

WSR 22-12-053

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed May 26, 2022, 10:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-20-082.

Title of Rule and Other Identifying Information: WAC 246-850-030 and 246-850-060, orthotics and prosthetics. The department of health (department) is proposing clarifying language regarding national exam requirements for licensure under this chapter. The changes do not alter the effect of the existing rule.

Hearing Location(s): On July 6, 2022, at 9:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the department will not provide a physical location for this hearing. This is 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://us02web.zoom.us/webinar/register/WN_OzWqhjTsS2WO--j_veesmQ. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: July 13, 2022.

Submit Written Comments to: Kim-Boi Shadduck, Program Manager, Orthotic and Prosthetic Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by July 6, 2022.

Assistance for Persons with Disabilities: Contact Kim-Boi Shadduck, phone 360-236-2912, fax 360-236-2901, TTY 711, email kimboi.shadduck@doh.wa.gov, by June 28, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to address any confusion for the applicant by simplifying and clarifying language. Citations and internal WAC references have been corrected and names and dates of required exams have been clarified. The department amended chapter 246-850 WAC in 2019 to clarify and update examination requirements for orthotists and prosthetists. Applicants who complete their education after January 1, 2020, are now required to show completion of the clinical patient management exam as prepared and administered by the American Board for Certification in Orthotics, Prosthetics and Pedorthics. The proposed rule removes unnecessary mention of examination names and now simply references the exam requirements listed in WAC 246-850-060. WAC 246-850-060 has been updated to state clearly the organization and national exams required for each profession. The language makes clear that the national exams required by the 2019 rule amendments are for those completing their education and applying after January 1, 2020. None of the changes identified would change the effect of the existing rule.

Reasons Supporting Proposal: During a periodic rule review required by RCW 43.70.041, the department and the orthotics and prosthetics advisory committee identified several needed clarifications as reflected in this proposal.

Statutory Authority for Adoption: RCW 18.200.050.

Statute Being Implemented: Chapter 18.200 RCW.

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, Implementation, and Enforcement: Kim-Boi Shadduck, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2912.

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)(iv) exempts rules that only correct typographical errors, make address or name changes, or clarify the language of a rule without changing its effect.

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 only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: The proposed rule does not affect the underlying rule requirements and does not impact small businesses.

May 25, 2022
 Kristin Peterson, JD
 Deputy Secretary
 Policy and Planning
 for Umair A. Shah, MD, MPH
 Secretary

OTS-3652.1

AMENDATORY SECTION (Amending WSR 21-02-002, filed 12/23/20, effective 1/23/21)

WAC 246-850-030 Application requirements. An applicant for licensure shall submit to the department the following:

(1) A completed application and fee as required in chapter 246-12 WAC, Part 2;

(2) ~~((a))~~ Official transcripts, certificate, or other documentation forwarded directly from the issuing agency where the applicant has earned a bachelor degree or completed a certificate program from a program accredited by NCOPE or CAAHEP, or any other accrediting body with substantially equivalent requirements;

~~((b) Documentation of successful completion of the clinical patient management course, if the applicant completes education requirements for licensure on or after January 1, 2020;))~~

(3) Documentation of completion of an approved internship or residency as described in WAC 246-850-050;

(4) Documentation of successful completion of licensing examinations as ~~((approved by the secretary))~~ described in WAC 246-850-060;

(5) Verification from all states in which the applicant holds or has held a license, whether active or inactive, indicating that the applicant is or has not been subject to charges or disciplinary action for unprofessional conduct or impairment; and

(6) Additional documentation as required by the secretary to determine whether an applicant is eligible for licensure.

[Statutory Authority: RCW 18.19.050, 18.29.130, 18.29.210, 18.34.120, 18.46.060, 18.55.095, 18.84.040, 18.88B.060, 18.89.050, 18.130.050, 18.138.070, 18.155.040, 18.200.050, 18.205.060, 18.215.040, 18.230.040, 18.240.050, 18.250.020, 18.290.020, 18.360.030, 18.360.070, 70.41.030, 70.230.020, 71.12.670, and 18.108.085. WSR 21-02-002, § 246-850-030, filed 12/23/20, effective 1/23/21. Statutory Authority: RCW 18.200.050. WSR 19-09-065, § 246-850-030, filed 4/16/19, effective 5/17/19. Statutory Authority: RCW 18.200.050(1). WSR 98-21-086, § 246-850-030, filed 10/21/98, effective 11/21/98.]

AMENDATORY SECTION (Amending WSR 19-09-065, filed 4/16/19, effective 5/17/19)

WAC 246-850-060 Examination requirements. (1) An applicant for licensure as an orthotist shall successfully complete the following examinations:

(a) The Washington state jurisprudence examination; and

(b) As prepared and administered by the American Board for Certification in Orthotics, Prosthetics and Pedorthics:

(i) ~~The orthotic written multiple choice examination ((prepared and administered by the American Board for Certification in Orthotics, Prosthetics and Pedorthics));~~

~~((b))~~ (ii) ~~The orthotic written simulation examination ((prepared and administered by the American Board for Certification in Orthotics, Prosthetics and Pedorthics)); and~~

(c) ~~((The Washington state jurisprudence examination.))~~ If the applicant completes the education requirements for licensure on or after January 1, 2020, the orthotic clinical patient management exam.

(2) An applicant for licensure as a prosthetist shall successfully complete the following examinations:

(a) The Washington state jurisprudence examination; and

(b) As prepared and administered by the American Board for Certification in Orthotics, Prosthetics and Pedorthics:

(i) ~~The prosthetic written multiple choice examination ((prepared and administered by the American Board for Certification in Orthotics, Prosthetics and Pedorthics));~~

~~((b))~~ (ii) ~~The prosthetic written simulation examination ((prepared and administered by the American Board for Certification in Orthotics, Prosthetics and Pedorthics)); and~~

~~((c) The Washington state jurisprudence examination.))~~ (iii) If the applicant completes the education requirements for licensure on or after January 1, 2020, the prosthetic clinical patient management exam.

(3) An applicant who has successfully completed examinations administered by the American Board for Certification in Orthotics, Prosthetics and Pedorthics prior to July 1, 1991, may be considered by the secretary in order to determine if the applicant meets alternative standards that are substantially equivalent.

[Statutory Authority: RCW 18.200.050. WSR 19-09-065, § 246-850-060, filed 4/16/19, effective 5/17/19. Statutory Authority: RCW 18.200.050(8). WSR 99-07-122, § 246-850-060, filed 3/24/99, effective 4/24/99.]