

WSR 22-10-104

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed May 4, 2022, 10:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-23-053.

Title of Rule and Other Identifying Information: WAC 246-840-990 Fees and renewal cycle. The department of health (department) in consultation with the nursing care quality assurance commission (commission) is proposing fee increases for registered nurses (RNs), licensed practical nurses (LPNs), and advanced registered nurse practitioners (ARNPs). A fee change for nursing technicians (NTs) is not being proposed at this time.

Hearing Location(s): On June 13, 2022, at 2:00 p.m. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_dYNOpgeZTVqsB5ZCOMvMig. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: June 20, 2022.

Submit Written Comments to: Ross Valore, P.O. Box 47850, Olympia, WA 98540-7850, email <https://fortress.wa.gov/doh/policyreview>, HSQAfeerules@doh.wa.gov, by June 13, 2022.

Assistance for Persons with Disabilities: Contact Ross Valore, phone 360-236-4531, TTY 711, email HSQAfeerules@doh.wa.gov, by June 6, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department in consultation with the commission is proposing fee increases to ensure the department complies with RCW 43.70.250 and that profession fees are sufficient to cover the cost of licensing. The proposed fee increases are necessary to cover the cost of a database solution to replace an outdated licensing system, for staffing to continue nurse license processing within legislated timelines, and staffing to address increased workload associated with nursing assistants and the long-term care crisis. A technical change is proposed to WAC 246-840-990(5) to change "WAC 246-12 Part 2" to "WAC 246-12-020 through 246-12-051."

Reasons Supporting Proposal: 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 commission's fund balance will fall below the recommended level by the end of fiscal year 2022 and decline thereafter. Three of the four nursing professions are being proposed for a fee increase: RNs, LPNs, and ARNPs. RNs comprise 80 percent of the 146,000 nursing professionals, LPNs eight percent, and ARNPs eight percent. The application fee and renewal fee increase for RNs is proposed to increase by \$25 from \$99 to \$124. The application fee and renewal fee increase for LPNs is proposed to increase by \$5 from \$64 to \$69. ARNPs application fee and renewal fee increase is proposed to increase by \$5 from \$125 to \$130. These fee increases are recommended to meet the OFM requirements without unduly burdening any of the nursing professions financially. A fee change for NTs is not being proposed at this time because there are far fewer in the profession and raising fees for them would cause an undue burden financially.

The technical change is necessary to clearly identify the rules that must be complied with.

Statutory Authority for Adoption: RCW 18.36A.060, 18.36A.140, 43.70.110, 43.70.250, 43.70.280.

Statute Being Implemented: RCW 18.36A.060, 18.36A.140, 43.70.110, 43.70.250, 43.70.280.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Chris Archuleta, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2748; Implementation: Amber Zawislak, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4785; and Enforcement: Catherine Wood, 111 Israel Road S.E., Tumwater, WA 98501, 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)(vi), the department has determined that no significant analysis is required because the revisions are to set or adjust fees.

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.

Explanation of exemptions: As defined in RCW 34.05.310 (4)(f), the department has determined that no small business economic impact statement is required because the revisions are to set or adjust fees.

May 3, 2022
Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair A. Shaw, MD, MPH
Secretary

OTS-3711.1

AMENDATORY SECTION (Amending WSR 17-07-038, filed 3/8/17, effective 7/1/17)

WAC 246-840-990 Fees and renewal cycle. (1) A licensed practical nurse (LPN) or a registered nurse (RN) must renew his or her 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 license every two years on the licensee's birthday. An ARNP must also hold a valid RN license and pay all associated fees every year on the licensee's birthday.

(4) A nursing technician must renew his or her 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 (~~thirty~~) 30 days after the anticipated graduation date. The expiration date may be extended to (~~sixty~~) 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 (~~chapter 246-12 WAC, Part 2~~) 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	((99)) <u>124</u>	((64)) <u>69</u>	((125)) <u>130</u>	25
HEAL-WA Surcharge	16	16	0	0
Nursing Center Surcharge	5	5	0	0
Total	((120)) <u>145</u>	((85)) <u>90</u>	((125)) <u>130</u>	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	((99)) <u>124</u>	((64)) <u>69</u>	((125)) <u>130</u>	25
HEAL-WA Surcharge	16	16	0	0
Nursing Center Surcharge	5	5	0	0
Total	((120)) <u>145</u>	((85)) <u>90</u>	((125)) <u>130</u>	25

²Pays a \$125 renewal fee per specialty license once every (~~(2))~~ 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	((99)) <u>124</u>	((64)) <u>69</u>	((125)) <u>130</u>	25
HEAL-WA Surcharge	16	16	0	0
Nursing Center Surcharge	5	5	0	0
Late Renewal Penalty	50	50	50	25
Total	((170)) <u>195</u>	((135)) <u>140</u>	((175)) <u>180</u>	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	((99)) <u>124</u>	((64)) <u>69</u>	((125)) <u>130</u>
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	((240)) <u>265</u>	((205)) <u>210</u>	((175)) <u>180</u>

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
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

[Statutory Authority: RCW 43.70.250 and 43.70.280. WSR 17-07-038, § 246-840-990, filed 3/8/17, effective 7/1/17. Statutory Authority: 2013 2nd sp.s. c 4, 2013 c 249 § 219, RCW 18.130.250, and 43.70.250. WSR 13-24-097, § 246-840-990, filed 12/3/13, effective 2/1/14. Statutory Authority: RCW 43.70.110 (3)(c) and 43.70.250. WSR 12-19-088, § 246-840-990, filed 9/18/12, effective 11/1/12. Statutory Authority: RCW 43.70.110, 43.70.250, and 2010 c 37. WSR 10-19-071, § 246-840-990, filed 9/16/10, effective 10/15/10. Statutory Authority: RCW 43.70.110, 43.70.250, 2008 c 329. WSR 08-15-014, § 246-840-990, filed 7/7/08, effective 7/7/08. Statutory Authority: RCW 43.70.010, 43.70.250, and 2005 c 268. WSR 05-20-107, § 246-840-990, filed 10/5/05, effective 11/5/05. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. WSR 05-12-012, § 246-840-990, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 43.70.250 and chapter 18.79 RCW. WSR 04-04-054, § 246-840-990, filed 1/30/04, effective 1/30/04. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-840-990, filed 2/13/98, effective 3/16/98. Statutory Authority: Chapter 18.79 RCW. WSR 97-23-075, § 246-840-990, filed 11/19/97, effective 1/12/98. Statutory Authority: RCW 18.79.200. WSR 95-12-021, § 246-840-990, filed 5/31/95, effective 7/1/95.]