

WSR 22-06-071

EXPEDITED RULES

DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed February 28, 2022, 1:16 p.m.]

Title of Rule and Other Identifying Information: Chapter 246-854 WAC, Osteopathic physicians' assistants; and chapter 246-855 WAC, Osteopathic physicians' acupuncture assistants. The board of osteopathic medicine and surgery (board) is proposing to repeal chapters 246-854 and 246-855 WAC. SHB 2378 (chapter 80, Laws of 2020) repealed board authority for osteopathic physicians' assistants and osteopathic physicians' acupuncture assistants and transferred the authority to the Washington medical commission.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Section 59 of SHB 2378 repealed chapter 18.57A RCW in its entirety. As a result of this law being repealed, the board proposes to repeal chapter 246-854 WAC, Osteopathic physicians' assistants; and chapter 246-855 WAC, Osteopathic physicians' acupuncture assistants, as they are no longer supported by statute and under the authority of the board. All physician assistants now fall under the authority of the Washington medical commission and its rules.

Reasons Supporting Proposal: SHB 2378 moves the regulation for osteopathic physician assistants to the Washington medical commission. With this move, the legislation repealed chapter 18.57A RCW in its entirety, which left no statutory authority for chapter 246-854 WAC, Osteopathic physicians' assistants; and chapter 246-855 WAC, Osteopathic physicians' acupuncture assistants, to remain in place.

SHB 2378 eliminates the osteopathic physician assistant license under the authority of the board as of July 1, 2022. All existing licenses will be converted to physician assistant licenses under the Washington medical commission on their renewal dates.

Statutory Authority for Adoption: SHB 2378 (chapter 80, Laws of 2020).

Statute Being Implemented: SHB 2378 (chapter 80, Laws of 2020).

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

Name of Proponent: Washington state board of osteopathic medicine and surgery, governmental.

Name of Agency Personnel Responsible for Drafting: Becky McElhiney, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4766; Implementation and Enforcement: Renee Fullerton, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2850.

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 declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: SHB 2378 (chapter 80, Laws of 2020) repeals chapter 18.57A RCW, which requires the board to also repeal rules to implement the bill.

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 Renee Fullerton, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY May 2, 2022.

February 28, 2022
Renee Fullerton
Executive Director

OTS-3559.1

REPEALER

The following chapter of the Washington Administrative Code is repealed:

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| WAC 246-854-005 | Definitions. |
| WAC 246-854-007 | Application withdrawals. |
| WAC 246-854-010 | Approved training and additional skills or procedures. |
| WAC 246-854-015 | Use and supervision of an osteopathic physician assistant. |
| WAC 246-854-021 | Delegation agreements. |
| WAC 246-854-025 | Remote site. |
| WAC 246-854-030 | Prescriptions. |
| WAC 246-854-035 | Osteopathic physician assistant—Scope of practice. |
| WAC 246-854-075 | Background check—Temporary practice permit. |
| WAC 246-854-076 | Temporary practice permit—Military spouse eligibility and issuance. |
| WAC 246-854-080 | Osteopathic physician assistant—Requirements for licensure. |
| WAC 246-854-081 | How to return to active status when a license has expired. |
| WAC 246-854-082 | Requirements for obtaining an osteopathic physician assistant license for those who hold an active allopathic physician assistant license. |
| WAC 246-854-085 | Osteopathic physician assistant interim permit—Qualifications and requirements. |
| WAC 246-854-086 | Reentry to practice requirements. |

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| WAC 246-854-095 | Scope of practice—Allopathic alternate physician. |
| WAC 246-854-105 | Practice limitations due to disciplinary action. |
| WAC 246-854-110 | Osteopathic physician assistant renewal and continuing medical education cycle. |
| WAC 246-854-112 | Retired active license. |
| WAC 246-854-115 | Continuing medical education requirements. |
| WAC 246-854-116 | Mandatory one-time training in suicide assessment, treatment, and management. |
| WAC 246-854-200 | Sexual misconduct. |
| WAC 246-854-210 | Abuse. |
| WAC 246-854-220 | Use of laser, light, radiofrequency, and plasma devices as applied to the skin. |
| WAC 246-854-230 | Nonsurgical medical cosmetic procedures. |
| WAC 246-854-240 | Intent and scope. |
| WAC 246-854-241 | Exclusions. |
| WAC 246-854-242 | Definitions. |
| WAC 246-854-255 | Patient notification, secure storage, and disposal. |
| WAC 246-854-260 | Use of alternative modalities for pain treatment. |
| WAC 246-854-265 | Continuing education requirements for opioid prescribing. |
| WAC 246-854-270 | Patient evaluation and patient record. |
| WAC 246-854-275 | Treatment plan—Acute nonoperative pain. |
| WAC 246-854-280 | Treatment plan—Acute perioperative pain. |
| WAC 246-854-285 | Patient evaluation and patient record. |
| WAC 246-854-290 | Treatment plan—Subacute pain. |
| WAC 246-854-295 | Patient evaluation and patient record. |
| WAC 246-854-300 | Treatment plan. |
| WAC 246-854-305 | Written agreement for treatment. |
| WAC 246-854-310 | Periodic review. |
| WAC 246-854-315 | Consultation—Recommendations and requirements. |
| WAC 246-854-320 | Consultation—Exemptions for exigent and special circumstances. |
| WAC 246-854-325 | Consultation—Exemptions for the osteopathic physician assistant. |
| WAC 246-854-330 | Pain management specialist. |
| WAC 246-854-335 | Tapering requirements. |

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| WAC 246-854-340 | Patients with chronic pain, including those on high doses, establishing a relationship with a new practitioner. |
| WAC 246-854-345 | Special populations—Patients twenty-five years of age or under, pregnant patients, and aging populations. |
| WAC 246-854-350 | Episodic care of chronic opioid patients. |
| WAC 246-854-355 | Coprescribing of opioids with certain medications. |
| WAC 246-854-360 | Coprescribing of opioids for patients receiving medication assisted treatment. |
| WAC 246-854-365 | Coprescribing of naloxone. |
| WAC 246-854-370 | Prescription monitoring program—Required registration, queries, and documentation. |

OTS-3560.1REPEALER

The following chapter of the Washington Administrative Code is repealed:

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| WAC 246-855-010 | Acupuncture—Definition. |
| WAC 246-855-020 | Acupuncture assistant education. |
| WAC 246-855-030 | Acupuncture—Program approval. |
| WAC 246-855-040 | Osteopathic acupuncture physicians' assistant's examination. |
| WAC 246-855-050 | Investigation. |
| WAC 246-855-060 | English fluency. |
| WAC 246-855-070 | Supervising physicians' knowledge of acupuncture. |
| WAC 246-855-080 | Utilization. |
| WAC 246-855-090 | Prohibited techniques and tests. |
| WAC 246-855-100 | AIDS education and training. |
| WAC 246-855-110 | Application for registration. |