

WSR 24-18-041

PROPOSED RULES

DEPARTMENT OF HEALTH

(Washington Medical Commission)

[Filed August 27, 2024, 9:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-19-029.

Title of Rule and Other Identifying Information: Military spouse temporary practice permits; WAC 246-918-076 (physician assistants) and 246-919-397 (physicians) How to obtain a temporary practice permit— Military spouse proposed updates to incorporate RCW 18.340.020.

Hearing Location(s): On October 11, 2024, at 9:15 a.m., virtual. Register for this virtual meeting to be held via Teams <https://tinyurl.com/ycxn37ve>; or in person at the Department of Health, 111 Israel Road S.E., Room 166, Tumwater, WA 98501. To join the Washington medical commission's (WMC) rules interested parties email list, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153.

Date of Intended Adoption: October 11, 2024.

Submit Written Comments to: Amelia Boyd, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, email <https://fortress.wa.gov/doh/policyreview/>, beginning on the date and time of this filing, by October 4, 2024 at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Amelia Boyd, program manager, phone 1-800-525-0127, TTY 711, email medical.rules@wmc.wa.gov, by October 4, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WMC is amending WAC 246-918-076 and 246-919-397 to align with the provisions of 2SHB 1009 (chapter 165, Laws of 2023), also known as the Military Spouse Employment Act, codified under RCW 18.340.020. These amendments are intended to streamline the permit process for military spouses, ensuring consistency with the new state legislation and improving overall clarity and efficiency in the application process.

The proposed language clarifies the requirements, emphasizes the expedited nature of the license process, aligns the terminology by changing "permit" to "license" in accordance with the bill, refines the terminology, removes outdated requirements, and updates the definitions.

The anticipated effects of the proposed language include:

- Clearer requirements will reduce confusion for applicants and ensure a smoother application process.
- Emphasizing the expedited nature of the license process will likely lead to quicker approval times, benefiting military spouses needing timely access to employment.
- Aligning the terminology with the bill by changing "permit" to "license" will create consistency and reduce potential misunderstandings.
- Refining terminology and removing outdated requirements will ensure the regulations are up-to-date and relevant.
- Updated definitions will provide greater precision and accuracy in interpreting the rules, ensuring they are correctly applied to eligible individuals.

Reasons Supporting Proposal: By clarifying the requirements, the proposal ensures that applicants understand the necessary steps, re-

ducing errors and rejections in the application process. Aligning the terminology by changing "permit" to "license" creates consistency with the legislative language, enhancing legal coherence and interpretation. Refining terminology and removing outdated requirements keep the regulations current and relevant, ensuring they meet present-day standards and needs. Updating definitions provides clearer guidelines for eligibility and application, ensuring that the rules are applied accurately and effectively to all relevant parties.

Statutory Authority for Adoption: RCW 18.71.017 and 18.130.050.

Statute Being Implemented: 2SHB 1009 (chapter 165, Laws of 2023), codified under RCW 18.340.020.

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

Name of Proponent: WMC, governmental.

Name of Agency Personnel Responsible for Drafting: Amelia Boyd, 111 Israel Road S.E., Tumwater, WA 98501, 360-918-6336; Implementation and Enforcement: Kyle Karinen, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4810.

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. The proposed rules are exempt from a cost-benefit analysis under RCW 34.05.328 (5)(b)(iii) because the proposed rules incorporate the military spouse licensure requirements from RCW 18.340.020.

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(4).

Explanation of exemptions: The proposed rules only impact individual licenses, not small businesses.

Scope of exemption for rule proposal:

Is fully exempt.

August 26, 2024

Kyle Karinen

Executive Director

Washington Medical Commission

OTS-5594.1

AMENDATORY SECTION (Amending WSR 17-18-097, filed 9/6/17, effective 10/7/17)

WAC 246-918-076 How to obtain ((a)) an expedited temporary ((practice permit)) license—Military spouse. A military spouse (~~(or state registered domestic partner of a military person)~~) may receive ((a)) an expedited temporary ((practice permit)) license while completing any specific additional requirements that are not related to training or practice standards for physician assistants under the following conditions.

(1) ((A)) An expedited temporary ((practice permit)) license may be issued to an applicant who is a military spouse (~~(or state registered domestic partner of a military person)~~) and:

(a) Is moving to Washington as a result of the military person's transfer to the state of Washington;

~~(b) ((Left employment in another state to accompany the military person to Washington;~~

~~(e-))~~ Holds an unrestricted, active license in another state or United States territory that ((has)) the commission currently deems to have substantially equivalent licensing standards for a physician assistant ~~((to those))~~ in the state of Washington; and

~~((d))~~ (c) Is not subject to any pending investigation, charges, or disciplinary action by the regulatory body ~~((of the))~~ in any other state or ((states)) United States territory in which the applicant holds a license.

(2) ((A)) An expedited temporary ((practice permit)) license grants the ~~((individual))~~ applicant the full scope of practice for the physician assistant.

(3) ((A)) An expedited temporary practice ((permit)) license expires when any one of the following occurs:

(a) ((The)) A full or limited license is ((granted)) issued to the applicant;

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

(c) One hundred eighty days after the expedited temporary ((practice permit)) license is issued.

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

~~(a) ((Submit to the commission the necessary application, fee(s), fingerprint card if required, and documentation for the license;~~

~~(b) Attest on the application that the applicant left employment in another state to accompany the military person;~~

~~(e-))~~ Meet all requirements and qualifications for the license that are specific to the training, education, and practice standards for physician assistants;

~~((d) Provide verification of having an active unrestricted license in the same profession from another state that has substantially equivalent licensing standards as a physician assistant in Washington;~~

~~(e-))~~ (b) Submit a written request for a temporary practice permit; and

(c) Submit a copy of the military person's orders and a copy of one of the following:

(i) The military-issued identification card showing the military person's information and the applicant's relationship to the military person;

(ii) A marriage license; or

(iii) A state registered domestic partnership ~~((; and~~

~~(f) Submit a written request for a temporary practice permit)).~~

(5) For the purposes of this section the following definitions shall apply:

(a) "Military spouse" ~~((means the husband, wife,))~~ is someone married to or in a registered domestic ((partner of)) partnership with a military person((-)) who is serving in the United States Armed Forces, the United States Public Health Service Commissioned Corps, or the Merchant Marine of the United States; and

(b) "Military person" means a person serving in the United States Armed Forces, the United States Public Health Service Commissioned Corps, or the Merchant Marine of the United States.

OTS-5595.1

AMENDATORY SECTION (Amending WSR 20-22-003, filed 10/21/20, effective 11/21/20)

WAC 246-919-397 How to obtain ((a)) an expedited temporary ((practice permit)) license—Military spouse. A military spouse ((or state registered domestic partner of a military person)) may receive ((a)) an expedited temporary ((practice permit)) license while completing any specific additional requirements that are not related to training or practice standards for physicians under the following conditions.

(1) ((A)) An expedited temporary ((practice permit)) license may be issued to an applicant who is a military spouse ((or state registered domestic partner of a military person)) and:

(a) Is moving to Washington as a result of the military person's transfer to the state of Washington;

(b) ~~((Left employment in another state to accompany the military person to Washington;~~

~~((e)))~~ Holds an unrestricted, active license in another state or United States territory that ((has)) the commission currently deems to have substantially equivalent licensing standards for a physician ~~((to those))~~ in the state of Washington; and

~~((d))~~ (c) Is not subject to any pending investigation, charges, or disciplinary action by the regulatory body ~~((of the))~~ in any other state or ((states)) United States territory in which the applicant holds a license.

(2) ((A)) An expedited temporary ((practice permit)) license grants the ~~((individual))~~ applicant the full scope of practice for the physician.

(3) ((A)) An expedited temporary ((practice permit)) license expires when any one of the following occurs:

(a) ~~((The))~~ A full or limited license is ((granted)) issued to the applicant;

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

(c) One hundred eighty days after the expedited temporary ((practice permit)) license is issued.

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

(a) ~~((Submit to the commission the necessary application, fee(s), fingerprint card if required, and documentation for the license;~~

~~((b) Attest on the application that the applicant left employment in another state to accompany the military person;~~

~~((e)))~~ Meet all requirements and qualifications for the license that are specific to the training, education, and practice standards for physicians;

~~((d))~~ Provide verification of having an active unrestricted license in the same profession from another state that has substantially equivalent licensing standards for physicians in Washington;

~~((e)))~~ (b) Submit a written request for a temporary practice permit; and

(c) Submit a copy of the military person's orders and a copy of one of the following:

(i) The military-issued identification card showing the military person's information and the applicant's relationship to the military person;

(ii) A marriage license; or

(iii) Documentation of a state registered domestic partnership.

~~((f) Submit a written request for a temporary practice permit.)~~

(5) For the purposes of this section the following definitions shall apply:

(a) "Military spouse" ~~((means the husband, wife,))~~ is someone married to or in a registered domestic ((partner of)) partnership with a military person((-)) who is serving in the United States Armed Forces, the United States Public Health Service Commissioned Corps, or the Merchant Marine of the United States; and

(b) "Military person" means a person serving in the United States Armed Forces, the United States Public Health Service Commissioned Corps, or the Merchant Marine of the United States.