

WSR 23-14-082

PERMANENT RULES

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed June 29, 2023, 4:37 p.m., effective July 30, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The nursing care quality assurance commission (commission) is adopting amendments to WAC 246-840-463 and 246-840-4659 to clarify the application of the advanced practice pain management rules in nursing homes and long-term acute care hospitals (LTACs).

Amendments to WAC 246-840-463 and 246-840-4659 create permanent rules from an interpretive statement titled NCIS-2.00 Application of WAC 246-840-4659 to nursing homes and LTACs. These amendments clarify that the pain management rules (WAC 246-840-460 through 246-840-4990) that apply to the treatment of patients by licensed practical nurses, registered nurses, and advanced registered nurse practitioners (ARNP) also extend to patients admitted under hospital orders to nursing homes licensed under chapter 18.51 RCW or chapter 388-97 WAC, Nursing homes, and LTACs as outlined in WAC 182-550-2565. The amendments also clarify that a discharge facility's history and physical may be considered an appropriate history and physical under WAC 246-840-4659 to allow timely prescribing of needed medications for acute nonoperative pain or acute perioperative pain.

Amendments to WAC 246-840-463 specifically state that WAC 246-840-460 through 246-840-4990 do not apply to the treatment of patients in nursing homes licensed under chapter 18.51 RCW or chapter 388-97 WAC, Nursing homes, and LTACs.

Amendments to WAC 246-840-4659 incorporate language that allow an ARNP to consider the discharge facility's appropriate history and physical examination to allow timely prescribing of needed medications for acute nonoperative pain or acute perioperative pain in nursing homes licensed under chapter 18.51 RCW or chapter 388-97 WAC, Nursing homes, and LTACs.

Citation of Rules Affected by this Order: Amending WAC 246-840-463 and 246-840-4659.

Statutory Authority for Adoption: RCW 18.79.010, 18.79.110, and 18.79.250.

Adopted under notice filed as WSR 23-08-064 on April 4, 2023.

A final cost-benefit analysis is available by contacting Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email ncqac.rules@doh.wa.gov, website www.nursing.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: May 12, 2023.

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Nursing Care Quality Assurance Commission

OTS-3981.3

AMENDATORY SECTION (Amending WSR 18-20-086, filed 10/1/18, effective 11/1/18)

WAC 246-840-463 Exclusions. WAC 246-840-460 through 246-840-4990 do not apply to:

- (1) The treatment of patients with cancer-related pain;
- (2) The provision of palliative, hospice, or other end-of-life care;
- (3) The treatment of inpatient hospital patients; or
- (4) Procedural premedications.
- (5) The treatment of patients in nursing homes licensed under chapter 18.51 RCW or 388-97 WAC, nursing homes and long-term acute care hospitals (LTACs).

AMENDATORY SECTION (Amending WSR 18-20-086, filed 10/1/18, effective 11/1/18)

WAC 246-840-4659 Patient evaluation and patient record—Acute.

Prior to prescribing an opioid for acute nonoperative pain or acute perioperative pain, the advanced registered nurse practitioner shall:

- (1) Conduct and document an appropriate history and physical examination including screening for risk factors for overdose and severe postoperative pain; or
- (2) Consider the discharge facility's history and physical examination an appropriate history and physical examination to allow timely prescribing of needed medications for acute nonoperative pain or acute perioperative pain in nursing homes licensed under chapter 18.51 RCW or 388-97 WAC, nursing homes and long-term acute care hospitals (LTACs);
- (3) Evaluate the nature and intensity of the pain or anticipated pain following surgery; and
- ~~((3))~~ (4) Inquire about any other medications the patient is prescribed or is taking including type, dosage, and quantity prescribed.