

WSR 22-06-090

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed March 2, 2022, 7:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-16-026.

Title of Rule and Other Identifying Information: New WAC 246-836A-990, Colon hydrotherapist fees and renewal cycle. The department of health (department) is proposing the creation of a new section of rule to implement SB 5124, which establishes the colon hydrotherapist profession. The department is required to adopt rules to specify the fees, as well as to ensure clarity and consistency of fees that are standard across all professions.

Hearing Location(s): On April 8, 2022, at 1:00 p.m. In response to the coronavirus disease 2019 (COVID-19), the department 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 in advance for this webinar <https://attendee.gotowebinar.com/register/4522694167139040781>. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: April 15, 2022.

Submit Written Comments to: Heather Cantrell, P.O. Box 47850, Olympia, WA 98540-7850, email <https://fortress.wa.gov/doh/policyreview>, by April 4, 2022.

Assistance for Persons with Disabilities: Contact Heather Cantrell, phone 360-236-4637, TTY 711, email HSQAfeerules@doh.wa.gov, by April 1, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SB 5124 (chapter 179, Laws of 2021) creates a new certified profession, colon hydrotherapist. RCW 43.70.250 requires that the costs of licensing each profession be fully borne by the members of that profession. Rule making is proposed to ensure the department is in line with RCW 43.70.250 and the fees set are sufficient to cover the costs of licensing the profession. Professions need to maintain a reserve that is based on level of risk including revenue stability, disciplinary trends, and size of the profession, in order to cover unanticipated costs. Additionally, this proposal reflects the office of financial management requirement that agencies maintain a reasonable working capital reserve. The other aspects of the colon hydrotherapist rules will be established in a separate rule project under the board of naturopathy's authority.

Reasons Supporting Proposal: The department proposes these rules to align with the requirements of chapter 18.36A RCW and legislative intent of SB 5124. Rules are needed to establish the fees to support the profession. RCW 43.70.250 requires the cost of each licensing program to be fully borne by the profession's members and licensing fees to be based on the licensing program's costs. The department is also applying the developed standards to ensure consistent late renewal fees are applied across professions.

Statutory Authority for Adoption: RCW 18.36A.060, 18.36A.140, 43.70.110, 43.70.250, 43.70.280; and SB 5124 (chapter 179, Laws of 2021).

Statute Being Implemented: SB 5124 (chapter 179, Laws of 2021).

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

Name of Proponent: Washington state department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Heather Cantrell, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4637; Implementation and Enforcement: Susan Gragg, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4941.

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) (vi) exempts rules that set or adjust fees or rates pursuant to legislative 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 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.

March 2, 2022
Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

OTS-3599.3

NEW SECTION

WAC 246-836A-990 Colon hydrotherapist fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application-Original license	\$215.00
License renewal	
Renewal	215.00
Late renewal penalty	110.00
Expired license reissuance	65.00
Duplicate license	10.00
Verification of license	25.00

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