

**WSR 23-04-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed January 27, 2023, 3:13 p.m.]

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 WAC 246-841-520 Expired license, 246-841-720 Mandatory reporting and 246-841-990 Fees in new chapter 246-841A WAC; and 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 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, 18.130.050, 18.130.060, 18.130.070, 18.130.175, and 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 and 246-842 WAC and consolidating nursing assistant requirements into 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 rule making 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 and 246-842 WAC. However, at the time of filing the CR-101, the department was not aware the commission intended to repeal 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 WAC 246-841-520, 246-841-720, and 246-841-990.

The department, in collaboration with the commission, also intends to incorporate the requirements of WAC 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.

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

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative.

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

contacting Ross Valore, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-4711, TTY 711, email [ncqac.rules@doh.wa.gov](mailto:ncqac.rules@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov), [nursing.wa.gov](http://nursing.wa.gov).

Additional comments: The department will notify interested parties of rule making by posting information on the department website, the 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 by selecting "Health Systems Quality Assurance," "Health Professions," "Nursing Assistant," and any other lists you wish to join.

January 27, 2023  
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