



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: February 14, 2024

TIME: 9:40 AM

WSR 24-05-036

**Agency:** Department of Health- Board of Osteopathic Medicine and Surgery

**Title of rule and other identifying information:** (describe subject)

Substance abuse monitoring program for osteopathic physicians. The Board of Osteopathic Medicine and Surgery (board) is proposing amendments to WAC 246-853-290, 246-853-300, 246-853-310, and 246-853-320 to update the rules regarding health profession monitoring programs. The proposed changes reflect updated language changes made by Substitute Senate Bill (SSB) 5496 (chapter 43, Laws of 2022). In partnership with the Secretary of Health, technical amendments are also being proposed to WAC 246-853-990 to reflect changes to the updated rules and statute.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

SSB 5496 updated terminology, definitions, and references for osteopathic physicians in RCW 18.57.005. SSB 5496 also made clarifications to confidentiality protections in RCW 18.130.070 for health professional monitoring programs.

The proposed rules make technical amendments to conform existing rule language with the changes made in SSB 5496. Changes include replacing "substance abuse" with "substance use disorder".

**Reasons supporting proposal:**

The proposed amendments will align the rules with currently accepted language for substance use disorders and related monitoring programs.

**Statutory authority for adoption:**

RCW 18.57.005 and SSB 5496 (chapter 43, Laws of 2022)

**Statute being implemented:**

SSB 5496 (chapter 43, Laws of 2022)

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Name of proponent:** (person or organization)

Department of Health - Board of Osteopathic Medicine and Surgery

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting: Becky McElhiney	111 Israel Road SE, Tumwater, WA 98501	360-236-4766
Implementation: James Chaney	111 Israel Road SE, Tumwater, WA 98501	360-236-2831
Enforcement: James Chaney	111 Israel Road SE, Tumwater, WA 98501	360-236-2831

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** The proposed amendments align the rules with the new statutory language.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Becky McElhiney

Agency: Department of Health- Board of Osteopathic Medicine and Surgery

Address: PO Box 47852, Olympia, WA 98504-7852

Phone: 360-236-4766

Fax: 360-236-2901

Email: <https://fortress.wa.gov/doh/policyreview>

Other: [osteopathic@doh.wa.gov](mailto:osteopathic@doh.wa.gov)

**AND RECEIVED BY** (date) April 22, 2024

**Date:** 2/13/2024

**Name:** James Chaney | Kristin Peterson JD for Umair A. Shah MD, MPH

**Title:** Executive Director, Board of Osteopathic Medicine and Surgery | Chief of Policy for Secretary of Health

**Signature:**

