



EXPEDITED RULE MAKING

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

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STATE OF WASHINGTON
FILED

DATE: January 04, 2021

TIME: 10:55 AM

WSR 21-02-052

Agency: Department of Health- Board of Nursing Home Administrators

Title of rule and other identifying information: (describe subject) WAC 246-843-162 - AIDS prevention and information education requirements for nursing home administrators. The Board of Nursing Home Administrators (board) is considering the repeal of WAC 246-843-162 in response to Engrossed Substitute House Bill (ESHB) 1551 (chapter 76, Laws of 2020).

Purpose of the proposal and its anticipated effects, including any changes in existing rules: ESHB 1551 repealed statutes concerning AIDS education and training for emergency medical personnel, health professionals, and health care facility employees. The list of repealed statutes included RCW 70.24.270 (Health professionals-Rules for AIDS education and training) which involves licensees governed under the board. The board is repealing its rule as the requirements for AIDS education and training is no longer required in statute.

Reasons supporting proposal: The intent of ESHB 1551 is to reduce stigma towards people living with HIV/AIDS. This includes not isolating AIDS as an exceptional disease that requires specific training and education separate from other health conditions. Repealing the AIDS education and training requirement in WAC 246-828-370 could remove barriers from becoming licensed or renewing licensure for nursing home administrators.

Statutory authority for adoption: RCW 18.52.061

Statute being implemented: ESHB 1551 (chapter 76, Laws of 2020)

Is rule necessary because of a:

Federal Law?

☐ Yes

☒ No

Federal Court Decision?

☐ Yes

☒ No

State Court Decision?

☐ Yes

☒ No

If yes, CITATION:

Name of proponent: (person or organization) Board of Nursing Home Administrators

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

Name

Office Location

Phone

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Implementation: Kendra Pitzler 111 Israel Road SE, Tumwater, WA 98501 360-236-4723

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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): ESHB 1551 repealed RCW 70.240.270. The board is repealing its rule as the statute in which the rule is based has been repealed.

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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Other:

AND RECEIVED BY (date) 03/08/2021

Date: January 4, 2021

Name: Ann Zell

Title: Chair, Board of Nursing Home Administrators

Signature:



REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-843-162	AIDS prevention and information education requirements.
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