

## WSR 22-22-039

## PERMANENT RULES

## DEPARTMENT OF HEALTH

(Washington Medical Commission)

[Filed October 25, 2022, 4:42 p.m., effective November 25, 2022]

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

Purpose: The Washington medical commission (commission) is amending WAC 246-918-801 Exclusions (physician assistants), and 246-919-851 Exclusions (physicians), to expand the types of patients who are exempt from certain provisions of rule when being prescribed opioid drugs.

Citation of Rules Affected by this Order: Amending WAC 246-918-801 and 246-919-851.

Statutory Authority for Adoption: RCW 18.71A.800, 18.71.017, and 18.130.050.

Adopted under notice filed as WSR 22-09-071 on April 19, 2022.

Changes Other than Editing from Proposed to Adopted Version: The proposed rule struck language that explained that an inpatient is a patient who has been admitted to a hospital for more than 24 hours. The adopted rule includes the clarification that an inpatient is a patient that has been admitted to the list of facilities included in the adopted rule for more than 24 hours.

A final cost-benefit analysis is available by contacting Amelia Boyd, P.O. Box 47866, Olympia, WA 98504, phone 360-918-6336, TTY 711, email amelia.boyd@wmc.wa.gov, website www.wmc.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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: May 27, 2022.

Melanie de Leon  
Executive Director

OTS-3321.3

**Physician Assistants**

AMENDATORY SECTION (Amending WSR 18-23-061, filed 11/16/18, effective 1/1/19)

**WAC 246-918-801 Exclusions.** WAC 246-918-800 through 246-918-935 do not apply to:

- (1) The treatment of patients with cancer-related pain;
- (2) The provision of palliative, hospice, or other end-of-life care;
- (3) ~~((The treatment of inpatient hospital patients who are patients who have been admitted to a hospital for more than twenty-four hours; or~~
  - (4)) The provision of procedural medications;
- (4) The treatment of patients who have been admitted to any of the following facilities for more than 24 hours:
  - (a) Acute care hospitals licensed under chapter 70.41 RCW;
  - (b) Psychiatric hospitals licensed under chapter 71.12 RCW;
  - (c) Nursing homes licensed under chapter 18.51 RCW and nursing facilities as defined in WAC 388-97-0001;
  - (d) Long-term acute care hospitals as defined in RCW 74.60.010;

or

  - (e) Residential treatment facilities as defined in RCW 71.12.455;

or

  - (5) The treatment of patients in residential habilitation centers as defined in WAC 388-825-089 when the patient has been transferred directly from a facility listed in subsection (4) of this section.

[Statutory Authority: RCW 18.71.017, 18.71.800, 18.71A.800 and 2017 c 297. WSR 18-23-061, filed 11/16/18, effective 1/1/19. Statutory Authority: RCW 18.71.450, 18.71A.100, 18.71.017, and 18.71A.020. WSR 11-12-025, § 246-918-801, filed 5/24/11, effective 1/2/12.]

**OTS-3322.2**

### Physicians

AMENDATORY SECTION (Amending WSR 18-23-061, filed 11/16/18, effective 1/1/19)

**WAC 246-919-851 Exclusions.** WAC 246-919-850 through 246-919-985 do not apply to:

- (1) The treatment of patients with cancer-related pain;
- (2) The provision of palliative, hospice, or other end-of-life care;
- (3) ~~((The treatment of inpatient hospital patients who are patients who have been admitted to a hospital for more than twenty-four hours; or~~
  - (4)) The provision of procedural medications;

(4) The treatment of patients who have been admitted to any of the following facilities for more than 24 hours:

(a) Acute care hospitals licensed under chapter 70.41 RCW;

(b) Psychiatric hospitals licensed under chapter 71.12 RCW;

(c) Nursing homes licensed under chapter 18.51 RCW and nursing facilities as defined in WAC 388-97-0001;

(d) Long-term acute care hospitals as defined in RCW 74.60.010;

or

(e) Residential treatment facilities as defined in RCW 71.12.455;

or

(5) The treatment of patients in residential habilitation centers as defined in WAC 388-825-089 when the patient has been transferred directly from a facility listed in subsection (4) of this section.

[Statutory Authority: RCW 18.71.017, 18.71.800, 18.71A.800 and 2017 c 297. WSR 18-23-061, § 246-919-851, filed 11/16/18, effective 1/1/19. Statutory Authority: RCW 18.71.450, 18.71A.100, 18.71.017, and 18.71A.020. WSR 11-12-025, § 246-919-851, filed 5/24/11, effective 1/2/12.]