



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: May 14, 2021

TIME: 11:17 AM

WSR 21-11-061

Agency: Department of Social and Health Services (department)

Subject of possible rule making: The department is considering amending WAC 388-97-1380, Tuberculosis – testing required; WAC 388-97-1580, Tuberculosis – Reporting – Required; and other related rules as may be necessary to assure nursing homes are not obstructed from offering the COVID-19 vaccine to residents and staff because of clinical interference from required tuberculosis (TB) testing.

Statutes authorizing the agency to adopt rules on this subject: RCW 74.42.620 RCW, Department Rules

Reasons why rules on this subject may be needed and what they might accomplish: The Centers for Disease Control and Prevention (CDC) recommends TB testing occur prior to COVID-19 vaccination, or if the vaccination process is underway or the vaccine is a higher priority than determining TB status, to defer TB testing until after the COVID-19 vaccination process is complete.

WAC 388-97-1380: Amendment of this rule would permit facilities to defer TB testing until completion of the COVID-19 vaccination process in accordance with CDC COVID-19 vaccination recommendations, after considering the risks and benefits of the deferral.

WAC 388-97-1580: Amendment of this rule would define the documentation requirements if a nursing home deferred TB testing.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: N/A

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The department will use a collaborative rule-making process to develop and receive comments on draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.


Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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(If necessary)

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Additional comments:

Date: May 14, 2021	Signature: 
Name: Katherine Iyall Vasquez	
Title: DSHS Rules Coordinator	