



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 27, 2023

TIME: 3:13 PM

WSR 23-04-056

Agency: Department of Health

Subject of possible rule making: Amending and consolidating nursing assistant rules regarding expired licenses, mandatory reporting, and fees. The Department of Health (department), in consultation with the Nursing Care Quality Assurance Commission (commission), is considering adopting the requirements of WACs 246-841-520 (expired license), 246-841-720 (mandatory reporting), and 246-841-990 (fees) in new chapter 246-841A WAC and then repealing WAC 246-841-520, 246-841-720, and 246-841-990, as part of an update and consolidation of chapters 246-841 and 246-842 WAC into a new chapter 246-841A WAC. The department may consider amendments to the existing language of WAC 246-841-520 and 246-841-720. The department does not intend to amend nursing assistant fees in WAC 246-841-990 but may consider technical changes.

Statutes authorizing the agency to adopt rules on this subject:

RCW 18.130.040, RCW 18.130.050, RCW 18.130.060, RCW 18.130.070, RCW 18.130.175, and RCW 43.70.280

Reasons why rules on this subject may be needed and what they might accomplish:

The commission is considering repealing chapters 246-841 WAC and 246-842 WAC and consolidating nursing assistant requirements into a new chapter: 246-841A WAC. The commission is considering these changes to nursing assistant standards to eliminate duplication, update competencies, and revise program requirements.

The department and commission determined that WAC 246-841-520, 246-841-720, and 246-841-990 are under department authority, and the department must conduct the rulemaking for these sections. The department previously filed a CR-101 under WSR 22-08-019 in collaboration with the commission so these sections could be included in the commission's revision of chapters 246-841 WAC and 246-842 WAC. However, at the time of filing the CR-101, the department was not aware the commission intended on repealing chapter 246-841 WAC, and did not include WAC 246-841-990, which is also under department authority. To remedy this issue, the department is withdrawing the CR-101 filed under WSR 22-08-019 and filing a new CR-101 that includes WACs 246-841-520, 246-841-720, and 246-841-990.

The department, in collaboration with the commission, also intends to incorporate the requirements of WACs 246-841-520, 246-841-720, and 246-841-990 in new chapter 246-841A WAC, and will repeal from chapter 246-841 WAC. The department may consider amendments to the current language of WAC 246-841-520 and 246-841-720. For WAC 246-841-520, the department is considering clarifying the section being referenced in chapter 246-12 WAC and changing the WAC section number to align with chapter revisions. The department is also considering amending WAC 246-841-720 to adopt mandatory reporting requirements in chapter 246-16 WAC, which pertain to impaired practice and unprofessional conduct. The department does not intend to amend nursing assistant fees in WAC 246-841-990 but may consider technical changes.

Rulemaking is necessary to bring these sections up-to-date and ensure the rules are clear for the public's safety and well-being.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Collaborative

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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Other: nursing.wa.gov	Web site:
	Other:

Additional comments:

The department will notify interested parties of rulemaking by posting information on the department website, the Nursing Quality Assurance Commission website and by use of GovDelivery. The commission will hold virtual meetings at varying times to encourage participation. Interested parties can join the distribution list at <https://public.govdelivery.com/accounts/WADOH/subscriber/new> and selecting Health Systems Quality Assurance, Health Professions, Nursing Assistant and any other lists you wish to join.

Date: January 27, 2023

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:

