



EXPEDITED RULE MAKING

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

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STATE OF WASHINGTON
FILED

DATE: July 16, 2024

TIME: 12:12 PM

WSR 24-15-054

Agency: Department of Health – Washington Medical Commission

Title of rule and other identifying information: Removing references to Osteopathic Physician Assistants. The Washington Medical Commission (commission) is proposing amendments to WAC 246-918-895 and WAC 246-919-945 – Pain management specialist—Chronic pain to align rule language with currently accepted language.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: In 2020, the legislature passed Substitute House Bill 2378 Concerning physician assistants. This bill eliminated the profession of osteopathic physician assistant and placed all physician assistants under the authority of the commission. As a result of this bill, chapter 246-854 WAC, which pertained to osteopathic physician assistants, was repealed.

In both WAC 246-918-895 and WAC 246-919-945, the commission references a section to the now-repealed chapter 246-854 WAC. Additionally, these sections reference both allopathic and osteopathic physician assistants. The commission intends to remove the references to chapter 246-854 WAC and to allopathic and osteopathic physician assistants.

Reasons supporting proposal: With the repeal of chapter 246-854 WAC and the elimination of classifying physician assistants as either allopathic or osteopathic, WAC 246-918-895 and 246-919-945 need to be updated to align rule language with currently accepted language.

Statutory authority for adoption: RCW 18.71.017 and Substitute House Bill 2378 (chapter 80, Laws of 2020)

Statute being implemented: RCW 18.71.017

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

Name of proponent: Washington Medical Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Amelia Boyd	111 Israel Rd SE, Tumwater, WA 98501	(360) 918-6336
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Enforcement:	Kyle Karinen	111 Israel Rd SE, Tumwater, WA 98501	(564) 233-1557

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 aligns rule language with currently accepted language without changing its effect.

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

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AND RECEIVED BY September 23, 2024 at midnight

Date: 7/16/2024
Name: Kyle Karinen
Title: Executive Director, Washington Medical Commission

Signature:

Signature on file

WAC 246-919-945 Pain management specialist—Chronic pain. A pain management specialist shall meet one or more of the following qualifications:

- (1) If an allopathic physician or osteopathic physician:
 - (a) Is board certified or board eligible by an American Board of Medical Specialties-approved board (ABMS) or by the American Osteopathic Association (AOA) in physical medicine and rehabilitation, neurology, rheumatology, or anesthesiology;
 - (b) Has a subspecialty certificate in pain medicine by an ABMS-approved board;
 - (c) Has a certification of added qualification in pain management by the AOA;
 - (d) Is credentialed in pain management by an entity approved by the commission for an allopathic physician or the Washington state board of osteopathic medicine and surgery for an osteopathic physician;
 - (e) Has a minimum of three years of clinical experience in a chronic pain management care setting; and
 - (i) Has successful completion of a minimum of at least (~~eighteen~~) 18 continuing education hours in pain management during the past two years for an allopathic physician or three years for an osteopathic physician; and
 - (ii) Has at least (~~thirty~~) 30 percent of the allopathic physician's or osteopathic physician's current practice is the direct provision of pain management care or is in a multidisciplinary pain clinic.
- (2) If (~~an allopathic~~) a physician assistant, in accordance with WAC 246-918-895.
- (3) (~~If an osteopathic physician assistant, in accordance with WAC 246-854-330.~~
- ~~(4))~~ If a dentist, in accordance with WAC 246-817-965.
- (~~(5)~~) (4) If a podiatric physician, in accordance with WAC 246-922-750.
- (~~(6)~~) (5) If an advanced registered nurse practitioner, in accordance with WAC 246-840-493.

WAC 246-918-895 Pain management specialist—Chronic pain. A pain management specialist shall meet one or more of the following qualifications:

(1) If ~~((an allopathic))~~ a physician assistant ~~((or osteopathic physician assistant))~~ must have a delegation agreement with a physician pain management specialist and meet ~~((s))~~ the educational requirements and practice requirements listed below:

(a) A minimum of three years of clinical experience in a chronic pain management care setting;

~~(b) ((Credentialed in pain management by an entity approved by the commission for an allopathic physician assistant or the Washington state board of osteopathic medicine and surgery for an osteopathic physician assistant;~~

~~(e))~~ Successful completion of a minimum of at least ~~((eighteen))~~ 18 continuing education hours in pain management during the past two years; and

~~((d))~~ (c) At least ~~((thirty))~~ 30 percent of the physician assistant's current practice is the direct provision of pain management care or in a multidisciplinary pain clinic.

(2) If an allopathic physician, in accordance with WAC 246-919-945.

(3) If an osteopathic physician, in accordance with WAC 246-853-750.

(4) If a dentist, in accordance with WAC 246-817-965.

(5) If a podiatric physician, in accordance with WAC 246-922-750.

(6) If an advanced registered nurse practitioner, in accordance with WAC 246-840-493.