

WSR 22-15-039

PROPOSED RULES

DEPARTMENT OF HEALTH

(Washington Medical Commission)

[Filed July 14, 2022, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-17-024.

Title of Rule and Other Identifying Information: New WAC

246-919-345 Limited physician and surgeon clinical experience license. The Washington medical commission is proposing to add a new section to chapter 246-919 WAC to implement SB 6551 (chapter 325, Laws of 2020) concerning licensure of international medical graduates.

Hearing Location(s): On August 26, 2022, at 8:30 a.m. In response to the ongoing coronavirus disease 2019 (COVID-19) public health emergency, the Washington medical commission (commission) is providing a virtual option for this hearing to promote social distancing and the safety of the citizens of Washington state. Please register for rules hearing: SB 6551 - International medical graduates, on August 26, 2022, at 8:30 a.m. PDT, at <https://attendee.gotowebinar.com/register/5214159437353806348>. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: August 26, 2022.

Submit Written Comments to: Amelia Boyd, P.O. Box 47866, Olympia, WA 98504-7866, email <https://fortress.wa.gov/doh/policyreview>, by August 18, 2022.

Assistance for Persons with Disabilities: Contact Amelia Boyd, phone 800-525-0127, TTY 711, email medical.rules@wmc.wa.gov, by August 18, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission is proposing adding a new section of rule to meet the requirements of SB 6551 (chapter 325, Laws of 2020). SB 6551 requires the commission to establish requirements in rule for issuing a clinical experience license to an international medical graduate. In the 2021 session, SHB 1129 (chapter 204, Laws of 2021), was passed which established the requirements for issuing a clinical experience license, which has been codified as RCW 18.71.095(6).

The commission [is] proposing that prior to applying for the clinical experience limited license, applicants must meet the same requirements established in RCW 18.71.095(6). The commission is also defining "appropriate medical practice." Finally, the commission is clarifying that a clinical experience limited license applicant must file a practice agreement with the commission prior to commencing practice.

Reasons Supporting Proposal: SB 6551 requires the commission to establish in rule requirements for issuing a clinical experience license to an international medical graduate. While SHB 1129 later established the requirements, proposed rules are also necessary to clearly define "appropriate medical practice" as used in RCW 18.71.095. Currently, the commission has an interpretive statement: Establishing Approval Criteria for Defining Appropriate Medical Practices for IMG Nomination, INS2022-02. This interpretive statement will no longer be necessary when the rule clearly defines "appropriate medical practice." The proposed rule also clarifies that a practice agreement must be filed with the commission prior to commencing practice. The commission must review the practice agreement to determine

whether the supervision requirements are met in order to determine whether the nominating entity meets the requirements to supervise an international medical graduate, the practice agreement must be filed with the commission before the international medical graduate begins practicing under the limited license.

Statutory Authority for Adoption: RCW 18.71.017 and 18.130.050.

Statute Being Implemented: RCW 18.71.095(5).

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

Name of Proponent: Washington medical commission, governmental.

Name of Agency Personnel Responsible for Drafting: Amelia Boyd, 111 Israel Road S.E., Tumwater, WA 98501, 360-918-6336; Implementation and Enforcement: Melanie de Leon, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2755.

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 Amelia Boyd, Program Manager, P.O. Box 47866, phone 360-918-6336, TTY 711, email amelia.boyd@wmc.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).

Explanation of exemptions: The proposed rules do not impact businesses, the proposed rules only impact provider licensing requirements.

July 14, 2022
Melanie de Leon
Executive Director

OTS-3589.3

NEW SECTION

WAC 246-919-345 Limited physician and surgeon clinical experience license. (1) The commission may issue a limited physician and surgeon clinical experience license to an applicant who does not qualify for licensure under RCW 18.71.050 or chapter 18.71B RCW and who meets the requirements established in RCW 18.71.095(6) for the purpose of gaining clinical experience at an approved facility or program.

(2) An appropriate medical practice, as referenced in RCW 18.71.095 (6)(a); is a practice that meets the following criteria:

(a) The practice is physically located, in the state of Washington, providing clinical care to Washington patients.

(b) The practice falls within one of the following categories:

(i) Is a practice setting within a federal system such as military, Indian health services, tribal health setting, or community health center; or

(ii) Is a practice setting that:

(A) Has three or more physicians for the purposes of delivering direct patient care; and

(B) Has a quality review, improvement, and assurance program for practitioners.

(3) Prior to commencing practice, a clinical experience limited license holder must file a practice agreement with the commission.

(4) To apply for a limited physician and surgeon clinical experience license, an applicant shall submit to the commission:

(a) An application provided by the commission; and

(b) Applicable fees as established in WAC 246-919-990.

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