

# Rulemaking Efforts



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**Medical  
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### Health Equity Continuing Education for MDs and PAs

On October 20, 2023, the WMC adopted new sections of rule, [WAC 246-918-195](#) (physician assistants) and [WAC 246-919-445](#) (physicians) to meet the requirements of [Engrossed Substitute Senate Bill 5229](#) (Chapter 276, Laws of 2021), codified as [RCW 43.70.613](#), regarding health equity continuing education (CE). The CR-103, Rulemaking Order, was filed on November 29, 2023 as [WSR #23-24-033](#). The rules were effective January 1, 2024.

### Postgraduate Medical Training, WAC 246-919-330 via Standard Rulemaking

The WMC officially filed a CR-102, Proposed Rulemaking, with the Office of the Code Reviser on March 20, 2024. The WMC is proposing amendments to WAC 246-919-330(4) to remove two requirements that have become a barrier to licensure. The WSR# is [24-07-107](#), and includes the proposed language. **The hearing for this rulemaking was held April 26, 2024, where the rules were adopted. The next step in the rulemaking process, CR-103 or permanent rulemaking, is now in progress.**

### Postgraduate Medical Training, WAC 246-919-330 via Emergency Rulemaking

The WMC has amended WAC 246-919-330(4) Postgraduate medical training via emergency rulemaking. The amendment eliminates the outdated requirement for consecutive years of training in no more than two programs. This emergency rule was filed on July 13, 2023, as [WSR #23-15-056](#); renewed on November 9, 2023, as [WSR #23-23-071](#); and renewed again on March 8, 2024, as [WSR #24-07-019](#). The immediate amendment of WAC 246-919-330 was necessary for the preservation of public health, safety, and general welfare. Continued demand for health care professionals, especially qualified physicians, makes it essential that qualified applicants are able to obtain licensure. This action will result in increasing the quantity of health care professionals able to respond to current and ongoing staffing demands.

### Opioid Prescribing Rules

At their April 14, 2023, business meeting the WMC Commissioners voted to initiate rulemaking for both chapter 246-918 WAC (physician assistants) and chapter 246-919 WAC (allopathic physicians) to revise the opioid prescribing rules as follows:

1. Exempting patients with Sickle Cell Disease.
2. State in rule that not all chronic pain patients need to be tapered off opioids.
3. Clearer rules regarding biological specimen testing.

The WMC officially filed a CR-101 with the Office of the Code Reviser on August 16, 2023. The WMC is considering amending the following sections to modernize the language, add clarity, and bring the rules more in line with current practice:

- WAC 246-918-801 (physician assistants) Exclusions
- WAC 246-918-845 (physician assistants) Patient Evaluation and Patient Record—Subacute Pain
- WAC 246-918-855 (physician assistants) Patient Evaluation and Patient Record—Chronic Pain
- WAC 246-918-870 (physician assistants) Periodic Review—Chronic Pain
- WAC 246-918-900 (physician assistants) Tapering Considerations—Chronic Pain
- WAC 246-919-851 (physicians) Exclusions
- WAC 246-919-895 (physicians) Patient Evaluation and Patient Record—Subacute Pain
- WAC 246-919-905 (physicians) Patient Evaluation and Patient Record—Chronic Pain
- WAC 246-919-920 (physicians) Periodic Review—Chronic Pain
- WAC 246-919-950 (physicians) Tapering Considerations—Chronic Pain.

The [WSR# is 23-17-094](#). A CR-102, Proposed Rulemaking, was filed on March 20, 2024, as WSR #24-07-107. A hearing was held on April 26, 2024, during which these rules were not adopted. As a result, we have returned to the CR-101, Preproposal Statement of Inquiry, step in the rulemaking process. Please visit our [Rules in Progress](#) page for the current schedule and draft language.

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**2SHB 1009 Military Spouse Temporary Practice Permits**  
Second Substitute House Bill (2SHB) 1009 Concerning military spouse employment was passed during the 2023 legislative session. The WMC has a section in both the physician's chapter, WAC 246-919-397, and the physician assistant's chapter, WAC 246-918-076, which address how a military spouse can obtain a temporary practice permit. Both WACs are identical except for references to physician or physician assistant in their respective chapters. 2SHB 1009 provides additional information for issuing this temporary permit, a different definition of military spouse, and other items that are not included in the WACs. The WMC will consider amending these WACs to align with the bill more closely. The CR-101 for this rulemaking was filed on September 12, 2023, as [WSR #23-19-029](#).

At their October 20, 2023, business meeting, the WMC Commissioners approved initiating the next step in the rulemaking process, CR-102, Proposed Rulemaking. The hearing for this rulemaking is tentatively scheduled for October 11, 2024. Please visit our [Rules in Progress](#) page for the current schedule.

### Collaborative Drug Therapy Agreements

The [CR-101](#) for creating rules related to Collaborative Drug Therapy Agreements was filed with the Office of the Code Reviser on July 22, 2020 as [WSR #20-16-008](#).

One aspect of the practice of medicine is working with pharmacists to deliver drug therapy to patients. This coordination can take many forms, but the WMC's concern involves treating patients under a collaborative drug therapy agreement (CDTA). These arrangements occur pursuant to a written agreement entered into by an individual physician or physician assistant and an individual pharmacist.

The Pharmacy Quality Assurance Commission has adopted a rule that governs CDATAs from the pharmacy perspective, however there are no statutes or rules that govern a physician's responsibilities under a CDTA. A rule is needed to define the roles and responsibilities of the physician or physician assistant who enters into a CDTA, any defined limit to the number of pharmacists who may have a CDTA with any one physician or physician assistant, and how the physician or physician assistant and pharmacist can best collaborate under these agreements.

Regulating the use of CDATAs would place the WMC in an active patient safety role. Rulemaking would provide clarity around this issue to help avoid potential discipline and increase patient safety. The new sections being considered will potentially benefit the public's health by ensuring participating providers are informed and

regulated by current national industry and best practice standards. Workshops for this rulemaking are ongoing. Please visit our [Rules in Progress](#) page for the current schedule and draft language.

### Establishing the use of nitrous oxide in office based surgical settings, WAC 246-919-601

The WMC is considering amending WAC 246-919-601 to exempt the use of nitrous oxide in office-based surgical settings under certain circumstances. Additionally, the WMC is considering adding a new subsection to further address the use of nitrous oxide in such settings. The CR-101, Preproposal Statement of Inquiry, for this rulemaking was filed on May 17, 2024, as [WSR #24-11-104](#). Workshops for this rulemaking are ongoing. Please visit our [Rules in Progress](#) page for the current schedule and draft language.

### Upcoming Rulemakings

At their October 20, 2023, business meeting, the WMC Commissioners approved initiating rulemaking on the following:

- Regarding [SSB 5389](#) – define “qualified physician”

The CR-101, Preproposal Statement of Inquiry, for this rulemaking is in progress. Workshops will be held sometime this year. Please visit our [Rules in Progress](#) page for the current schedule.

At their April 26, 2024, business meeting, the WMC Commissioners approved initiating rulemaking on the following:

- Standard rulemaking in response to [SB 5184](#) concerning licensure of certified anesthesiologist assistants.
- Expedited rulemaking (CR-105) in response to [ESHB 2041](#) concerning physician assistant collaborative practice.
- Expedited rulemaking (CR-105) for technical edits to [WAC 246-919-945](#) and [WAC 246-918-895](#).

### More Information

Please visit [our rulemaking site](#) and for continued updates on rule development, interested parties are encouraged to join the [WMC's rules GovDelivery](#). WMC rulemaking comments or questions may be emailed to [medical.rules@wmc.wa.gov](mailto:medical.rules@wmc.wa.gov).