

WSR 21-21-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed October 19, 2021, 8:54 p.m.]

Subject of Possible Rule Making: WAC 246-11-420 Application of brief adjudicative proceedings. The department of health (department) is considering amending rules in this section to add interstate license compacts appeals in the brief adjudicative proceedings process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.40, 34.05.413, 34.05.482, 18.130.050; chapters 18.71B and 18.74 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington state provides a streamlined process that allows certain professions, such as allopathic physicians, osteopathic physicians and surgeons, and physical therapists to become licensed in multiple states through a interstate compact license. The appropriate licensing authority determines whether a physician or physical therapist is eligible for expedited licensure through the compact and issues a letter of qualification (LOQ) verifying or denying the eligibility to the interstate commission.

The LOQ is considered a license under the Administrative Procedure Act, chapter 34.05 RCW, but not regulated under the Uniform Disciplinary Act. A denial does not result in an adverse report to the National Practitioner Data Base. Individuals receiving a denial letter are entitled to an appeal process appealing the decision.

While appeals of the denial letters may qualify under the application of a brief adjudicative proceedings rule, WAC 246-11-420 (1)(a), the department will consider adding additional language to make it clear that a brief adjudicative proceeding would apply to interstate compact licensure.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jovi A. Sanchez, P.O. Box 47890, Olympia, WA 98504, phone 360-545-7315, TTY 711, email jovi.sanchez@doh.wa.gov.

Additional comments: If you are interested in this rule making and want to be on the interested parties list please email jovi.sanchez@doh.wa.gov.

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