



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Department of Health

**Subject of possible rule making:** WAC 246-16-100--Sexual Misconduct. The Department of Health (department) is considering revising the rule to clarify that forcible or nonconsensual acts are within the definition of sexual misconduct by a health care provider.

**Statutes authorizing the agency to adopt rules on this subject:** RCWs 18.130.050, 18.130.062 and Executive Order 06-03

**Reasons why rules on this subject may be needed and what they might accomplish:** The department is considering updating the sexual misconduct rule to establish clearer standards of conduct for health care providers. The department's experience with investigating and enforcing the current rule has raised the need to clarify what acts constitute sexual misconduct by providers in health care professions under the Secretary of Health's authority listed in RCW 18.130.040(2)(a). Updating the sexual misconduct rule will establish clearer standards of conduct and will help the department be consistent in its enforcement activities to more fully comply with RCW 18.130.062 and Executive Order 06-03.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**  
None.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rule making.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested parties may participate in the development of draft rules prior to a formal proposal by providing input on draft and proposed rules language. Interested parties can receive information on how to participate by contacting Karl Hoehn, Supervising Staff Attorney, Office of Legal Services, P.O. Box 47873, 111 Israel Road SE, Olympia, WA 98504-7852, or by email: karl.hoehn@doh.wa.gov. Phone: (360)236-4717. Fax: (360)236-4930.

**DATE** 08/05/2014

**NAME (TYPE OR PRINT)**

Dennis Worsham for John Wiesman, DrPH, MPH

**SIGNATURE**

for John Wiesman, DrPH, MPH

**TITLE**

Deputy Secretary for Secretary of Health

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**DATE: August 05, 2014**

**TIME: 2:46 PM**

**WSR 14-16-096**