



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 22, 2024

TIME: 11:39 AM

WSR 24-18-010

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 24-06-083 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) 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 Second Substitute House Bill (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 Second Substitute House Bill (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, 246-928-570, and adding a new section, WAC 246-928-575, for applicants with a current national certification.

Hearing

location(s):

Date: Time: Location: (be specific)

Comment:

October 16, 2024	11:00 AM	In-Person: WA State Department of Health Town Center 2 Room 166/167 111 Israel Rd SE Tumwater, Washington 98501 Zoom Link: Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_ja20xEXPR-CiDIAsaz8pxQ After registering, you will receive a confirmation email containing information about joining the webinar.	The Department of Health 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 (Note: This is **NOT** the effective date)

Submit written comments to:

Name Kathy Weed
Address Department of Health PO Box 47852 Olympia WA 98504-7852

Email <https://fortress.wa.gov/doh/policyreview>

Fax N/A

Other

Beginning (date and time) The date and time of this filing.

By (date and time) October 16, 2024 at 11:59pm

Assistance for persons with disabilities:

Contact Kathy Weed
Phone 360-236-4883

Fax N/A

TTY 360-833-6388 or 711

Email kathy.weed@doh.wa.gov

Other

By (date) 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. Rulemaking 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. Rulemaking 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. Rulemaking 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

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Department of Health

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting Kathy Weed	111 Israel Rd. SE, Tumwater, WA 98501	360-236-4883
Implementation Kathy Weed	111 Israel Rd. SE, Tumwater, WA 98501	360-236-4883
Enforcement Kathy Weed	111 Israel Rd. SE, Tumwater, WA 98501	360-236-4883

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name Kathy Weed
Address Department of Health PO 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
Other

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: The proposed amendments impact rules regulating individual professional licenses, not businesses.

(2) Scope of exemptions: *Check one.*

The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY

Email
Other

Date: 8/22/2024

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:

A handwritten signature in cursive script that reads "Kristin Peterson". The signature is written in black ink on a white background.

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 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. Appli-

cants 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.