WSR 26-16-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Osteopathic Medicine and Surgery)
[Filed July 29, 2026, 7:53 a.m.]

Subject of Possible Rule Making: Office-based surgical settings; establishing the use of nitrous oxide. The board of osteopathic medicine and surgery (board) is considering amendments to WAC 246-853-650 and adding a new section to chapter 246-853 WAC to establish the use of nitrous oxide in office-based surgical settings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington medical commission (commission) recently adopted rules establishing the use of nitrous oxide in office-based surgical settings. The commission adopted rules that address a gap in existing regulations for allopathic physicians that ensure consistent safety standards for the use of nitrous oxide in office-based settings.

Given the updates and the work done by the commission to update their rules for allopathic physicians related to this topic, the board is considering updating WAC 246-853-650 Safe and effective analgesia and anesthesia in office-based settings, and adding a new section to chapter 246-853 WAC to ensure alignment of rules between osteopathic and allopathic physicians when administering nitrous oxide in office-based settings. The board works to remain consistent with the commission as osteopathic physicians and allopathic physicians regularly provide care in the same settings. Maintaining consistency with the commission makes rules easier to apply standards in the complex health care regulatory environment and for licensees to follow.

Rule making is necessary to establish enforceable standards related to the use of nitrous oxide in office-based settings.

Other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky Cornwall, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, TTY 711, email osteopathic@doh.wa.gov, website www.doh.wa.gov/osteo.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The board will be conducting rules workshops with interested parties and subject matter experts. The board will use existing email communication lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe, visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153. After signing in, click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health professions" and then check "Osteopathic Board."

July 27, 2026
James Chaney
Executive Director
Board of Osteopathic Medicine and Surgery