

WSR 23-01-134

PROPOSED RULES

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed December 20, 2022, 5:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-12-090.

Title of Rule and Other Identifying Information: WAC 246-840-365 Inactive and reactivating an ARNP license and 246-840-367 Expired license. The nursing care quality assurance commission (commission) is proposing amendments to inactive and expired licensure requirements for advanced registered nurse practitioners (ARNP) in response to the coronavirus disease 2019 (COVID-19) pandemic and the critical demand for health care professionals.

Hearing Location(s): On January 27, 2023, at 12:00 p.m. In order to help mitigate the transmission of COVID-19, the department of health will not provide a physical location. A virtual public hearing, without physical meeting space, will be held instead. We invite you to participate in our public rules hearing using your computer, tablet, or smartphone. Please register at https://us02web.zoom.us/join/register/tZUkcuGsQDoqE90Yn1EvHQ0r_Hv8T47CqXJc. After registering you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: January 27, 2023.

Submit Written Comments to: Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-4738, by January 13, 2023.

Assistance for Persons with Disabilities: Contact Jessilyn Dagum, phone 360-236-3538, fax 360-236-4738, TTY 711, email NCQAC.Rules@doh.wa.gov, by January 13, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to WAC 246-840-365 and 246-840-367 are currently enacted under emergency rule and the commission has approved these amendments for permanent rule making.

Changes in WAC 246-840-365 and 246-840-367 are needed to remove nonevidence-based licensure requirements to license renewal for ARNP returning to active practice from inactive or expired status. The proposed rules also provide consistency with other revisions made previously to WAC 246-840-360 and 246-840-342, which also reduced licensure barriers for ARNP renewal and out-of-state endorsement. The proposed changes for these rule-making requirements include:

- For those holding an inactive ARNP license, eliminates the requirement to complete 250 hours of advanced clinical practice for each designation within the past two years, or, if the ARNP has not satisfied the advanced clinical practice requirements, eliminates the requirement to complete at least 250 hours of supervised advanced clinical practice hours and the need to obtain an interim permit to complete the practice hours.
- For ARNPs whose license has been expired for less than two years, the proposed rule removes the requirement that ARNPs who do not meet required advanced clinical practice requirements must complete 250 hours of supervised advanced clinical practice for every two years the ARNP has been out of practice and the need to obtain an interim permit to complete the practice hours.

- Housekeeping amendments that remove general citations to chapter 246-12 WAC and replace them with citations that more clearly identify the specific requirements.

The commission proposes amending these rules to make permanent changes to current rules identified as a barrier to the provision of services, both in emergency response and during regular operations. While permanent rule making is ongoing, the commission will continue to renew and update (as necessary) emergency rules applicable to ARNPs.

The commission is proposing the amendments to make permanent changes to current rules to reduce barriers to the provision of services both in emergency response and during regular operations.

Reasons Supporting Proposal: The proposed changes to WAC 246-840-365 and 246-840-367 reduce barriers to licensure and are consistent with prior revisions made to WAC 246-840-360 and 246-840-342, which removed licensure requirements for ARNP renewal and out-of-state endorsement that did not have any evidence of better practice outcomes.

Statutory Authority for Adoption: RCW 18.79.010, 18.79.110, and 18.79.250.

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

Name of Proponent: Washington state nursing care quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jessilyn Dagum, 111 Israel Road S.E., Tumwater, WA 98504, 360-236-3538; 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 required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email NCQAC.Rules@doh.wa.gov.

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).

Scope of exemption for rule proposal:

Is fully exempt.

December 20, 2022

Paula R. Meyer, MSN, RN, FRE

Executive Director

Nursing Care Quality Assurance Commission

OTS-3963.2

AMENDATORY SECTION (Amending WSR 19-08-031, filed 3/27/19, effective 4/27/19)

WAC 246-840-365 Inactive and reactivating an ARNP license. To apply for an inactive ARNP license, an ARNP shall comply with WAC 246-12-090 or 246-12-540, if military related.

(1) An ARNP may apply for an inactive license if he or she holds an active Washington state ARNP license without sanctions or restrictions.

(2) To return to active status the ARNP:

(a) Shall meet the requirements (~~identified in chapter 246-12 WAC, Part 4~~) for an inactive credential for nonmilitary practitioners identified under WAC 246-12-090 through 246-12-110;

(b) Must hold an active RN license under chapter 18.79 RCW without sanctions or restrictions;

(c) Shall submit the fee as identified under WAC 246-840-990;

(d) Shall submit evidence of current certification by the commission approved certifying body identified in WAC 246-840-302(1); and

(e) Shall submit evidence of (~~thirty~~) 30 contact hours of continuing education for each designation within the past two years (~~and~~

~~(f) Shall submit evidence of two hundred fifty hours of advanced clinical practice for each designation within the last two years.~~

~~(3) An ARNP applicant who does not have the required practice requirements, shall complete two hundred fifty hours of supervised advanced clinical practice for every two years the applicant may have been out of practice, not to exceed one thousand hours.~~

~~(4) The ARNP applicant needing to complete supervised advanced clinical practice shall obtain an ARNP interim permit consistent with the requirements for supervised practice defined in WAC 246-840-340 (4) and (5)).~~

~~((5))~~ (3) To regain prescriptive authority after inactive status, the applicant must meet the prescriptive authority requirements identified in WAC 246-840-410.

[Statutory Authority: RCW 18.79.110. WSR 19-08-031, § 246-840-365, filed 3/27/19, effective 4/27/19. Statutory Authority: RCW 18.79.050, 18.79.110, and 18.79.160. WSR 16-08-042, § 246-840-365, filed 3/30/16, effective 4/30/16. Statutory Authority: RCW 18.79.010, [18.79.]050, [18.79.]110, and [18.79.]210. WSR 09-01-060, § 246-840-365, filed 12/11/08, effective 1/11/09. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-840-365, filed 2/13/98, effective 3/16/98. Statutory Authority: Chapter 18.79 RCW. WSR 97-13-100, § 246-840-365, filed 6/18/97, effective 7/19/97.]

AMENDATORY SECTION (Amending WSR 19-08-031, filed 3/27/19, effective 4/27/19)

WAC 246-840-367 Expired license. When an ARNP license is not renewed, it is placed in expired status and the nurse must not practice as an ARNP.

(1) To return to active status when the license has been expired for less than two years, the nurse shall:

(a) Meet the requirements (~~of chapter 246-12 WAC, Part 2~~) for initial and renewal credentialing of practitioners as identified under WAC 246-12-020 through 246-12-051;

(b) Meet ARNP renewal requirements identified in WAC 246-840-360; and

(c) Meet the prescriptive authority requirements identified in WAC 246-840-450, if renewing prescriptive authority.

~~(2) ((Applicants who do not meet the required advanced clinical practice requirements must complete two hundred fifty hours of supervised advanced clinical practice for every two years the applicant may have been out of practice, not to exceed one thousand hours.~~

~~(3) The ARNP applicant needing to complete supervised advanced clinical practice shall obtain an ARNP interim permit consistent with the requirements for supervised practice defined in WAC 246-840-340 (4) and (5).~~

~~(4)) If the ARNP license has expired for two years or more, the applicant shall:~~

~~(a) Meet the requirements ((of chapter 246-12 WAC, Part 2)) for initial and renewal credentialing of practitioners as identified under WAC 246-12-020 through 246-12-051;~~

~~(b) Submit evidence of current certification by the commission approved certifying body identified in WAC 246-840-302(3);~~

~~(c) Submit evidence of ((thirty)) 30 contact hours of continuing education for each designation within the prior two years; and~~

~~(d) ((Submit evidence of two hundred fifty hours of advanced clinical practice completed within the prior two years; and~~

~~(e) Submit evidence of an additional thirty contact hours in pharmacology if requesting prescriptive authority, which may be granted once the ARNP license is returned to active status.~~

~~(5) If the applicant does not meet the required advanced clinical practice hours, the applicant shall obtain an ARNP interim permit consistent with the requirements for supervised advanced clinical practice as defined in WAC 246-840-340 (4) and (5).)) Meet the prescriptive authority requirements identified in WAC 246-840-410 if requesting prescriptive authority, which may be granted once the ARNP license is returned to active status.~~

[Statutory Authority: RCW 18.79.110. WSR 19-08-031, § 246-840-367, filed 3/27/19, effective 4/27/19. Statutory Authority: RCW 18.79.050, 18.79.110, and 18.79.160. WSR 16-08-042, § 246-840-367, filed 3/30/16, effective 4/30/16. Statutory Authority: RCW 18.79.010, [18.79.]050, [18.79.]110, and [18.79.]210. WSR 09-01-060, § 246-840-367, filed 12/11/08, effective 1/11/09.]