



PRIORITY	Primary	AGENCY	DESCRIPTION	Effective Date	Final Order	Extra Materials	WSHA Position/Impact	WSHA CONTACT
1	Retired Active Pharmacist License Status	Pharmacy Quality Assurance Commission	On March 26, 2020, Governor Inslee signed Proclamation 20-32 to help increase the number of health care workers available to meet the needs of patients during the coronavirus disease 2019 (COVID-19) pandemic. This proclamation included a provision that allows a pharmacist with a retired active pharmacist license status to practice pharmacy. Specifically, the proclamation amended WAC 246-863-080(2) to allow holders of a retired active pharmacist license status to practice pharmacy while the proclamation remains in effect. However, the pharmacy quality assurance commission (commission) recently updated and consolidated all rules under its authority into one new chapter (chapter 246-945 WAC). In this rewrite process the requirements from WAC 246-863-080 and the retired active pharmacist license status no longer exist. Beginning July 1, 2020, chapter 246-945 WAC took effect and the commission no longer enforces WAC 246-863-080. This emergency rule matches the intent of the governor's proclamation by reinstating a retired active pharmacist license status allowing retired pharmacists to practice pharmacy during emergent or intermittent circumstances and assist with the COVID-19 response. This emergency rule also reinstates the process for applying for a retired active pharmacist license and establishes the criteria for returning to active status.	02/01/21	Emergency Rule		SUPPORT	David Streeeter DavidS@wsha.org
1	Emergency Rule: COVID-19 Test Reporting	Department of Health	DOH is adopting an emergency rule to amend WAC 246-338-026 mandating reporting of test results intended to detect SARS-CoV-2 or diagnose a possible case of the coronavirus disease 2019 (COVID-19) in alignment with the federal changes published in 85 F.R. 54820. WAC 246-338-020 is amended to add language referencing the new subsection in WAC 246-338-026. These changes will allow the new reporting, inspection, and fining processes in compliance with the new federal requirements which will ensure the current Clinical Laboratory Improvement Amendments (CLIA) exempt status is not threatened and will respond to the current public health emergency created by the COVID-19 pandemic.	02/12/21	Emergency Rule		CONCERNS	David Streeeter DavidS@wsha.org

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1	Residential Long Term Care Services Training	Department of Social and Health Services	The department is considering adding new sections to chapter 388-112A WAC, in response to the passage of SB [SSB] 5630 passed in 2013, in which the department shall examine whether additional specialty training categories should be created for adult family homes serving residents with other special needs, such as traumatic brain injury, skilled nursing, or bariatric care.	02/28/21	Final Order		MONITOR	Zosia Stanley ZosiaS@wsha.org
1	Payment of office visits for clients under the Alien Emergency Medical program for COVID-19	Health Care Authority	The Health Care Authority is revising this section to allow for payment of office visits for clients under the Alien Emergency Medical (AEM) program when the visit is specifically for the assessment and treatment of the COVID-19 virus.	03/04/21	Emergency Rule		SUPPORT	Andrew Busz AndrewB@wsha.org
1	COVID 19: Schedule II Prescriptions	Pharmacy Quality Assurance Commission	The Pharmacy Quality Assurance Commission adopted emergency rules to reduce burdens on patients and practitioners when prescribing Schedule II substances during the COVID-19 pandemic. The emergency rule amends WAC 246-945-010 and increases the duration of time a practitioner has to deliver a signed prescription when authorizing an emergency prescription of a Schedule II substance to the pharmacy from seven days to fifteen days. The emergency rule also redefines what is a "signed prescription." These emergency rules have already been in effect on WAC 246-887-020, but were refiled to correspond to the new chapter recently adopted by the commission.	03/05/21	Emergency Rule		SUPPORT	David Streeter
1	Repealing Old Pharmacy WAC's	Pharmacy Quality Assurance Commission	The proposal repeals the chapters of rules relating to pharmacy that were replaced by chapter 246- 945 WAC	03/18/21	Final Order		SUPPORT	David Streeter DavidS@wsha.org

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1	Emergency Rule: COVID-19 Notifiable Condition	Washington State Board of Health	The Washington state board of health has adopted a second emergency rule to continue to designate COVID-19 as a notifiable condition and extends reporting requirements for health care providers, health care facilities, laboratories, and local health jurisdictions to report race, ethnicity, and other demographic data for cases of COVID-19. The rule establishes what testing and demographic data need to be reported as well as the timing and mechanism of reporting. The rule allows for certain waivers by a local health officer. This emergency rule will continue to require specific data elements to be reported with COVID-19 test results. This rule is more closely aligned with United States Department of Health and Human Services (HHS) laboratory data reporting guidance and reflects reporting requirements that can more reasonably be collected through the current public health reporting structure. The existing emergency rule incorporates HHS guidance and also requires reporting of additional data beyond what is included in guidance, including components such as the patient's race and ethnicity using disaggregated reporting categories, the patient's primary language and emergency contact phone number, and responses to "ask on order entry" questions. This emergency rule will take effect upon the expiration of the existing emergency rule.	03/26/21	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org
2	Network Access and Notice Requirements	Office of the Insurance Commissioner	Network Access and Notice Requirements, OIC- Amend existing rules and add new sections to align with Chapter 11, Laws of 2019 (ESHB 1099), requiring additional network access standards, in addition to new notices and information being provided about networks and access.	01/11/21	Final Order		SUPPORT	Andrew Busz AndrewB@wsha.org

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2	COVID 19: Nursing Rules	Department of Health	The nursing care quality assurance commission is adopting emergency rules in response to the coronavirus disease (COVID-19). These rules apply to the specific regulatory requirements for LPNs, RNs and ARNPs. The amendments remove specific barriers that nurses face to providing care in response to COVID-19. Waiving the requirement for continuing education removes a barrier for nurses with a retired active license and will allow them to immediately begin working. Waiving the restriction that ARNPs with an inactive or expired license must complete clinical practice hours removes a barrier to rejoining the health care workforce. Allowing LPN students to practice as nursing technicians addresses the demand for more healthcare professionals in the workforce. Amending language to add clarification to the preceptor rules and simulation rules eliminates current obstacles in nursing education to address the demand for more healthcare professionals. Amending the requirements for nurse delegation to waive requirements and streamline the process will remove barriers for nurses to complete high demand duties. More health care professionals will [be] available to respond to current demands because of these changes.	01/20/21	Emergency Rule		SUPPORT	Alicia Eyler AliciaE@wsha.org
2	DDA Client Rights	Department of Social and Health Services	The developmental disabilities administration (DDA) is planning to amend these rules to implement SSHB [2SHB] 1651 (2019), which is related to the rights of clients of the DDA. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.	02/07/21	Final Order		MONITOR	Zosia Stanley ZosiaS@wsha.org

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2	Emergency Rule: DDA HCBS Waiver Rule Alignment with CMS	Department of Social and Health Services	Filing these amendments on an emergency basis is necessary to ensure federal compliance and maintain federal funding for the state. This is the third filing on these sections; however, the rule text in the second filing differed from the rule text in the first filing. The rule text has changed because DDA is progressing through the permanent rule-making process and feedback from stakeholders has resulted in some changes. This third filing is necessary to keep the emergency rule in place until DDA completes the permanent rule-making process. The department filed a CR-101 Preproposal statement of inquiry as WSR 20-20-100 on October 5, 2020, to begin the permanent rule-making process. In addition, under the rule development phase of permanent rule making, DDA has been circulating the text for feedback and progressing through the permanent rule-making process.	02/24/21	Emergency Rule		MONITOR	Zosia Stanley ZosiaS@wsha.org
2	Emergency Rule: DDA HCBS Waiver Rule	Department of Social and Health Services	The department is enacting WAC 388-845-2019 on an emergency basis to make temporary modifications to DDA home and community based services (HCBS) waivers in order to control the spread of the COVID-19 virus and meet immediate health and safety needs. This is the fourth emergency filing on WAC 388-845-2019, and the language in this fourth filing is identical to that of the third emergency filed as WSR 20-22-035. However, language in this filing and the third emergency filing differs substantively from the first and second emergency filings because DDA is progressing through the permanent rule-making process and has received feedback that has resulted in changes to rule language.	02/25/21	Emergency Rule		MONITOR	Zosia Stanley ZosiaS@wsha.org
2	Exceptions to Rule Related to Long-Term Services and Supports Programs	Health Care Authority	The agency is amending WAC 182-503-0090 to specify the department of social and health services (DSHS) administrations responsible for processing exceptions to rule related to long-term services and supports programs. The agency is also making nonsubstantive changes for consistency with other agency rules. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	03/01/21	Final Order		MONITOR	Andrew Busz AndrewB@wsha.org

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2	New Behavioral Health Chapter 182-110 WAC	Health Care Authority	The agency intends to develop rules to implement the requirements of SHB 2728, which requires the health care authority (HCA) to: (1) Calculate the annual costs to operate and administer the partnership lines described in SHB 2728; (2) Calculate the proportion of clients covered by the medicaid program; and (3) Collect a proportional share of program costs from entities that are not for covered lives under contract with HCA as medicaid managed care organizations. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	03/04/21	Final Order		SUPPORT	Jaclyn Greenberg JaclynG@wsha.org
2		Pharmacy Quality Assurance Commission	PQAC adopted emergency rule to remove Epidiolex from the list of Schedule V controlled substances.	03/05/21	Emergency Rule		NEUTRAL	David Streeter DavidS@wsha.org
2	COVID-19: Medicaid Client Signature Requirement for Pharmaceuticals	Health Care Authority	The health care authority is temporarily removing the requirement to obtain a signature from the medicaid client or the client's designee upon receipt of pharmacy products dispensed and delivered directly to a client.	03/09/21	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org
2	PA's Ordering Home Health Services	Department of Health	The purpose of the proposed amendment to WAC 246-335-510(3) is to add physician assistants to the list of practitioners authorized to order home health services and to sign plans of care. This change will expand health care facilities' ability to provide appropriate care for individuals who no longer need to be in a hospital or other health care facility, while also allowing health care facility resources to be used more effectively, facilitating the response to the public health emergency created by the coronavirus disease (COVID-19) pandemic.	03/28/21	Final Order		SUPPORT	Alicia Eyler AliciaE@wsha.org
2	Ordering of Home Health Services by nonphysician practitioners	Health Care Authority	The agency is amending WAC 182-543-0500 and WAC 182-551-2040 to allow ordering of home health services, including medical supplies, by nonphysician practitioners.	03/30/21	Emergency Rule		MONITOR	Alicia Eyler AliciaE@wsha.org
2	Vital Statistics Data Release	Department of Health	The Department of Health is considering creating a new chapter of rule to: prescribe the direct and indirect identifiers for birth and fetal death records; establish a formalized procedure for requesting vital records data; and establish fees for data files, analysis, and data requests.	04/01/21	Final Order		NEUTRAL	David Streeter DavidS@wsha.org

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2	WAC 182-530-7900 Drugs purchased under the Public Health Service Act	Health Care Authority	The agency is revising this section to clarify that as part of participation in the 340B program, providers must agree, via an annual attestation form, that all claims for Washington apple health clients in both fee-for-service and managed care are subject to their respective 340B rules. The agency is amending subsection (4) to include the medicaid fee-for-service program.	05/01/21	Final Order		NEUTRAL	Andrew Busz AndrewB@wsha.org
2	Health Care Benefit Managers	Office of the Insurance Commissioner	Amends existing rules and adds new sections necessary to implement Chapter 240, Laws of 2020 requiring registration of health care benefit managers and related filings.	01/01/22	Final Order		SUPPORT	Andrew Busz AndrewB@wsha.org
3	Sales and Use Tax Exemption Update	Department of Revenue	The department is amending WAC 458-20-168 to incorporate 2020 legislation ESB 5402. The legislation codifies terms relating to sales and use tax exemptions in RCW 82.08.808, 82.12.808, 82.08.02807, and 82.12.02749.	01/09/21	Final Order		NEUTRAL	Andrew Busz AndrewB@wsha.org
3	Mitigating inequity in the health insurance market	Office of the Insurance Commissioner	Amending existing rules and add new sections necessary to implement HB 2554, chapter 283, Laws of 2020, concerning mandatory benefits, notices and fees related to mandatory benefits.	01/18/21	Final Order	Rule Page	SUPPORT	Andrew Busz AndrewB@wsha.org
3	Percutaneous coronary intervention (PCI) Services Concurrent Review Cycles	Department of Health	The department of health (department) is adopting an emergency rule to extend deadlines for PCI services concurrent review cycle. This existing rule sets the deadlines for each step of the concurrent review process based on identified need for PCI services in Washington state. The amendments in this emergency rule are necessary due to the coronavirus disease 2019 (COVID-19) pandemic response.	01/19/21	Emergency Rule		NEUTRAL	David Streeter DavidS@wsha.org
3	COVID-19: NAC/NAR Training Requirements	Department of Health	These rules apply to specific training requirements for NAC and NAR. The amendments will allow the commission to survey online classes approved by the commission, assist with demonstration of skills in a lab prior to clinical training, allow program directors to award clinical hours for NAR work, and provide instructions for documenting these work hours. More health care professionals will become available to respond to current demands because of these changes.	01/20/21	Emergency Rule		SUPPORT	Alicia Eyler AliciaE@wsha.org

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3	COVID-19: NAC/NAR Training Requirements	Department of Health	These rules apply to specific training requirements for NAC and NAR. The amendments will allow the commission to survey online classes approved by the commission, assist with demonstration of skills in a lab prior to clinical training, allow program directors to award clinical hours for NAR work, and provide instructions for documenting these work hours. More health care professionals will become available to respond to current demands because of these changes.	01/20/21	Emergency Rule		SUPPORT	Alicia Eyler AliciaE@wsha.org
3	PA's Ordering Home Health Services	Department of Health	The Department of Health is adopting an emergency rule to amend WAC 246-335-510(3) to include physician assistants in the list of practitioners authorized to order home health services and to sign plans of care to match federal and state regulation changes due to the coronavirus disease (COVID-19) pandemic.	01/28/21	Emergency Rule		SUPPORT	Alicia Eyler AliciaE@wsha.org
3	PNA Allowance	Health Care Authority	The agency is amending these rules to increase the personal needs allowance from \$70.00 to \$71.12 effective January 1, 2021. Funding is approved for this increase which affects those receiving long-term services and supports in medical institutions and alternate living facilities. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	02/06/21	Final Order		NEUTRAL	Andrew Busz AndrewB@wsha.org
3	Medicaid Client Prescription Signature	Health Care Authority	The agency intends to remove the requirement to obtain a signature from the Medicaid client or the client's designee upon receipt of pharmacy products dispensed and delivered directly to a client; other related rules as appropriate.	03/14/21	Final Order		MONITOR	Alicia Eyler AliciaE@wsha.org
3	Emergency Rule: Electronic Document Filing	Department of Health	This emergency rule amends the procedural rules applicable to adjudicative proceedings conducted by the Department of Health and health professions boards and commissions in order to facilitate filing and serving documents during the restrictions put in place by the governor in response to the pandemic.	03/24/21	Emergency Rule		SUPPORT	David Streeter DavidS@wsha.org
3	Chemical Dependency Professional	Health Care Authority	The agency is amending this rule to replace "Chemical Dependency Professional" with "Substance Use Disorder Professional." This change aligns with RCW 18.205.020. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	03/27/21	Final Order		MONITOR	Alicia Eyler AliciaE@wsha.org

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3	Pension Discount Rate for Self-Insured Employers	Department of Labor & Industries	The pension discount rate (PDR) is the interest rate used to account for the time value of money when evaluating the present value of future pension payments. The purpose of this rule making is to lower the PDR for annual investment returns for the reserve funds for self-insured employers. This rule making will consider reducing the PDR from 5.9 percent to 5.8 percent for self-insurance.	04/01/21	Final Order		MONITOR	David Streefer DavidS@wsha.org
3	Emergency Rule: LTSS Client Assets	Health Care Authority	The agency is amending this section due to some clients receiving long-term services and supports who have accumulated resources under requirements described in section 6008 of the Families First Coronavirus Response Act (FFCRA) that may result in their loss of coverage when the public health emergency (PHE) ends. The proposed rules allow the client to spend down these excess resources over twelve months beginning the month following the end of the PHE. Additionally, the interim rule with comment published by the Centers for Medicare and Medicaid Services that is being codified in 42 C.F.R. 433.400 requires action on changes in circumstances for these clients, which had been prohibited under FFCRA. This emergency is necessary while the agency works through the permanent rule-making process. The agency filed the proposed rule making under WSR 21-07-122 and a virtual public hearing will be held on April 27, 2021.	04/01/21	Emergency Rule		MONITOR	Zosia Stanley ZosiaS@wsha.org

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3	Emergency Rule: Underlying Health Conditions Verification for Unemployment Insurance During a Public Health Emergency	Employment Security Department	ESSB 5061 (2021) provides, among other things, good cause to leave work when, during a public health emergency, the claimant was unable to perform their work for the employer from the claimant's home; the claimant is able and available to perform, and can actively seek, suitable work which can be performed for an employer from the claimant's home; and the claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor of a disease that is the subject of a public health emergency. ESSB 5061, section 10, chapter 2, Laws of 2021. ESSB 5061 (2021) also provides that during the weeks of a public health emergency, an unemployed individual may meet the availability requirements of RCW 50.20.010 (1)(c) if they are able and available to perform, and actively seeking, suitable work which can be performed for an employer from the individual's home; and if the unemployed individual or another individual residing with the unemployed individual is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual has an underlying condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency. Section 8, chapter 2, Laws of 2021. The emergency rules clarify how the department will verify underlying health conditions for purposes of RCW 50.20.010 (43)(b)(ii) and 50.20.050 (2)(b)(xii)(C)(II).	04/05/21	Emergency Rule		NEUTRAL	David Streeeter DavidS@wsha.org

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3	Emergency Rule: Nursing Home Admissions Rules Suspensions	Department of Social and Health Services	The department is extending the amendment of the rules listed below to assure [ensure] nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will continue to align state nursing home rules with federal rules that are suspended or amended to help facilitate care during the COVID-19 pandemic. The federal rules were amended to remove the timelines for completing and transmitting resident assessments, and to delay the requirement by thirty days for a preadmission screening and resident review (PASRR) screening prior to admission to a nursing home. Federal rules also amended care-planning timelines, discharge and transfer notice requirements, and requirements that ensure residents can meet in groups. The rules identified below currently require a PASRR screen prior to admission, have timelines for completion of the comprehensive resident assessment and care plan, and have timelines for the transmission of the resident assessment. These rules also establish the right of residents to participate in resident groups and require specific notice and time requirements before a resident discharge or transfer can occur.	04/06/21	Emergency Rule		MONITOR	Zosia Stanley ZosiaS@wsha.org
3	Allopathic Physician and Physician Assistant AIDS Training Requirement	Washington Medical Commission	When Washington adopted statutes concerning AIDS, very little was known about the disease compared to today. Now, AIDS is very treatable and preventable. In 2014, Governor Inslee issued a proclamation including efforts to reduce stigma, which included updating state law. ESHB 1551 repeals statutes concerning AIDS education and training for emergency medical personnel, health professionals, and health care facility employees, which helps reduce stigma towards people living with HIV/AIDS by not singling out AIDS as an exceptional disease that requires specific training and education separate from other health conditions.	04/12/21	Final Order		NEUTRAL	Alicia Eyler AliciaE@wsha.org
3	WAC 182-501-0135 Patient Review and Coordination	Health Care Authority	The agency is revising this section to clarify that clients who have comprehensive, private medical insurance (not casualty) are not reviewed or placed into the patient review and coordination program.	05/08/21	Final Order		NEUTRAL	Andrew Busz AndrewB@wsha.org

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3	WAC 182-512-0800 SSI-related medical—General income exclusions	Health Care Authority	The agency is amending WAC 182-512-0800 to add an additional category of income excluded when determining eligibility for Washington apple health SSI-related medical programs, specifically, unearned income withheld for income tax purposes from a benefit that is beyond the person's control. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.	05/08/21	Final Order		MONITOR	Alicia Eyler AliciaE@wsha.org
4	Covered Generic Cough and Cold Products	Health Care Authority	The agency intends to replace the list of covered generic products for the treatment of cough and cold. Instead, the agency will cover only those products with a preferred status on the Medicaid preferred drug list (PDL) on the date a prescription is dispensed.	01/23/21	Final Order		MONITOR	Alicia Eyler AliciaE@wsha.org
4	AIDS Training for Nurses	Nursing Care Quality Assurance Commission	Section 22(11) of ESHB 1551 repeals RCW 70.24.270 Health professionals—Rules for AIDS education and training. This repeal no longer requires health professionals to obtain AIDS education and training as a condition of licensure. As a result, the commission proposes to repeal the requirement for AIDS training in WAC 246-840-025, 246-840-030, 246-840-045, 246-840-090, 246-840-539, 246-840-541, 246-840-860, 246-840-905, 246-841-490, 246-841-578, 246-841-585, and 246-841-610.	02/02/21	Final Order		MONITOR	Alicia Eyler AliciaE@wsha.org