

## WSR 24-18-010

## PROPOSED RULES

## DEPARTMENT OF HEALTH

[Filed August 22, 2024, 11:39 a.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 24-06-083.

Title of Rule and Other Identifying Information: Respiratory care practitioner licensure and endorsement and temporary permits; reducing barriers. The department of health (department) is proposing rule amendments to implement section 8 of 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.130.077, to reduce barriers to entering and remaining in the respiratory care practitioner (RCP) workforce and to streamline and shorten the credentialing process. Additionally, the department is proposing amendments to the temporary permit section in response to 2SHB 1009 (chapter 165, Laws of 2023), codified as RCW 18.340.020, to reduce barriers for military spouses entering and remaining in the RCP workforce. The department is proposing revisions to WAC 246-928-560 and 246-928-570, and new WAC 246-928-575 for applicants with a current national certification.

Hearing Location(s): On October 16, 2024, at 11:00 a.m., at the Washington State Department of Health, Town Center 2, Room 166/167, 111 Israel Road S.E., Tumwater, WA 98501; or via Zoom. Register in advance for this webinar [https://us02web.zoom.us/webinar/register/WN\\_ja20xEXPR-CiDlAsaz8pxQ](https://us02web.zoom.us/webinar/register/WN_ja20xEXPR-CiDlAsaz8pxQ). After registering, you will receive a confirmation email containing information about joining the webinar. The department will be offering a hybrid public hearing. Participants may attend virtually or in person at the physical location. You may also submit comments in writing.

Date of Intended Adoption: October 23, 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>, beginning the date and time of this filing, by October 16, 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](mailto:kathy.weed@doh.wa.gov), by October 9, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing amendments and adding a new section of rule 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 for longer than 90 days, or for applicants who are certified by the National Board for Respiratory Care (NBRC). The amendments to licensure and endorsement requirements are being proposed to implement RCW 18.130.077. The department is also proposing changes to the temporary permit section to extend the length of time the permit can be active from 90 days to 180 days to implement RCW 18.340.020. The department is proposing changing the length of time 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.

Reasons Supporting Proposal: The intent of RCW 18.130.077 is to make disciplining authorities review and adjust licensure requirements to remove barriers to entering and remaining in the health care workforce, and to streamline and shorten the credentialing process. Rule

making is necessary to amend licensure requirements throughout chapter 246-928 WAC to align and comply with RCW 18.130.077.

RCW 18.340.020 creates requirements for issuing a temporary permit to military spouses and requires 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 align with and comply with RCW 18.340.020.

The proposed amendments create consistency throughout the chapter, provide faster pathways to licensure, and ease the burden on licensees and applicants while still maintaining sufficient standards of training and care. Rule making is necessary to ensure accountability and safety for licensees and the public that would be enforceable through rule.

Statutory Authority for Adoption: RCW 18.89.050; 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.130.077; and 2SHB 1009 (chapter 165, Laws of 2023), codified as RCW 18.340.020.

Statute Being Implemented: RCW 18.130.077 and 18.340.020.

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

Name of Proponent: Department of health, 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, fax 360-236-2901, TTY 360-833-6388 or 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 amendments impact rules regulating individual professional licenses, not businesses.

Scope of exemption for rule proposal:

Is fully exempt.

August 22, 2024  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

#### OTS-5532.4

AMENDATORY SECTION (Amending WSR 22-11-013, filed 5/9/22, effective 7/1/22)

**WAC 246-928-560 Licensure for persons credentialed out-of-state.**  
An applicant who is currently or was previously credentialed in another

er state (~~or jurisdiction~~) may qualify for licensure in Washington state. (~~To be considered for licensure:~~

~~(1) The applicant shall submit to the department:~~

~~(a) A completed application on forms provided by the department;~~

~~(b) Proof of meeting the education requirements in WAC 246-928-520 or subsection (4) of this section; and~~

~~(c) A fee as specified in WAC 246-928-990.~~

~~(2) The applicant shall comply with the examination requirements in WAC 246-928-540 or subsection (4) of this section.~~

~~(3) The applicant shall request written verification directly from all states in which the applicant is or was credentialed, attesting that the applicant has or had a license in good standing and is not subject to charges or disciplinary action for unprofessional conduct or impairment.~~

~~(4) Applicants who have)~~

(1) For those credentialed in another state or states with substantially equivalent standards to Washington for at least two years immediately preceding their application, the applicant shall meet all requirements in RCW 18.130.077 and submit:

(a) A completed application on forms provided by the department;

(b) The required application fee; and

(c) Verification from another United States jurisdiction attesting that the applicant has a current license in good standing.

(2) For applicants licensed less than two years in a state with substantially equivalent standards at the time of application, licensed in a state that is not substantially equivalent to Washington, or expired in another state: The applicant must comply with the requirements for licensure as specified in chapter 18.89 RCW and WAC 246-928-420.

(3) An applicant who has completed at least a two-year program recognized by the Canadian Society of Respiratory Therapists (CSRT) in their current list, or any previous lists, and (~~have~~) has passed the CSRT registry examination; or (~~have~~) has been issued a registration by the CSRT are considered to have met the educational and examination requirements in this chapter. A Canadian applicant(~~s are~~) is required to submit verification directly from CSRT, as well as all of the information listed (~~above for applicants licensed in another jurisdiction~~) in WAC 246-928-420(1).

AMENDATORY SECTION (Amending WSR 22-11-013, filed 5/9/22, effective 7/1/22)

**WAC 246-928-570 Temporary practice permits for applicants credentialed out-of-state.** (1) An applicant who is currently (~~or was previously~~) credentialed in another state or jurisdiction substantially equivalent standards to Washington may qualify for a temporary practice permit while pending licensure in Washington state. Applicants must submit the following documentation to be considered for a temporary practice permit:

(a) A completed application on forms provided by the department with the request for a temporary practice permit indicated;

(b) An application fee and a temporary practice permit fee as specified in WAC 246-928-990;

(c) Written verification directly from all states or jurisdictions in which the applicant is or was licensed, attesting that the

applicant has or had a license in good standing and is not subject to charges or disciplinary action for unprofessional conduct or impairment; and

(d) Verification of completion of the required education and examination requirements as specified in WAC 246-928-520 and 246-928-540.

(2) The department shall issue a one-time-only temporary practice permit unless the department determines a basis for denial of the license or issuance of a conditional license.

(3) The temporary permit shall expire upon the issuance of a license by the department, initiation of an investigation by the department, or within ((90)) 180 days, whichever occurs first. The permit shall not be extended beyond the expiration date.

(4) Issuance of a temporary practice permit does not ensure that the department will grant a full license. A temporary permit ((holders are)) holder is subject to the same education and examination requirements as ((set forth)) required in WAC 246-928-520 and ((246-928-550)) 246-928-540.

~~((5) The following situations are not considered substantially equal for Washington state licensure:~~

~~(a) Certification of persons credentialed out-of-state through a state-constructed examination; or~~

~~(b) Legacy provisions where proof of education and examination was not required.))~~

#### NEW SECTION

**WAC 246-928-575 Applicants currently holding national certification.** An applicant who holds national certification as a registered respiratory therapist from the National Board of Respiratory Care, or its predecessor organization, may be granted Washington licensure upon proof of current national certification in good standing that meets all of the requirements in RCW 18.130.077(3). The applicant shall submit to the department:

(1) An application on forms provided by the department;

(2) Proof of national certification;

(3) Proof of compliance with RCW 18.130.077(3); and

(4) The appropriate licensing fees required under WAC 246-928-990.