW 34.05.330, a petitioner may appeal an agency's decision to deny a petition to repeal or amend a rule. An appeal must be made to the Governor within 30 days of the petition denial.

If you require further assistance, please don't hesitate to contact Samantha Pskowski, Health Policy Advisor in our office, at (360) 789-2358, or at Samantha.Pskowski@sboh.wa.gov.

Sincerely,

Keith Grellner, Chair