

WSR 24-03-055

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Nursing)

[Filed January 11, 2024, 8:30 a.m., effective February 11, 2024]

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

Purpose: Temporary practice permit effective dates for licensed practical nurses and registered nurses. The Washington state board of nursing (board) is adopting amendments to WAC 246-840-095, reducing the length of time a temporary practice permit is effective and updating criteria to issue a temporary practice permit in order to align the internal board process with rule language and implement 2SHB 1009 (chapter 165, Laws of 2023).

The board is adopting amendments to reduce the length of time a temporary practice permit is active from 180 days after the temporary practice permit is issued to 60 days to align WAC 246-840-095 with the current practice of the board and promote completion of the licensure process. The amendments also reduce the extension of the temporary practice permit from 180 days to 30 days.

The amendments exclude military spouses in accordance with 2SHB 1009, which requires the board to issue a temporary practice permit, which is active for no less than 180 days, to a person who meets the criteria of RCW 18.340.020, within 30 days of receiving a completed application.

Citation of Rules Affected by this Order: Amending WAC 246-840-095.

Statutory Authority for Adoption: RCW 18.79.010, 18.79.110, 18.79.160, 18.79.200, 18.340.020, 18.130.064, and 18.130.075.

Adopted under notice filed as WSR 23-21-071 on October 12, 2023.

Changes Other than Editing from Proposed to Adopted Version: Non-substantive technical changes were made to the proposed rule language that clarify the applicant must initiate the national fingerprint background check, either with physical fingerprint cards or digitally through LiveScan, within 30 days of applying to the board. The national fingerprint background check can be completed through either of these methods. Other technical changes were also made to remain consistent with how the board refers to the fingerprint-based national background check throughout the rule.

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 WABONRules@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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, 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 1, Repealed 0.

Date Adopted: November 29, 2023.

Alison Bradywood DNP, MN/MPH, RN, NEA-BC
Executive Director
Washington State Board of Nursing

OTS-4709.4

AMENDATORY SECTION (Amending WSR 10-07-015, filed 3/5/10, effective 4/5/10)

WAC 246-840-095 Temporary practice permits. The ~~((nursing care quality assurance commission (NCQAC)))~~ Washington state board of nursing (board) conducts background checks on applicants to assure safe patient care. Completion of a fingerprint-based national background check may cause a delay in licensing.

(1) The ~~((NCQAC))~~ board may issue a temporary practice permit to an applicant who holds an unrestricted, active license in another state which has substantially equivalent licensing standards to those in Washington. The applicant must not be subject to denial of a license or issuance of a conditional or restricted license.

(2) A temporary practice permit serves as a license to practice nursing during the time period specified on the permit.

(3) A temporary practice permit expires when:

(a) A license is granted;

(b) A notice of decision on application is mailed to the applicant, unless the notice of decision on application specifically extends the duration of the temporary practice permit; or

(c) ~~((One hundred eighty))~~ Sixty days after the temporary practice permit is issued, or 180 days for military spouse applicants.

If, at the expiration of the original temporary practice permit, the department of health (department) has not received information from the fingerprint-based national background check, the ~~((NCQAC))~~ board may renew the temporary practice permit for an additional ~~((one hundred eighty))~~ 30 days.

(4) To receive a temporary practice permit, the applicant must:

(a) Submit to the board an application and the necessary application fee(s) ((and documentation)) for the license.

(b) ~~((Submit a completed national background check fingerprint card, if required.~~

~~(e)))~~ Meet all other requirements and qualifications for the license, except for the results from a fingerprint-based national background check, if required.

~~((d)))~~ (c) Provide to the board verification of holding an unrestricted nursing license from another state that has substantially equivalent licensing standards to those in Washington.

~~((e) Submit a separate application for a temporary practice permit.)~~ (5) The applicant shall initiate the fingerprint-based national background check process with the department within 30 days of applying to the board, or the permanent license application may be closed as incomplete. The temporary practice permit shall not be extended in accordance with subsection (3)(c) of this section unless the applicant's fingerprints have been received by the department and a fingerprint-based national background check is in process.