

WSR 24-16-116

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed August 5, 2024, 1:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-01-084.

Title of Rule and Other Identifying Information: Osteopathic physician exam requirements in WAC 246-853-020. The board of osteopathic medicine and surgery (board) is proposing amendments to update the examination requirements for licensure of osteopathic physicians.

Hearing Location(s): On September 13, 2024, at 10:00 a.m., at the Hilton Garden Inn Seattle/Renton, 1801 East Valley Road, Renton, WA 98057; or virtually via Zoom on September 13, 2024, at 9:00 a.m. PST. Register in advance for this webinar <https://us02web.zoom.us/join/9805798057>. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: September 13, 2024.

Submit Written Comments to: Becky McElhiney, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2850, beginning on the date and time of this filing, by September 6, 2024, at midnight.

Assistance for Persons with Disabilities: Contact Becky McElhiney, phone 360-236-4766, fax 360-236-2901, TTY 711, email [osteopathic@doh.wa.gov](mailto:osteopathic@doh.wa.gov), by September 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: 2SHB 1724 (section 8, chapter 425, Laws of 2023), codified as RCW 18.130.077, directs the board to reduce barriers to obtaining licensure in Washington. The bill requires disciplining authorities to waive education, training, experience, and exam requirements for applicants who have been credentialed in another state or states with substantially equivalent standards for at least two years immediately preceding their application with no interruption in licensure lasting longer than 90 days.

To align with RCW 18.130.077, the board is proposing to amend the osteopathic examination requirements. The proposed changes would allow applicants to select one out of the four nationally approved examination series instead of selecting a combination of two or more examinations to qualify for licensure. Additionally, the board is proposing to remove the osteopathic principles and practices (OP&P) exam as one of the examinations.

The purpose of the proposed amendments is to simplify the osteopathic examination requirements. The proposed amendments would update the exam requirements to align with the goals set forth by RCW 18.130.077, and provide flexibility for applicants entering in the Washington workforce while also still ensuring competency to practice osteopathic medicine. The board is also proposing to remove the OP&P exam as an option because the board has identified that this state-specific exam is an underutilized pathway to licensure. Removing this exam allows more flexibility for those entering the Washington workforce.

Reasons Supporting Proposal: RCW 18.130.077 requires disciplinary authorities to waive education, training, experience, and exam requirements for out-of-state applicants with substantially equivalent standards. The department of health has periodically had timeliness

discrepancies in issuing credentials and processing applications, which was exacerbated during the coronavirus disease 2019 (COVID-19) pandemic. The goal of the statute is to reduce barriers for out-of-state health care professionals seeking licensure in Washington to expand the availability of qualified providers and streamline the credentialing process.

The proposed rule implements the statute's objectives by removing barriers for certain applicants licensed in other states if they meet substantially equivalent standards. This rule fulfills the intent of the statutes by creating faster pathways to licensure, while ensuring safety mechanisms for patients receiving care and services are in place and enforceable through rule.

Statutory Authority for Adoption: RCW 18.57.005, 18.130.050, 18.340.020, and 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.130.077.

Statute Being Implemented: RCW 18.130.077.

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

Name of Proponent: Board of osteopathic medicine and surgery, governmental.

Name of Agency Personnel Responsible for Drafting: Becky McElhiney, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4766; Implementation and Enforcement: James Chaney, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2831.

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 Becky McElhiney, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2850, TTY 711, email osteopathic@doh.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: This rule only impacts the licensing of providers and not the business.

Scope of exemption for rule proposal:

Is fully exempt.

July 31, 2024

U. James Chaney

Executive Director

Board of Osteopathic Medicine and Surgery

### OTS-5273.3

AMENDATORY SECTION (Amending WSR 15-16-085, filed 7/31/15, effective 8/31/15)

#### **WAC 246-853-020 Osteopathic medicine and surgery examination.**

~~((1))~~ An applicant for licensure as an osteopathic physician must successfully pass:

~~((a))~~ (1) Parts I, II, and III of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) or Parts I, II, and III of

the exam administered by the National Board of Osteopathic Medical Examiners (NBOME); or

~~((b) The Washington Osteopathic Principles and Practices (OP&P) Examination with a minimum score of seventy-five percent in each section;))~~

~~(2) The Comprehensive Osteopathic Variable-Purpose Examination (COMVEX) administered by NBOME with a minimum passing score as established by NBOME; or ((other state administered OP&P exam approved by the board.~~

~~(2) In addition to the exams identified in subsection (1)(b) of this section, the applicant must also pass at least one of the following:~~

~~(a)) (3) The Federation of State Licensing Board (FLEX) I and FLEX II Examination with a minimum score of 75 on each component. If taken prior to June 1985, passed with a FLEX weighted average of a minimum ((seventy-five)) 75 percent; or~~

~~((b) The FLEX I and FLEX II Examination with a minimum score of seventy-five on each component; or~~

~~(e)) (4) The United States Medical Licensing Examination (USMLE) Steps I, II, and III after December 1993, with a minimum score as established by the Federation of State Medical Boards and the National Board of Medical Examiners.~~