

WSR 25-08-027

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed March 25, 2025, 3:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-21-034.

Title of Rule and Other Identifying Information: Athletic trainers; removing licensure barriers and updating rules to align with recent legislation. The department of health (department) is proposing amendments to WAC 246-916-010 and 246-916-030 to align with RCW 18.130.077.

Hearing Location(s): On May 6, 2025, 9:00 a.m. via Zoom. Register in advance for this webinar at https://us02web.zoom.us/webinar/register/WN_xA7Tn36hRaqRwANfy-znmQ. After registering, you will receive a confirmation email containing information about joining the webinar. You may also submit comments in writing.

Date of Intended Adoption: May 13, 2025.

Submit Written Comments to: Allyson McIver, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email allyson.mciver@doh.wa.gov, <https://fortress.wa.gov/doh/policyreview>, beginning the date and time of this filing, by May 6, 2025, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Allyson McIver, program manager, phone 360-236-2878, TTY 711, email allyson.mciver@doh.wa.gov, by April 22, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing amendments to WAC 246-916-010 and 246-916-030 to remove barriers to entering and remaining in the health care workforce and waive education and exam requirements for certain applicants. The department is also proposing to create a pathway for applicants to qualify for licensure if they have achieved national certification as of January 1, 2004, or later. The proposed amendments will streamline and shorten the credentialing process for athletic trainers and implement 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.130.077. Additionally, the department has rearranged the requirements to more closely follow the structure of other department rules.

Reasons Supporting Proposal: Under RCW 18.130.077, all disciplining authorities shall 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. Licensing authorities are also granted the authority to allow evidence of a national certification to qualify an applicant for a license, if applicable. The proposal includes a pathway to licensure for applicants with the national certification as of January 1, 2004, or later due to changes to the national certification requirements that began in 2004.

The intent of the law 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 existing licensure requirements in WAC 246-916-010 and 246-916-030 to align with RCW 18.130.077.

The department had previously filed a CR-101 as WSR 24-13-078 for rules regarding athletic training, but withdrew that filing under WSR

24-21-035 and refiled under WSR 24-21-034 on October 7, 2024, to consider the optional national certification for all athletic training applicants as a part of this rule-making project.

Statutory Authority for Adoption: RCW 18.250.020 and 2SHB 1724 (chapter 425, Laws of 2023), codified in 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: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Allyson McIver, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2878.

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. The proposed rule is exempt from a cost-benefit analysis under RCW 34.05.328 (5)(c)(i) and (b)(v) because the rule is considered a procedural rule and it incorporates statutory requirements dictated by RCW 18.130.077. Additionally, portions of the rule are exempt from a cost-benefit analysis under RCW 34.05.328 (5)(b)(iii) as they incorporate by reference existing Washington state law and rule without material change and RCW 34.05.328 (5)(b)(iv) as they rearrange some existing requirements without changing the intent.

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(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed amendments impact rules regulating individual professional licenses, not businesses. Portions of the proposed rule also incorporate statutory requirements dictated by RCW 18.130.077. Additionally, portions of the rule incorporate by reference existing Washington state law and rule without material change and provide clarification, as they rearrange some existing requirements without changing the intent.

Scope of exemption for rule proposal:

Is fully exempt.

March 25, 2025
Kristin Peterson, JD
Chief of Policy
for Jessica Todorovich, MS
Acting Secretary of Health

OTS-6103.2

AMENDATORY SECTION (Amending WSR 21-02-002, filed 12/23/20, effective 1/23/21)

WAC 246-916-010 Licensure requirements. ~~((To be eligible for licensure, applicants must provide evidence of:~~

- ~~(1) Completion of an approved educational program as determined in WAC 246-916-020; and~~
- ~~(2) Attaining a passing score on the examination administered by the board of certification for athletic trainers (BOC) or its predecessor or successor organization as approved by the secretary; and~~
- ~~(3) Any other written declarations or documentation, as required by the secretary.))~~ (1) To apply for licensure as an athletic trainer, an applicant shall submit to the department:
 - (a) A completed application on forms provided by the department;
 - (b) Evidence of completion of an approved educational program as determined in WAC 246-916-020;
 - (c) Evidence of attaining a passing score on the examination administered by the board of certification for athletic trainers (BOC) or its predecessor or other organization approved by the secretary;
 - (d) Proof of licensure history in any other state or jurisdiction;
 - (e) The licensing fees required under WAC 246-916-990; and
 - (f) Any other written declarations or documentation, as required by the secretary.
- (2) Evidence of education and examination in subsection (1)(b) and (c) of this section may be waived if applicant provides verification of BOC certification obtained on or after January 1, 2004, and can demonstrate compliance with RCW 18.130.077(3).

AMENDATORY SECTION (Amending WSR 21-02-002, filed 12/23/20, effective 1/23/21)

WAC 246-916-030 ~~((Applicants currently licensed in other states.))~~ Licensure by endorsement. ~~((Before licensure may be issued to any individual currently licensed to practice as an athletic trainer in another state, as provided in chapter 18.250 RCW, applicants must provide evidence of:~~

- ~~(1) Having met the education requirements for licensure as defined in WAC 246-916-020; and~~
- ~~(2) Attaining a passing score on the examination as defined in WAC 246-916-010; and~~
- ~~(3) Verification of credential from any state; and~~
- ~~(4) Any other written declarations or documentation, as required by the secretary.))~~ (1) An applicant may qualify for licensure by endorsement as an athletic trainer if the applicant is currently licensed in a substantially equivalent state or jurisdiction and has been licensed for at least two years immediately preceding an application and meets all other requirements of RCW 18.130.077 (1) and (3). The applicant shall submit to the department:
 - (a) A completed application on forms provided by the department;
 - (b) Proof of licensure history that demonstrates compliance with RCW 18.130.077 (1) and (3); and

(c) The licensing fees required under WAC 246-916-990.

(2) If an applicant does not meet the requirements described in subsection (1) of this section, the applicant shall apply for initial licensure as established under WAC 246-916-010.