

**Summary of comments and testimony received on proposed rules including  
Department of Health responses**

**Osteopathic physician assistant rules  
Chapter 246-854 WAC**

**Public hearing ~ December 5<sup>th</sup>, 2014**

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**WAC 246-854-021--Delegation agreements**

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Public Comment #1: The board received a request to remove the reference to chart review from the section that details the delegation agreement requirements. The requester noted that the reference to chart review is not in the proposed allopathic PA rules and would like it removed from the osteopathic PA rules for consistency.

Board response #1: The board decided not to make the requested change. While the requirement for detailing a chart review plan is in the delegation agreement form that is required for a PA to practice, the board said the chart review is an important aspect of the clinical relationship between the osteopathic PA and their supervising physician. Therefore, the board argued that this requirement should be in rule to clearly demonstrate the importance of the plan rather than only referencing it on the delegation agreement form.

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**WAC 246-854-025--Remote site**

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Public Comments: (1) It was requested that the term “immediate” be changed to “timely” related to remote site communication requirements between osteopathic PAs and their supervising physician(s). (2) Regarding the remote site section, it was also requested that language be removed requiring an osteopathic PA to petition the board if their supervising physician spends less than ten percent of their practice time at a remote site. The requester noted that the petition requirement is not in statute and, therefore, should not be in rule.

Board response: (1) The board agreed to change the term “immediate” to “timely” because it is an appropriate term, it further aligns the board’s and commission’s PA rules, and it satisfies the intent of the rule. (2) The board decided not to eliminate the requirement for the PA to petition the board to practice at a remote site if the supervising physician spends less of their practice time at that location because statute states that the supervising physician must demonstrate that adequate supervision is being maintained by alternate means. The board argued that this should be demonstrated through a petition to the board, and that the petition is necessary so that the board is aware that the osteopathic PA will practice in a remote site where the supervising physician is present less than ten percent of their practice time.

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## **WAC 246-854-115--Continuing medical education requirements**

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Comment: A comment was received that requested the board to add language under WAC 246-854-115(3) to clarify how many category I continuing education requirements are required for each reporting period.

Board response: Staff explained to the board that the omission of this language from the proposal was a technical error and that it is being corrected. The board agreed that this correction is necessary.

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## **PAs ordering restraint and seclusion**

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Comment: A comment was received that stated that a federal regulation that defers to state authority is causing PAs to encounter obstacles in ordering restraint and seclusion. The commenter noted that language has been interpreted to require specific authorization by the state and does not define who is deemed a “licensed independent practitioner” under the federal rule. WAPA requested that language be added in rules under the delegation agreement section to state that a PA may be authorized to order restraint and seclusion if included in the delegation agreement.

Board response: The board recognized that this is an issue needing further research and deliberation and decided not to make the requested change at this time. The board cited that the revision would be considered substantive requiring the rulemaking process to revert to the CR-102 proposal phase and delay rules adoption for another four to six months. This delay would cause the board to be out of compliance with SHB 1737’s mandate to adopt rules by 12/31/14. However, the board indicated that the issue would be researched, discussed further at future business meetings, and may be addressed through future rulemaking.