



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 17, 2023

TIME: 5:10 PM

WSR 23-03-106

Agency: Department of Health – Board of Physical Therapy

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR _____; 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) WAC 246-915A-010 - Physical Therapy Licensure Compact - Compact Commission Rules. The Board of Physical Therapy (board) is proposing to update the effective date in WAC 246-915A-010 for the Physical Therapy Compact per RCW 18.74.500, Article IX(2). This proposed rule will update the compact effective date to October 30, 2022.

Hearing location(s):

Date: Time: Location: (be specific) Comment:

Date:	Time:	Location: (be specific)	Comment:
February 27, 2023	10:15AM	<p>The Board of Physical Therapy will provide a virtual and a physical location for this hearing to promote social distancing and the safety of the citizens of Washington State.</p> <p>Physical location:</p> <p>Lacey Community Center 6729 Pacific Ave SE Lacey, WA 98502</p> <p>Virtual:</p> <p>Please follow this link to register for the virtual hearing which will give you instructions to either join the meeting on a device, or to call in to the meeting on the phone:</p> <p>https://us02web.zoom.us/webinar/register/WN_2-X17yG-Siavk27o6YaZFQ</p>	

Date of intended adoption: February 27, 2023 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Allyson Mclver, Program Manager
 Address: PO Box 47852 Olympia WA 98504-7852
 Email: physical.therapy@doh.wa.gov
 Fax: 360-236-2901
 Other:
 By (date) 2/20/2023

Assistance for persons with disabilities:

Contact Allyson Mclver, Program Manager
 Phone: 360-236-2878
 Fax: 360-236-2901
 TTY: 711
 Email: physical.therapy@doh.wa.gov
 Other:
 By (date) 2/13/2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to update the effective date in Washington Administrative Code to the compact rules most recent version, October 30, 2022. The compact commission rules are not effective in Washington unless the board approves and adopts the rules.

The Physical Therapy Compact Commission Rules, effective October 30, 2022, amended existing rules to:

1. Conform with the model compact language.
2. Change the timeframe for reporting disciplinary actions to the Compact Commission.
3. Clarify the change of home state notification requirements.
4. Add a new definition of "Initial."
5. Clarify the jurisprudence requirements.
6. Clarify the National Physical Therapy Examination (NPTE) as the requirement for licensure.

Reasons supporting proposal: The board is proposing amendments to comply with RCW 18.74.500, Article IX(2), which mandates that the board must update the effective date of the compact rules to participate in the compact in the state of Washington.

Statutory authority for adoption: RCW 18.74.500, Article IX(2) and RCW 18.74.023

Statute being implemented: RCW 18.74.500, Article IX(2)

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

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Board of Physical Therapy

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Allyson Mclver, Program Manager	111 Israel Rd SE, Tumwater, WA 98501	360-236-2878
Implementation: Allyson Mclver, Program Manager	111 Israel Rd SE, Tumwater, WA 98501	360-236-2878
Enforcement: Allyson Mclver, Program Manager	111 Israel Rd SE, Tumwater, WA 98501	360-236-2878

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:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: RCW 34.05.328(5)(b)(iii) exempts rules that adopt or incorporate by reference without material change federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

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 checked="" 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 changes adopt with out change amendments made to the physical therapy licensure compact. The proposed rule references the compacts rules most recent adopted version.

(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:

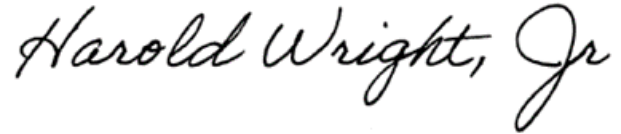
Other:

Date: January 17, 2023

Name: Harold Wright Jr

Title: Executive Director

Signature:

A handwritten signature in black ink that reads "Harold Wright, Jr". The signature is written in a cursive style with a large, looped "Jr" at the end.

AMENDATORY SECTION (Amending WSR 22-10-021, filed 4/25/22, effective 4/25/22)

WAC 246-915A-010 Physical therapy licensure compact—Compact commission rules. (1) The physical therapy licensure compact (compact) is established in Washington under RCW 18.74.500. Its purpose is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services.

(2) The rules of the physical therapy compact commission, in effect as of October (~~24, 2021~~) 30, 2022, are adopted and incorporated by reference.

(3) A copy of the rules is available for public inspection from the department of health at <https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/PhysicalTherapyLicensureCompact/RulesInProgress> or by calling the department of health's office of customer service at 360-236-4700.

(4) A licensee may exercise a compact privilege as provided in RCW 18.74.500, Article IV. Applicable fees are set forth in WAC 246-915A-990.