

WSR 23-11-002

PERMANENT RULES

DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed May 3, 2023, 3:29 p.m., effective June 3, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Full veterinary services to low-income households at animal care and control agencies and nonprofit human societies. The veterinary board of governors (board) amended WAC 246-933-501 through 246-933-530 and repealed WAC 246-933-550 authorizing animal care and control agencies and nonprofit humane societies to provide full veterinary services to low-income households.

The adopted rule implements SSB 5004 (chapter 142, Laws of 2019), codified in RCW 18.92.250 and 18.92.260. SSB 5004 expands the services that entities may provide to low-income households and directs the board to adopt rules regarding an entity's recordkeeping and reporting requirements to these clients. The rule identifies the types of records an entity may require from clients as documentation of proof of low-income, explains record retention, and sets a requirement to report upon request to provide clearer and more enforceable standards for these veterinary services.

Citation of Rules Affected by this Order: Repealing WAC 246-933-550; and amending WAC 246-933-501, 246-933-510, 246-933-520, and 246-933-530.

Statutory Authority for Adoption: RCW 18.92.030, 18.92.250, and 18.92.260.

Other Authority: SSB 5004 (chapter 142, Laws of 2019).

Adopted under notice filed as WSR 23-03-110 on January 18, 2023.

A final cost-benefit analysis is available by contacting Lorelei Walker, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4987, fax 360-236-2901, TTY 711, email lorelei.walker@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 1.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 1.

Date Adopted: March 6, 2023.

Dordor Vang, DVM, Chair  
Veterinary Board of Governors

OTS-3372.4

**AUTHORIZING ANIMAL CARE AND CONTROL AGENCIES AND NONPROFIT HUMANE SOCIETIES TO PROVIDE (~~LIMITED~~) VETERINARY SERVICES**

AMENDATORY SECTION (Amending WSR 03-14-035, filed 6/23/03, effective 7/24/03)

**WAC 246-933-501 Intent.** It is the intent of the legislature to allow qualified animal control agencies and humane societies to provide (~~limited~~) veterinary services to low-income (~~members of~~) households in our communities. It is not the intent of the legislature to allow these (~~agencies~~) entities to provide veterinary services to the public at large, except for in emergency situations and when providing postadoption care as described in RCW 18.92.260 (1)(c).

[Statutory Authority: RCW 18.92.030 and 18.92.260. WSR 03-14-035, § 246-933-501, filed 6/23/03, effective 7/24/03.]

AMENDATORY SECTION (Amending WSR 03-14-035, filed 6/23/03, effective 7/24/03)

**WAC 246-933-510 Definitions.** (~~As used in~~) The definitions in this section apply throughout this chapter(~~+~~) unless the context clearly requires otherwise.

(1) "Entity" means animal care and control agencies as defined in RCW 16.52.011 and nonprofit humane societies, which have qualified under section 501 (c)(3) of the Internal Revenue Code.

(2) "Emergency care" as referred to in RCW 18.92.260 (1)(b) means an unexpected, serious occurrence or situation which urgently requires prompt action in order to prevent an animal's death or permanent injury, unless defined otherwise by local ordinance.

(3) "Low-income household" as defined in RCW 43.185A.010 means a single person, family or unrelated persons living together whose adjusted family income is less than (~~eighty~~) 80 percent of the median family income, adjusted for household size, for the county where the project is located (~~(RCW 43.185A.010(5))~~).

[Statutory Authority: RCW 18.92.030 and 18.92.260. WSR 03-14-035, § 246-933-510, filed 6/23/03, effective 7/24/03.]

AMENDATORY SECTION (Amending WSR 03-14-035, filed 6/23/03, effective 7/24/03)

**WAC 246-933-520 Registration, household eligibility, and auditing.** (~~A qualified animal care, control agency, or nonprofit humane society may~~) (1) An entity must obtain a registration credential in order to provide veterinary services as described in RCW 18.92.260.

~~((Refer to the requirements of chapter 246-12 WAC, Part 3.))~~ To obtain a registration the entity must comply with WAC 246-12-060.

(2) To provide veterinary services, a registered entity must adopt procedures to verify a household qualifies as a low-income household as defined in WAC 246-933-510(3). Procedures may include, but are not limited to:

(a) Reviewing proof of income;

(b) Reviewing proof of eligibility for or receipt of benefits based on low-income status; or

(c) Accepting attestation of low-income status.

(3) Upon request, entities must provide the board information demonstrating they have verified low-income status of households served.

[Statutory Authority: RCW 18.92.030 and 18.92.260. WSR 03-14-035, § 246-933-520, filed 6/23/03, effective 7/24/03.]

AMENDATORY SECTION (Amending WSR 14-13-016, filed 6/6/14, effective 7/7/14)

**WAC 246-933-530 Purchase and use of legend drugs and controlled substances.** (1) For purposes of this section, "drugs" includes both legend drugs and controlled substances.

(a) "Legend drugs" means any drugs that are required by state law or regulation of the pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.

(b) "Controlled substances" means a drug, substance, or immediate precursor in Schedule I through V of Article II of chapter 69.50 RCW.

(2) A licensed veterinarian shall be responsible for the policies and procedures regarding the ordering, purchasing, safe storage, dispensing and administration of all drugs used at an entity registered under RCW 18.92.260 in connection with surgical sterilization or emergency care. Entities are responsible for the ordering, purchasing, and safe storage of all drugs.

(a) The veterinarian shall comply with the pharmacy quality assurance commission requirements for controlled substances in chapter 69.50 RCW, and legend drugs in chapter 69.41 RCW.

(b) All drugs shall be stored in accordance with WAC 246-933-320.

(c) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and Washington state laws.

(d) All legend drugs shall be dispensed in accordance with RCW 18.92.012, 18.92.013, and WAC 246-933-340(5).

(e) A record of all drugs administered (~~and/or~~) or dispensed shall be kept in the individual animal's record.

(f) All records are subject to inspection by the pharmacy quality assurance commission investigators.

[Statutory Authority: RCW 18.92.030(2). WSR 14-13-016, § 246-933-530, filed 6/6/14, effective 7/7/14. Statutory Authority: RCW 18.92.030 and 18.92.260. WSR 03-14-035, § 246-933-530, filed 6/23/03, effective 7/24/03.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-933-550 Investigation.