

WSR 24-17-077

PROPOSED RULES

DEPARTMENT OF HEALTH

(Occupational Therapy Practice Board)

[Filed August 16, 2024, 2:24 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-06-055.

Title of Rule and Other Identifying Information: Occupational therapy temporary permits and fee updates. The occupational therapy practice board (board) and the department of health (department) are proposing rule amendments to WAC 246-847-117 in response to 2SHB 1009 (chapter 165, Laws of 2023), to reducing barriers for military spouses entering and remaining in the occupational therapy (OT) workforce. Additionally, the board and the department are proposing amendments to WAC 246-847-990 to create a new fee to cover the cost of the proposal.

Hearing Location(s): On October 18, 2024, at 9:05 a.m., virtual via Microsoft Teams meeting. Join on your computer, mobile app, or room device. Copy this URL into your browser to join the meeting https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%23%2F1%2Fmeetup-join%2F1%3Ameeting_YWIZNDg4NTMTYjA5ZS00Y2M5LTg1MTEtMmFmYzI5NzI3NDVh%40thread.v%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252211d0e217-264e-400a-8ba0-57dcc127d72d%2522%252c%25220id%2522%253a%25226b58aff3-5555-4d17-ae13-0788bdac52c5%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=3f455b4b-61db-484a-a141-c1850bd32851&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true; or download Microsoft Teams <https://www.microsoft.com/en-us/microsoft-teams/download-app>, Meeting ID 220 261 893 741, Passcode DC3u4E; or call in (audio only), +1 564-999-2000,,78115422# United States, Olympia, Phone Conference ID 781 154 22#; or in person at Green River College, 12401 S.E. 320th Street, Room 230, Auburn, WA 98902.

Date of Intended Adoption: October 18, 2024.

Submit Written Comments to: Kathy Weed, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, kathy.weed@doh.wa.gov, beginning the date and time of this filing, by October 11, 2024, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Kathy Weed, phone 360-236-4883, TTY 360-833-6388 or 711, email kathy.weed@doh.wa.gov, by October 11, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board and the department are proposing revisions to the temporary permit requirements to extend the length of time the permit can be active from 90 days to 180 days to implement 2SHB 1009. The board is proposing changing the length of time the permit is active to 180 days for all applicants, not just military spouses. This proposed change will remove barriers to entering and remaining in the health care workforce and obtaining full licensure. The board and department are also proposing a fee for the 180-day temporary permit as there is no fee for it established in rule.

Reasons Supporting Proposal: The intent of 2SHB 1009, codified as RCW 18.340.020, is to make disciplining authorities review and adjust licensure requirements to remove barriers to entering and remaining in the health care workforce for military spouses. RCW 18.340.020 creates standards for issuing a temporary permit to military spouses and re-

quires that a temporary permit be issued to a military spouse for no less than 180 days. Under current rule, temporary permits are issued for only 90 days. Rule making is necessary to amend licensure requirements to comply with RCW 18.340.020.

Currently, there is no fee established in rule to cover the costs of issuing temporary permits. RCW 43.70.250 requires that the costs of licensing each profession be fully borne by members of that profession. The office of financial management also requires professions to maintain a reasonable cash reserve to cover fluctuations in cash flow and operating expenses. These proposed fees are needed to ensure the department is in line with RCW 43.70.250 and the fees set are sufficient to recover the costs of issuing temporary permits.

Statutory Authority for Adoption: RCW 18.59.130, 18.340.020, 43.70.110, 43.70.250, and 43.70.280.

Statute Being Implemented: RCW 18.340.020.

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

Name of Proponent: Department of health and occupational therapy practice board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kathy Weed, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4883.

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 Kathy Weed, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4883, TTY 711, email kathy.weed@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: The proposed rules only impact Washington state credentialed occupational therapists and out-of-state occupational therapists seeking a Washington state credential.

Scope of exemption for rule proposal:

Is fully exempt.

August 14, 2024
Mary Spores, OT, Chair
Occupational Therapy Practice Board
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-5528.2

AMENDATORY SECTION (Amending WSR 92-18-015, filed 8/24/92, effective 9/24/92)

WAC 246-847-117 Temporary permits—Issuance and duration pursuant to RCW 18.130.075. (1) Unless there is a basis for denial of an occupational therapist or occupational therapy assistant license, an

applicant who is currently licensed in a jurisdiction considered by the board to have licensing standards substantially equivalent to Washington's shall be issued a temporary practice permit after receipt of the following documentation by the department of health:

(a) Submission of a completed occupational therapist or occupational therapy assistant application on which the applicant indicates that he or she wishes to receive a temporary practice permit;

(b) Payment of the application fee and temporary practice permit fee; and

(c) Direct written verification of current licensure from the state whose licensing standards are substantially equivalent to Washington's.

(2) The temporary practice permit shall expire upon the issuance of a license by the board; initiation of an investigation by the board; or ~~((ninety))~~ 180 days, whichever occurs first.

(3) An applicant who receives a temporary practice permit and who does not complete the licensure application process shall not receive additional temporary practice permits even upon submission of a new application in the future.

AMENDATORY SECTION (Amending WSR 15-19-149, filed 9/22/15, effective 1/1/16)

WAC 246-847-990 Occupational therapy fees and renewal cycle.

(1) Licenses must be renewed every two years on the practitioner's birthday as provided in ~~((chapter 246-12 WAC, Part 2))~~ WAC 246-12-020 through 246-12-051.

(2) The following nonrefundable fees will be charged for occupational therapist:

Title of Fee	Fee
Original application	
Application and initial license fee	\$150.00
HEAL-WA* surcharge	16.00
Limited permit fee	55.00
<u>Temporary permit fee</u>	<u>50.00</u>
Active license renewal	
License renewal	125.00
Late renewal fee	65.00
HEAL-WA* surcharge (\$16.00 per year for two-year cycle)	32.00
Expired license reissuance	80.00
Inactive license renewal	
Inactive license	15.00
Expired license reissuance	15.00
HEAL-WA* surcharge (\$16.00 per year for two-year cycle)	32.00
Duplicate license	30.00
Verification of license	30.00

(3) The following nonrefundable fees will be charged for occupational therapy assistant:

Title of Fee	Fee
Original application	
Application and initial license fee	\$150.00
HEAL-WA* surcharge	16.00
Limited permit fee	45.00
<u>Temporary permit fee</u>	<u>50.00</u>
Active license renewal	
License renewal	105.00
Late renewal fee	55.00
Expired license reissuance	70.00
HEAL-WA* surcharge (\$16.00 per year for two-year cycle)	32.00
Inactive license renewal	
Inactive license	15.00
Expired inactive license reissuance	14.00
HEAL-WA* surcharge (\$16.00 per year for two-year cycle)	32.00
Duplicate license	30.00
Verification of license	30.00

*HEAL-WA is the health resources for Washington online library. See RCW 43.70.110.