



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: State Board of Health

Title of rule and other identifying information: (Describe Subject)
Chapter 246-762 WAC Scoliosis Screening-school districts
Repealing chapter due to passage of HB 1322 (Chapter 41, Laws of 2009)

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

Name: Tara Wolff
Agency: Washington State Board of Health
Address: PO Box 47990
Olympia, WA 98504

AND RECEIVED BY (Date) 10/05/2009

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This proposed rule change will repeal chapter 246-762 WAC. Schools will no longer be required to screen students for scoliosis annually in grades five, seven, and nine.

Reasons supporting proposal:

In 2009, House Bill (HB) 1322 was signed into law. This bill repeals RCW 28A.210.180, RCW 28A.210.190, RCW 28A.210.200, RCW 28A.210.210, RCW 28A.210.220, RCW 28A.210.240, and RCW 28A.210.250. HB 1322 repealed the statutory authority for chapter 246-762 WAC. Screening asymptomatic adolescents for scoliosis in a school setting is not evidence-based and can be a burden for schools and students. RCW 34.05.353 (2) (a) allows for the use of expedited repeal is being using since the statutes on which the rule is based have been repealed and have not been replaced by another statute providing statutory authority for the rule (chapter 246-762 WAC).

Statutory authority for adoption: HB 1322 (Chapter 41, Laws of 2009)

Statute being implemented: HB 1322 (Chapter 41, Laws of 2009)

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

**DATE: August 04, 2009
TIME: 2:52 PM**

WSR 09-16-121

DATE 08/04/09

NAME (TYPE OR PRINT)

Craig McLaughlin

SIGNATURE

TITLE

Executive Director

Name of proponent: (person or organization) State legislature and Washington State Board of Health

- Private
- Public
- Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Tara Wolff	PO 47990, Olympia WA 98504	360 236 4101
Implementation.... Instruction.....	Superintendant of Public	600 Washington St. S.E, Olympia WA 98501	(360) 725-6000
Enforcement..... Instruction	Superintendant of Public	600 Washington St. S.E, Olympia WA 98501	(360) 725-6000

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-762-001	What is the purpose of scoliosis screening in public schools?
WAC 246-762-010	What words and terms are defined for this chapter?
WAC 246-762-020	When are students screened for scoliosis?
WAC 246-762-030	What are the qualifications for persons who do screening?
WAC 246-762-040	What are the medical standards for screening?
WAC 246-762-050	What happens to screening results?