

## WSR 23-18-095

## PROPOSED RULES

## DEPARTMENT OF LICENSING

[Filed September 6, 2023, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-15-118.

Title of Rule and Other Identifying Information: Chapter 308-09  
WAC, Military service members or spouses—Professional license.

Hearing Location(s): On October 30, 2023, at 9:30 a.m. Join Zoom  
meeting [https://dol-wa.zoom.us/j/82572537210?](https://dol-wa.zoom.us/j/82572537210?pwd=ZVlyZHNTTTRQd1ZWL3VKt1RrUlpOdz09)

[https://dol-wa.zoom.us/j/82572537210?](https://dol-wa.zoom.us/j/82572537210?pwd=ZVlyZHNTTTRQd1ZWL3VKt1RrUlpOdz09)  
[pwd=ZVlyZHNTTTRQd1ZWL3VKt1RrUlpOdz09](https://dol-wa.zoom.us/j/82572537210?pwd=ZVlyZHNTTTRQd1ZWL3VKt1RrUlpOdz09), Meeting ID 825 7253 7210, Pass-  
code 266041; one tap mobile +12532050468,,82572537210#,,,,\*266041# US,  
+12532158782,,82572537210#,,,,\*266041# US (Tacoma), Meeting ID 825  
7253 7210, Passcode 266041. Find your local number [https://dol-](https://dol-wa.zoom.us/j/82572537210?pwd=ZVlyZHNTTTRQd1ZWL3VKt1RrUlpOdz09)  
[wa.zoom.us/u/kdpf3cy8Vy](https://dol-wa.zoom.us/j/82572537210?pwd=ZVlyZHNTTTRQd1ZWL3VKt1RrUlpOdz09). If you are having difficulty joining the Zoom  
meeting at the time of the public hearing, please call 360-902-0131.  
An in-person option is available at the Highways and Licensing Build-  
ing, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: October 31, 2023.

Submit Written Comments to: Kelsey Stone, 1125 Washington Street  
S.E., Olympia, WA 98504, email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov), by October  
29, 2023.

Assistance for Persons with Disabilities: Contact Kelsey Stone,  
1125 Washington Street S.E., Olympia, WA 98504, email  
[rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov), by October 20, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including  
Any Changes in Existing Rules: Creating a definition for the military  
spouse coordinator.

Reasons Supporting Proposal: Aligns with requirements in 2SHB  
1009 passed during the 2023 legislative session.

Statutory Authority for Adoption: RCW 18.340.020 Expedition of  
professional license, certification, registration, or permit,  
43.24.130 License moratorium for persons in service—Rules, and  
46.01.110 Rule-making authority.

Statute Being Implemented: WAC 308-09-010 Definitions.

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

Name of Agency Personnel Responsible for Drafting: Kelsey Stone,  
1125 Washington Street S.E., Olympia, WA 98504, 360-902-0131; Imple-  
mentation and Enforcement: Deb Allen-Ba, P.O. Box 9021, Olympia, WA  
98507, 360-664-1399.

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.  
These changes are nonsubstantive; they simply add a definition for the  
new agency military spouse coordinator.

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).

Scope of exemption for rule proposal:

Is fully exempt.

September 6, 2023  
Ellis Starrett  
Rules and Policy Manager

## OTS-4915.1

AMENDATORY SECTION (Amending WSR 20-13-048, filed 6/11/20, effective 7/12/20)

**WAC 308-09-010 Definitions.** (1) "Director" means the director of the department of licensing or designee.

(2) "Employment" means self-employment and employment by any other entity.

(3) "Good standing" means the condition of a valid license authorizing a person to engage in a regulated profession or occupation. A license in good standing is not subject to any disciplinary sanctions, terms, conditions, or restrictions by the licensing authority of this state, or the jurisdiction where the licensee is licensed to practice.

(4) "License" means permission to engage in a profession or occupation as defined by chapter 18.235 or 46.70 RCW.

(5) "Licensee" means a person who possesses a license to engage in a regulated profession or occupation.

(6) "Licensing authority" means:

(a) The director of the department of licensing or designee with respect to those occupations or professions identified in chapter 46.70 RCW and RCW 18.235.020 (2) (a); or

(b) A board having licensing authority over those occupations or professions identified in RCW 18.235.020 (2) (b) if the appropriate licensing authority has adopted these rules.

(7) "Military coordinator" means a person who is identified as a contact within the licensing authority to assist military members and military spouse applicants and licensees.

(8) "Military service member" means a person serving in the military.

~~((8))~~ (9) "Military service" or "serving in the military" means being enlisted or commissioned in the United States Armed Forces (active or reserve components), the United States health service commissioned corps, the United States National Guard, or the Merchant Marines of the United States or a veteran of these branches.

~~((9))~~ (10) "Military spouse" means any person currently or previously married to or in a registered domestic partnership with a military service member during the military service member's period of active, reserve, or National Guard service.

~~((10))~~ (11) "Regulated profession or occupation" means a profession or occupation identified in chapter 46.70 RCW or RCW 18.235.020 (2) (a) or (b) if the appropriate board or commission has adopted these rules.

~~((11))~~ (12) "Standard license" means a license of standard duration and renewal requirements, as established by that program's governing statute.

~~((12))~~ (13) "Status" means the condition of a license, wherein:

(a) An "active license" status means the licensee is authorized to engage in a regulated profession or occupation;

(b) An "inactive license" status means the licensee has qualified for the license but is not currently authorized to engage in a regulated profession or occupation for nondisciplinary reasons, for example because the licensee has left Washington state as a result of their spouse or partner being deployed or stationed to a location outside of Washington state;

(c) A licensee may place their license in "military status" if they are serving in the military. A license in military status is an active license.

~~((13))~~ (14) "Substantially equivalent" means the requirements to qualify for the same or similar license in another state are materially similar to Washington requirements in terms of quality, quantity of training, or experience.

~~((14))~~ (15) "Temporary license" is a license that authorizes the licensee to engage in a regulated profession or occupation for a defined period of time during which the licensee completes additional requirements for Washington licensure that are not related to training or practice standards of the profession as noted in RCW 18.340.020 (2) (c).

~~((15))~~ (16) "Training or practice standards" means education, experience, Washington specific examination, or a combination thereof, directly relating to the state's interest in regulating a specific profession or occupation to protect the public health, safety, or welfare.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-010, filed 6/11/20, effective 7/12/20.]

AMENDATORY SECTION (Amending WSR 20-13-048, filed 6/11/20, effective 7/12/20)

**WAC 308-09-025 Converting a military spouse's active license to an inactive license.** (1) The licensing authority will convert a military spouse's active license in good standing to an inactive license when the licensee:

(a) Submits a written request for the license status to be changed from active to inactive due to the licensee's spouse or registered domestic partner being deployed or stationed in a location outside Washington state.

(b) Submits, upon request, the following:

(i) A copy of service orders verifying the licensee's spouse or domestic partner is a member of the military service areas defined in WAC 308-09-010 ~~((8))~~ (9) and has been, or will be deployed or stationed to a location outside Washington state.

(ii) A copy of the marriage certificate or evidence of the registered domestic partnership with the military service member.

(2) The licensee must not practice in Washington while the license is in an inactive status.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-025, filed 6/11/20, effective 7/12/20.]

AMENDATORY SECTION (Amending WSR 20-13-048, filed 6/11/20, effective 7/12/20)

**WAC 308-09-040 Licensee with active licenses who enter the military.** (1) A person who already holds a license issued by the licensing authority who then enters active military service may notify the department to request their license be assigned military status. This

allows the licensee to maintain their license in full force and effect while in military service.

(2) The licensing authority will convert an active licensee whose license is in good standing to military status when the licensee submits all of the following:

(a) A written request for military status due to entering active military service, including the expected duration of their deployment; and

(b) A copy of service orders verifying the licensee is an active duty member of the armed forces of the United States or the other services described in WAC 308-09-010(~~((+8))~~) (9).

(3) The licensee may obtain military status at any time the criteria in subsection (2) of this section are met. There is no fee required for military status. Portions of the current renewal fee will not be prorated or refunded.

(4) A military status license remains in full force and effect so long as the service continues and allows practice throughout the state of Washington unless sooner suspended, canceled, or revoked by the licensing authority.

(5) A military spouse or registered domestic partner with power of attorney can act as an agent for the military service member.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-040, filed 6/11/20, effective 7/12/20.]

AMENDATORY SECTION (Amending WSR 20-13-048, filed 6/11/20, effective 7/12/20)

**WAC 308-09-045 Maintaining a military status license.** (1) As long as a military service member licensee's military service continues, the licensee is not required to renew their license, but should maintain the license in military status. To maintain a military status license, the licensee should submit to the department an official copy of service orders verifying that they are an active duty member of the United States Armed Forces or other services described in WAC 308-09-010(~~((+8))~~) (9).

(2) The department will provide courtesy notices to the licensee's address on file using the license renewal cycles.

(3) A licensee should return the courtesy notice to the department with an official copy of their service orders.

(4) Military status license maintenance requests are accepted by the department no sooner than (~~(ninety)~~) 90 days prior to the date the license would expire if not in military status.

(5) Continuing education is not required while the license is in military status.

[Statutory Authority: RCW 18.340.020, 43.24.023, and 43.24.130. WSR 20-13-048, § 308-09-045, filed 6/11/20, effective 7/12/20.]