

WSR 22-12-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Nursing Care Quality Assurance Commission)
[Filed June 1, 2022, 9:01 a.m.]

Subject of Possible Rule Making: WAC 246-840-365 Inactive and re-activating an ARNP license and 246-840-367 Expired license. The nursing care quality assurance commission (commission) is considering amendments to inactive and expired licensure requirements for advanced registered nurse practitioners (ARNPs) in response to the coronavirus disease 2019 (COVID-19) pandemic and the critical demand for health-care professionals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.010, 18.79.110, and 18.79.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes are needed to remove barriers to license renewal for ARNPs returning to active practice from inactive or expired status. The commission is considering rule making 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 nursing technicians, licensed practical nurses, registered nurses, and ARNPs.

The commission first adopted emergency rules in response to COVID-19 on April 24, 2020, under WSR 20-10-014. The commission has continued to file emergency rules, the most recent filing occurred on May 13, 2022, under WSR 22-11-047. The emergency rules are necessary for the preservation of public health, safety, and general welfare, including increasing and maintaining the availability of health care professionals to help treat and prevent the spread of COVID-19.

The commission met on May 14, 2021, and decided emergency language not covered by other permanent rules should revert to the original language or be addressed in this separate rule making. Changes to WAC 246-840-365 and 246-840-367 were proposed by the commission in a CR-102 with two other rule sections on January 31, 2022, under WSR 22-04-081.

During the public comment period and rules hearing for the proposed rule, the commission received several comments regarding WAC 246-840-365 and 246-840-367, which raised additional questions about the proposed changes to inactive and expired licensure requirements. Considering the public testimony submitted to the commission, the commission moved to withdraw WAC 246-840-365 and 246-840-367 from the permanent rule making for further exploration.

Opening the rules would provide the opportunity for additional interested party engagement, rule clarification, and possible amendments to address the identified concerns.

Process for Developing New Rule: None.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shad Bell, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-4711, fax 360-236-4738, TTY 711, email NCQAC.rules@doh.wa.gov, website <https://www.doh.wa.gov/licensespermitsandcertificates/nursingcommission>.

Additional comments: The commission will notify interested parties of rule making by posting information on the department of health website, the commission website and by use of GovDelivery. Interested

parties may sign up to receive commission rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. The commission will hold virtual meetings at varying times to encourage participation.

June 1, 2022
Paula R. Meyer, MSN, RN, FRE
Executive Director
Nursing Care Quality Assurance Commission