



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: May 14, 2024

TIME: 11:55 AM

WSR 24-11-069

Agency: Department of Health - Board of Osteopathic Medicine and Surgery

Title of rule and other identifying information: Osteopathic Physicians and surgeons five-year rule review. In accordance with RCW 43.70.041, the Board of Osteopathic Medicine and Surgery (board) and the Department of Health (department) have conducted a five-year rule review of chapter 243-853 WAC, Osteopathic Medicine and Surgery. As a result of this review, the board is proposing amendments to WAC 246-853-045 and 246-853-210 to clarify and update outdated language. In addition, the board is proposing to repeal WAC 243-853-060.

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

In compliance with RCW 43.70.041, the board conducted a review of sections in chapter 246-853 WAC that have not been reviewed in the last five years and have identified that WAC 246-853-045 and 246-853-210 contain outdated language. The board is proposing to update the term "practitioner" to "osteopathic physician" to be consistent with the entire chapter. The board has also identified that WAC 246-853-060 does not contain any rule language content and is proposing to repeal this section.

Reasons supporting proposal:

RCW 43.70.041 requires department to have a formal review process of its existing rules to simplify, improve, and streamline rules pertaining to health professions at least once every five years. As a result of this review, the board is proposing amendments that update rule language to currently accepted language without changing its effect.

Statutory authority for adoption: RCW 18.57.005 and 43.70.041

Statute being implemented: RCW 43.70.041

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization) Board of Osteopathic Medicine and Surgery

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Becky McElhiney	111 Israel Road SE, Tumwater, WA 98501	360-236-4766
Implementation: James Chaney	111 Israel Road SE, Tumwater, WA 98501	360-236-2831
Enforcement: James Chaney	111 Israel Road SE, Tumwater, WA 98501	360-236-2831

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- 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;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The proposed amendments clarify and update language to currently accepted rule language, and remove an obsolete rule section that does not contain any rule language content.

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

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AND RECEIVED BY (date) July 22, 2024

Date: 5/13/2024

Name: James Chaney

Title: Executive Director, Board of Osteopathic Medicine and Surgery

Signature:



REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-853-060 Continuing professional education required.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-853-045 Inactive credential. (~~(A practitioner)~~) An osteopathic physician may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC(~~(, Part 4)~~).

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-853-210 Expired license. (1) If the license has expired for three years or less, the (~~(practitioner)~~) osteopathic physician must meet the requirements of chapter 246-12 WAC(~~(, Part 2)~~).

(2) If the license has expired for over three years, and the (~~(practitioner)~~) osteopathic physician has been in active practice in another United States jurisdiction, the (~~(practitioner)~~) osteopathic physician must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC(~~(, Part 2)~~).

(3) If the license has expired for over three years, and the (~~(practitioner)~~) osteopathic physician has not been in active practice in another United States jurisdiction, the (~~(practitioner)~~) osteopathic physician:

(a) May be required to be reexamined as provided in RCW 18.57.080;

(b) Must meet the requirements of chapter 246-12 WAC(~~(, Part 2)~~).