

WSR 23-22-060

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed October 25, 2023, 9:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-16-127.

Title of Rule and Other Identifying Information: Multistate nursing license fee (new) and increase to nursing center surcharge fee. The department of health (department) in consultation with the board of nursing (board), formerly known as the nursing care quality assurance commission, is proposing to increase the nursing center surcharge fee and proposing to create a new fee for a multistate nursing license in WAC 246-840-990. The proposed rule implements SSB 5499 Multistate nurse licensure compact (chapter 123, Laws of 2023).

Hearing Location(s): On December 5, 2023, at 3:00 p.m., at the Department of Health, Town Center 2, 111 Israel Road S.E., Rooms 166 and 167, Tumwater, WA 98501; or virtually via Zoom. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_8L54h4jTS6SNILvK30afRA. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: December 12, 2023.

Submit Written Comments to: Heather Cantrell, P.O. Box 47850, Olympia, WA 98504-7850, email <https://fortress.wa.gov/doh/policyreview>, by December 5, 2023.

Assistance for Persons with Disabilities: Contact Heather Cantrell, phone 360-236-3538, fax 360-236-4738, TTY 711, email HSQAfeerules@doh.wa.gov, by November 21, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department, in consultation with the board, is proposing changes to WAC 246-840-990 to enact provisions in SSB 5499 that include Washington state in a nurse licensure compact with multiple states. The proposed rules update an existing licensing surcharge amount in rule to comply with the new surcharge amount in law for a central nursing resource center and set a fee for a new multistate license option for registered nurses (RNs) and licensed practical nurses (LPNs) residing in Washington state.

The department and the board are proposing a new surcharge amount of \$8 to align with SSB 5499, which changes the existing surcharge from \$5 to \$8 on all license types for RNs and LPNs. Advanced registered nurse practitioners are only required to pay the surcharge on their RN licenses.

The department and board are proposing a new fee of \$65 for an applicant applying for an RN and LPN multistate license. To renew a multistate license a \$20 fee will be charged. These fees are in addition to the established application and renewal fees for RNs and LPNs. A Washington state licensed RN or LPN may pay the \$65 multistate license fee to convert their existing license to a multistate license without paying other established application and renewal fees.

Reasons Supporting Proposal: The multistate license option will allow RNs and LPNs who reside in Washington state to forgo their single-state license and practice in-person or via telehealth in other compact states. To maintain the multistate license issued in Washington state, the RN or LPN must maintain their primary residence in Washington state.

The proposed surcharge increase for a central nursing resource center brings the department and the board into compliance with the

law as amended by SSB 5499 effective July 23, 2023, which changes an existing surcharge from \$5 to \$8 on all license types for RNs and LPNs. The surcharge provides grants to a central nursing resource center.

RCW 43.70.250 requires that the costs of licensing in each profession be fully borne by members of that profession and the office of financial management (OFM) requires agencies to maintain a reasonable working capital reserve in state accounts to cover fluctuations in cash flow. Without fee increases, the board's fund balance will fall below the recommended levels.

Statutory Authority for Adoption: RCW 18.79.202, 18.130.040, 43.70.110, 43.70.250, 43.70.280; and SSB 5499 (chapter 123, Laws of 2023).

Statute Being Implemented: SSB 5499 (chapter 123, Laws of 2023).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health and state board of nursing, governmental.

Name of Agency Personnel Responsible for Drafting: Jessilyn Dagum, 111 Israel Road S.E., Tumwater, WA 98504, 360-236-3538; Implementation: Amber Zawislak, 111 Israel Road S.E., Tumwater, WA 98504, 360-236-4785; and Enforcement: Catherine Woodard, 111 Israel Road S.E., Tumwater, WA 98504, 360-236-4757.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. As defined in RCW 34.05.328 (5)(b), the department has determined that no significant analysis is required because the amendments are to set or adjust fees or correct or clarify language without changing the effect of the rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rules set and adjust fees.

Scope of exemption for rule proposal:

Is fully exempt.

October 25, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4971.2

AMENDATORY SECTION (Amending WSR 22-15-074, filed 7/18/22, effective 12/1/22)

WAC 246-840-990 Fees and renewal cycle. (1) A licensed practical nurse (LPN) or a registered nurse (RN) must renew ~~((his or her))~~ their single or multistate license every year on the licensee's birthday.

(2) When applying for a license an applicant for an initial or renewal LPN license or RN license must pay, in addition to the application fee, the University of Washington (UW) health sciences online library access (HEAL-WA) surcharge and the central nursing resource center (nursing center) surcharge, as required in RCW 43.70.110.

(3) An advanced registered nurse practitioner (ARNP) must renew ~~((his or her))~~ their license every two years on the licensee's birthday. An ARNP must also hold a valid single or multistate RN license and pay all associated fees every year on the licensee's birthday.

(4) A nursing technician must renew ~~((his or her))~~ their registration every year on the practitioner's birthday. The renewal must be accompanied by an attestation as required in RCW 18.79.370 that includes the nursing technician's anticipated graduation date. If the anticipated graduation date is within one year, the registration will expire 30 days after the anticipated graduation date. The expiration date may be extended to 60 days after graduation if the nursing technician can show good cause as defined in WAC 246-840-010(15).

(5) A practitioner who holds more than one credential will be charged separate fees for each credential, in compliance with WAC 246-12-020 through 246-12-051 and RCW 43.70.110.

(6) The following nonrefundable fees will be charged:

((Application Fees

	Registered Nurse	Licensed Practical Nurse	Advanced Registered Nurse Practitioner ¹	Nursing Technician
Application Fee	114	69	130	25
HEAL-WA Surcharge	16	16	0	0
Nursing Center Surcharge	5	5	0	0
Total	135	90	130	25

¹Pays a \$125 application fee per specialty license. If not currently a licensed RN, must also pay RN application fees.

On-Time Renewal

	Registered Nurse	Licensed Practical Nurse	Advanced Registered Nurse Practitioner ²	Nursing Technician
Renewal Fee	114	69	130	25
HEAL-WA Surcharge	16	16	0	0
Nursing Center Surcharge	5	5	0	0
Total	135	90	130	25

²Pays a \$125 renewal fee per specialty license once every two years. Must also renew RN license every year.

Late Renewal – Up to One Year Past the Expiration

	Registered Nurse	Licensed Practical Nurse	Advanced Registered Nurse Practitioner ³	Nursing Technician
Renewal Fee	114	69	130	25

HEAL-WA Surcharge	16	16	0	0
Nursing Center Surcharge	5	5	0	0
Late Renewal Penalty	50	50	50	25
Total	185	140	180	50

³Pays \$50 per specialty license in late fees.

Late Renewal—One Year or More Expired

	Registered Nurse	Licensed Practical Nurse	Advanced Registered Nurse Practitioner
Renewal Fee	114	69	130
HEAL-WA Surcharge	16	16	0
Nursing Center Surcharge	5	5	0
Late Renewal Penalty	50	50	50
Expired Licenses Reissuance	70	70	0
Total	255	210	180

Retired Active Renewal

	Registered Nurse	Licensed Practical Nurse
Renewal Fee	44	44
HEAL-WA Surcharge	16	16
Nursing Center Surcharge	5	5
Total	65	65

Retired Active Renewal—Late Renewal - Up to One Year Past the Expiration

	Registered Nurse	Licensed Practical Nurse
Renewal Fee	44	44
HEAL-WA Surcharge	16	16
Nursing Center Surcharge	5	5
Late Renewal Penalty	45	45
Total	110	110

Retired Active Renewal—Late Renewal - One Year or More Expired

	Registered Nurse	Licensed Practical Nurse
Renewal Fee	44	44
HEAL-WA Surcharge	16	16
Nursing Center Surcharge	5	5
Late Renewal Penalty	45	45
Expired License Reissuance	70	70
Total	180	180

Inactive License Renewal

Registered Nurse	Licensed Practical Nurse	Advanced Registered Nurse Practitioner
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Renewal Fee	44	44	40
HEAL-WA Surcharge	16	16	0
Nursing Center Surcharge	5	5	0
Total	65	65	40

Inactive License Renewal—Late Renewal—Up to One Year Past the Expiration

	Registered Nurse	Licensed Practical Nurse	Advanced Registered Nurse Practitioner
Renewal Fee	44	44	40
HEAL-WA Surcharge	16	16	0
Nursing Center Surcharge	5	5	0
Late Renewal Penalty	45	45	40
Total	110	110	80

Inactive License Renewal—Late Renewal—One Year or More Expired

	Registered Nurse	Licensed Practical Nurse	Advanced Registered Nurse Practitioner
Renewal Fee	44	44	40
HEAL-WA Surcharge	16	16	0
Nursing Center Surcharge	5	5	0
Late Renewal Penalty	45	45	40
Expired License Reissuance	40	40	40
Total	150	150	120

Other fees

	Registered Nurse	Licensed Practical Nurse	Advanced Registered Nurse Practitioner	Nursing Technician
Duplicate licensee or registration	20	20	20	15
Verification of licensure	25	25	25	25))

Application Fees

	Registered Nurse	Multistate Registered Nurse ²	Licensed Practical Nurse	Multistate Licensed Practical Nurse ²	Advanced Registered Nurse Practitioner ¹	Nursing Technician
Application Fee	114	114	69	69	130	25
HEAL-WA Surcharge	16	16	16	16	0	0
Nursing Center Surcharge	8	8	8	8	0	0
Multistate License Fee	0	65	0	65	0	0
Total	138	203	93	158	130	25

¹Pays a \$130 application fee per specialty license. If not currently a licensed RN, must also pay RN application fees.

² Providers currently licensed in Washington state pay the \$65 multistate license fee to convert their existing license to a multistate license.

On-Time Renewal

	<u>Registered Nurse</u>	<u>Multistate Registered Nurse</u>	<u>Licensed Practical Nurse</u>	<u>Multistate Licensed Practical Nurse</u>	<u>Advanced Registered Nurse Practitioner²</u>	<u>Nursing Technician</u>
Renewal Fee	114	114	69	69	130	25
HEAL-WA Surcharge	16	16	16	16	0	0
Nursing Center Surcharge	8	8	8	8	0	0
Multistate License Fee	0	20	0	20	0	0
Total	138	158	93	113	130	25

²Pays a \$130 renewal fee per specialty license once every two years. Must also renew RN license every year.

Late Renewal - Up to One Year Past the Expiration

	<u>Registered Nurse</u>	<u>Multistate Registered Nurse</u>	<u>Licensed Practical Nurse</u>	<u>Multistate Licensed Practical Nurse</u>	<u>Advanced Registered Nurse Practitioner³</u>	<u>Nursing Technician</u>
Renewal Fee	114	114	69	69	130	25
HEAL-WA Surcharge	16	16	16	16	0	0
Nursing Center Surcharge	8	8	8	5	0	0
Late Renewal Penalty	50	50	50	50	50	25
Multistate License Fee	0	20	0	20	0	0
Total	188	208	143	163	180	50

³Pays \$50 per specialty license in late fees.

Late Renewal - One Year or More Expired

	<u>Registered Nurse</u>	<u>Multistate Registered Nurse</u>	<u>Licensed Practical Nurse</u>	<u>Multistate Licensed Practical Nurse</u>	<u>Advanced Registered Nurse Practitioner</u>	
Renewal Fee	114	114	69	69	130	
HEAL-WA Surcharge	16	16	16	16	0	
Nursing Center Surcharge	8	8	8	8	0	
Late Renewal Penalty	50	50	50	50	50	
Expired Licenses Reissuance	70	70	70	70	0	
Multistate License Fee	0	20	0	20	0	
Total	258	278	213	233	180	

Retired Active Renewal

	<u>Registered Nurse</u>		<u>Licensed Practical Nurse</u>			
Renewal Fee	44		44			

Retired Active Renewal

	<u>Registered Nurse</u>		<u>Licensed Practical Nurse</u>			
<u>HEAL-WA Surcharge</u>	16		16			
<u>Nursing Center Surcharge</u>	5		5			
Total	65		65			

Retired Active Renewal—Late Renewal - Up to One Year Past the Expiration

	<u>Registered Nurse</u>		<u>Licensed Practical Nurse</u>			
<u>Renewal Fee</u>	44		44			
<u>HEAL-WA Surcharge</u>	16		16			
<u>Nursing Center Surcharge</u>	5		5			
<u>Late Renewal Penalty</u>	45		45			
Total	110		110			

Retired Active Renewal—Late Renewal - One Year or More Expired

	<u>Registered Nurse</u>		<u>Licensed Practical Nurse</u>			
<u>Renewal Fee</u>	44		44			
<u>HEAL-WA Surcharge</u>	16		16			
<u>Nursing Center Surcharge</u>	5		5			
<u>Late Renewal Penalty</u>	45		45			
<u>Expired License Reissuance</u>	70		70			
Total	180		180			

Inactive License Renewal

	<u>Registered Nurse</u>		<u>Licensed Practical Nurse</u>		<u>Advanced Registered Nurse Practitioner</u>	
<u>Renewal Fee</u>	44		44		40	
<u>HEAL-WA Surcharge</u>	16		16		0	
<u>Nursing Center Surcharge</u>	5		5		0	
Total	65		65		40	

Inactive License Renewal—Late Renewal - Up to One Year Past the Expiration

	<u>Registered Nurse</u>		<u>Licensed Practical Nurse</u>		<u>Advanced Registered Nurse Practitioner</u>	
<u>Renewal Fee</u>	44		44		40	

Inactive License Renewal—Late Renewal - Up to One Year Past the Expiration

	<u>Registered Nurse</u>		<u>Licensed Practical Nurse</u>		<u>Advanced Registered Nurse Practitioner</u>	
<u>HEAL-WA Surcharge</u>	<u>16</u>		<u>16</u>		<u>0</u>	
<u>Nursing Center Surcharge</u>	<u>5</u>		<u>5</u>		<u>0</u>	
<u>Late Renewal Penalty</u>	<u>45</u>		<u>45</u>		<u>40</u>	
Total	<u>110</u>		<u>110</u>		<u>80</u>	

Inactive License Renewal—Late Renewal - One Year or More Expired

	<u>Registered Nurse</u>		<u>Licensed Practical Nurse</u>		<u>Advanced Registered Nurse Practitioner</u>	
<u>Renewal Fee</u>	<u>44</u>		<u>44</u>		<u>40</u>	
<u>HEAL-WA Surcharge</u>	<u>16</u>		<u>16</u>		<u>0</u>	
<u>Nursing Center Surcharge</u>	<u>5</u>		<u>5</u>		<u>0</u>	
<u>Late Renewal Penalty</u>	<u>45</u>		<u>45</u>		<u>40</u>	
<u>Expired License Reissuance</u>	<u>40</u>		<u>40</u>		<u>40</u>	
Total	<u>150</u>		<u>150</u>		<u>120</u>	

Other fees

	<u>Registered Nurse</u>		<u>Licensed Practical Nurse</u>		<u>Advanced Registered Nurse Practitioner</u>	<u>Nursing Technician</u>
<u>Duplicate Licensee or Registration</u>	<u>20</u>		<u>20</u>		<u>20</u>	<u>15</u>
<u>Verification Licensure</u>	<u>25</u>		<u>25</u>		<u>25</u>	<u>25</u>