

**WSR 21-11-061**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed May 14, 2021, 11:17 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-97-1380 Tuberculosis—Testing required, 388-97-1580 Tuberculosis—Reporting—Required; and other related rules as may be necessary to assure [ensure] nursing homes are not obstructed from offering the COVID-19 vaccine to residents and staff because of clinical interference from required tuberculosis (TB) testing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620 Department rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Centers for Disease Control and Prevention (CDC) recommends TB testing occur prior to COVID-19 vaccination, or if the vaccination process is underway or the vaccine is a higher priority than determining TB status, to defer TB testing until after the COVID-19 vaccination process is complete.

WAC 388-97-1380, amendment of this rule would permit facilities to defer TB testing until completion of the COVID-19 vaccination process in accordance with CDC COVID-19 vaccination recommendations, after considering the risks and benefits of the deferral.

WAC 388-97-1580, amendment of this rule would define the documentation requirements if a nursing home deferred TB testing.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop and receive comments on draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Herke, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 509-209-3088, fax 360-725-3224, email [lisa.herke@dshs.wa.gov](mailto:lisa.herke@dshs.wa.gov).

May 14, 2021  
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