

**WSR 19-18-040**  
**EXPEDITED RULES**  
**DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)  
 [Filed August 29, 2019, 2:12 p.m.]

Title of Rule and Other Identifying Information: WAC 246-840-4651 Patient notification, secure storage, and disposal, the nursing care quality assurance commission (commission) proposes amendments to existing rule to implement the legislative requirement of SSB 5380 (section 10, chapter 314, Laws of 2019), regarding patient notification for right to refuse an opioid prescription or order and the corresponding documentation.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Section 10 of SSB 5380 directs the commission to adopt or amend rules establishing the requirement for advanced registered nurse practitioners (ARNP) to notify patients of their right to refuse an opioid prescription or order, and the requirement for ARNPs to document any refusal in the patient's record. SSB 5380 requires the commission to adopt or amend rules by January 1, 2020.

Reasons Supporting Proposal: The commission proposes amending WAC 246-840-4651, with language nearly identical to section 10, to satisfy the legislative requirement. This proposed rule change meets the intent of RCW 34.05.353 [(1)](d) for the expedited rule-making process by adopting rules explicitly and specifically dictated by statute. Adopting rules under the expedited procedure also allows the commission to meet the statutory deadline of January 1, 2020.

Statutory Authority for Adoption: RCW 18.79.110, 18.79.800, and SSB 5380, section 10.

Statute Being Implemented: SSB 5380 (section 10, chapter 314, Laws of 2019).

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

Name of Proponent: Nursing care quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting: Amber Zawislak-Bielaski, 111 Israel Road S.E. Tumwater, WA 98504, 360-236-4785; Implementation: Chris Archuleta, 111 Israel Road S.E., Tumwater, WA 98504, 360-236-2748; and Enforcement: Catherine Woodard, 111 Israel Road S.E. Tumwater, WA 98504, 360-236-4757.

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

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This proposed rule change meets the intent of RCW 34.05.353 [(1)](d) for the expedited rule-making process by adopting rules explicitly and specifically dictated by SSB 5380 (section 10, chapter 314, Laws of 2019).

**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 Chris Archuleta, Nursing Care Quality Assurance Commission, P.O. Box 47864, Olympia, WA 98504, phone 360-236-2748, fax 360-236-4738, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY November 4, 2019.

August 29, 2019  
 Paula R. Meyer, MSN, RN, FRE  
 Executive Director

AMENDATORY SECTION (Amending WSR 18-20-086, filed 10/1/18, effective 11/1/18)

**WAC 246-840-4651 Patient notification, secure storage, and disposal.** (1) The practitioner shall provide information to the patient educating them of:

(a) Risks associated with the use of opioids as appropriate to the medical condition, the type of patient, and the phase of treatment;

(b) The safe and secure storage of opioid prescriptions; ~~((and))~~

(c) The proper disposal of unused opioid medications including, but not limited to, the availability of recognized drug take-back programs; ~~and~~

(d) The patient's right to refuse an opioid prescription or order for any reason.

(2) The practitioner shall document such notification in the patient record. If the patient refuses an opioid prescription or order, the practitioner must document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

(3) Patient notification must occur, at a minimum, at the following points of treatment:

(a) The first issuance of a prescription for an opioid; and

(b) The transition between phases of treatment, as follows:

(i) Acute nonoperative pain or acute perioperative pain to subacute pain; and

(ii) Subacute pain to chronic pain.

**WSR 19-18-086**  
**EXPEDITED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed September 4, 2019, 8:52 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-330 WAC, State magnet school program.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to expedite the repeal of chapter 392-330 WAC, State magnet school program, which was adopted in 1993 to implement a grant program authorized in the operating budget during the 1993-1995 biennium.

Reasons Supporting Proposal: Chapter 392-330 WAC was established in 1993 for the administration of the magnet school projects grant program, including the establishment of criteria for the award of grants to eligible school districts. The purpose of the grant program was to support school district magnet schools in reducing, eliminating, and assisting in preventing racial imbalance in schools. The rules were intended to implement a proviso in the 1993-95 operating budget, section 501 (2)(f), Laws of 1993 sp. sess., that provided nearly \$3.5 million to the office of superintendent of public instruction (OSPI) for grants for magnet schools as follows: "\$3,437,000 of the general fund—state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to section 516(13), chapter 232, Laws of 1992."

This grant funding was based on proviso funding in prior legislative sessions that authorized magnet school pilot projects in several districts and directed OSPI to adopt rules governing the award of grant funding to support the projects. To that end, section 516(13), chapter 232, Laws of 1992, provided as follows: "The superintendent shall prepare and adopt rules establishing a competitive process and criteria for allocating funds to school districts with magnet programs for use in the 1993-95 biennium. Prior to adoption of the rules, the superintendent shall provide a report to the fiscal committees of the legislature no later than December 1, 1992. The report to the legislature shall include an evaluation of the pilot projects funded during the 1991-93 biennium and recommendations based thereon."

The magnet school projects funding proviso and OSPI's authority to promulgate rules related to the grants were discontinued in the 1995-97 operating budget and have not been renewed. Because the statutory authority on which the rule is based has been repealed and the rule is no longer necessary because the magnet school grant program no longer exists, OSPI is proposing to repeal chapter 392-330 WAC through expedited rule making.

Statutory Authority for Adoption: Section 516(13), chapter 232, Laws of 1992.

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Dierk Meierbachtol, OSPI, P.O. Box 47200, Olympia, WA 98504, 360-725-6004.

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.

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Chapter 392-330 WAC was established in 1993 for the administration of the magnet school projects grant program, including the establishment of criteria for the award of grants to eligible school districts. The magnet school projects funding proviso and OSPI's authority to promulgate rules related to the grants were discontinued in the 1995-97 operating budget and have not been renewed. Because the statutory authority on which

the rule is based has been repealed and the rule is no longer necessary because the magnet school grant program no longer exists, OSPI is proposing to repeal chapter 392-330 WAC through expedited rule making.

#### NOTICE

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September 4, 2019  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 392-330-010 Authority.

WAC 392-330-020 Purpose.

WAC 392-330-030 Definitions.

WAC 392-330-040 Policy.

WAC 392-330-050 Eligibility.

WAC 392-330-060 Information—Forms.

WAC 392-330-070 Annual report.

WAC 392-330-080 Advisory committee.