

## WSR 21-04-115

## PROPOSED RULES

## DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed February 1, 2021, 1:31 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 246-915A-010  
Physical therapists and physical therapist assistants, the board of physical therapy (board) is proposing to update the effective date in WAC 246-915A-010 for the physical therapy compact per RCW 18.74.500, Article IX(2). This rule adopts the effective date of the compact rules to October 25, 2020.

Hearing Location(s): On April 5, 2021, at 10:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the board of physical therapy will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. Register to attend the physical therapy board meeting on April 5, 2021, 10:00 a.m. PDT at <https://attendee.gotowebinar.com/register/1868633617699825421>.

Date of Intended Adoption: April 5, 2021.

Submit Written Comments to: Kris Waidely, Program Manager, Department of Health (DOH), P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by March 22, 2021.

Assistance for Persons with Disabilities: Kris Waidely, program manager, phone 360-236-4847, fax 360-236-2901, TTY 711, email [kris.waidely@doh.wa.gov](mailto:kris.waidely@doh.wa.gov), [www.doh.wa.gov](http://www.doh.wa.gov), by March 31, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The physical therapy compact commission made minor amendments to the compact rules. The compact commission held a public rules hearing where the amendments were adopted and became effective on October 25, 2020.

The purpose of this proposal is to adopt in Washington Administrative Code the effective date of the compact rules to October 25, 2020. The compact commission rules are not effective in Washington unless the board adopts them.

Summary of the minor amendments adopted by the compact commission are:

(1) Paragraph 1.1 adds a new definition for the "Recognized National Exam" as referenced in Section 3.A.6 and reorders accordingly based on alphabetical order.

(2) Chapter 3 - Compact Privilege Eligibility, Adverse Actions, and Encumbrances - Adds new Rule 3.10 to Chapter 3 - The new rule requires a compact privilege holder to report any new criminal conviction to the state licensing board(s) in each member state in which the individual has an active compact privilege.

(3) Rule 6.4 - Frequency of Reporting Adverse Actions - The title of Rule 6.4 has been changed to "Frequency of Reporting Adverse Actions and Non-Disciplinary Encumbrances" - To provide clarification that the provisions of Rule 6.4 also discuss non-disciplinary encumbrances.

(4) Rule 6.4.B - The time to report new adverse actions has been changed from ten to fourteen business days of the effective date of the adverse action against a licensee or compact privilege holder.

(5) Rule 6.4.D - Adds language "or on a compact privilege or compact privilege holder" which provides clarification that the rule applies to compact privileges and compact privilege holders as well as licensee[s].

(6) Rule 8.2 - Dispute Resolution Process - Informal, Mediation and Arbitration - The existing language in 8.2.E.2 was changed to make the language gender neutral.

Reasons Supporting Proposal: The board is proposing rules to comply with RCW 18.74.500, Article IX(2), which mandates that in order to participate in the compact in the state of Washington, the board of physical therapy must adopt compact rules.

Statutory Authority for Adoption: RCW 18.74.500, Article IX(2); and RCW 18.74.023.

Statute Being Implemented: RCW 18.74.500, Article IX(2).

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

Name of Proponent: DOH, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kris Waidely, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4847.

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 agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(iii) exempts rules that adopt or incorporate by reference without material change federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

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 are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rule content is explicitly and specifically dictated by statute.

February 1, 2021  
Renee Fullerton  
Executive Director

**OTS-2724.1**

AMENDATORY SECTION (Amending WSR 20-11-063, filed 5/19/20, effective 6/19/20)

**WAC 246-915A-010 Physical therapy licensure compact—Compact commission rules.** (1) The physical therapy licensure compact

(compact) is established in Washington under RCW 18.74.500. Its purpose is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services.

(2) The rules of the physical therapy compact commission, in effect as of October (~~(27, 2019)~~) 25, 2020, are adopted and incorporated by reference.

(3) A copy of the rules is available for public inspection from the department of health at <https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/PhysicalTherapyLicensureCompact/RulesInProgress> or by calling the department of health's office of customer service at 360-236-4700.

(4) A licensee may exercise a compact privilege as provided in RCW 18.74.500, Article IV. Applicable fees are set forth in WAC 246-915A-990.

[Statutory Authority: RCW 18.74.023 and 18.74.500, Article IX(2). WSR 20-11-063, § 246-915A-010, filed 5/19/20, effective 6/19/20. Statutory Authority: RCW 18.74.500, 18.74.023, and 2017 c 108. WSR 19-12-056, § 246-915A-010, filed 5/31/19, effective 7/1/19.]