

WSR 21-18-106

EXPEDITED RULES

DEPARTMENT OF HEALTH

[Filed August 31, 2021, 2:22 p.m.]

Title of Rule and Other Identifying Information: Chapter 246-826 WAC, Health care assistants, the department of health (department) is proposing repealing this chapter of rules in support of ESSB 6237 (chapter 153, Laws of 2012), which created a career pathway for medical assistants and eliminated the health care assistant profession.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In support of ESSB 6237, the department is proposing repealing chapter 246-826 WAC, Health care assistants. ESSB 6237 created the medical assistant professions under chapter 18.360 RCW and repealed chapter 18.135 RCW, Health care assistants. Without the statute, the health care assistants profession rules are not enforceable and chapter 246-826 WAC must be repealed.

Reasons Supporting Proposal: ESSB 6237 established medical assistants as a profession to consolidate certification requirements and provide more comprehensive, versatile medical services to the public. To prevent statutory redundancy, the legislature repealed the health care assistants laws and eliminated the profession. Repealing chapter 246-826 WAC is necessary because the profession no longer exists under statutory authority meaning the rules cannot be enforced.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: ESSB 6237 (chapter 153, Laws of 2012).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Davis Hylkema, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4633.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: ESSB 6237 passed in the 2012 legislative session repealing chapter 18.135 RCW, Health care assistants, effectively removing the statutory authority for chapter 246-826 WAC, Health care assistants.

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 Davis Hylkema, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4633, fax 360-236-2901, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY November 22, 2021.

August 31, 2021
Kristin Peterson, JD
Deputy Secretary

OTS-3140.1REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-826-020	Delegation of functions to health care assistants.
WAC 246-826-030	Supervision of health care assistants.
WAC 246-826-040	Certification of health care assistants.
WAC 246-826-050	Renewal of health care assistants.
WAC 246-826-060	Department of health responsibilities.
WAC 246-826-070	Maintenance of listing of drugs and functions authorized.
WAC 246-826-080	Medication, diagnostic agent, and vaccine list.
WAC 246-826-100	Health care assistant classification.
WAC 246-826-110	Qualified trainer.
WAC 246-826-120	Provision of health care assistants training.
WAC 246-826-130	Category A minimum requirements.
WAC 246-826-140	Category B minimum requirements.
WAC 246-826-150	Category C minimum requirements.
WAC 246-826-160	Category D minimum requirements.
WAC 246-826-170	Category E minimum requirements.
WAC 246-826-180	Category F minimum requirements.
WAC 246-826-200	Hospital or nursing home drug injection.
WAC 246-826-210	Intravenous medications flow restrictions.
WAC 246-826-230	AIDS prevention and information education requirements—Health care assistants.
WAC 246-826-300	Definitions.
WAC 246-826-301	Hemodialysis technician, category G minimum requirements to perform hemodialysis.
WAC 246-826-302	Minimum training standards for mandatory hemodialysis technician training programs.

WAC 246-826-303

Minimum standards of practice and core competencies of hemodialysis technicians.

WAC 246-826-990

Health care assistant fees and renewal cycle.