



# 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: February 27, 2023  
TIME: 4:53 PM

**WSR 23-06-059**

**Agency:** Department of Health

**Original Notice**

**Supplemental Notice to WSR**

**Continuance of WSR**

**Preproposal Statement of Inquiry was filed as WSR** 22-20-014 ; 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) Occupational therapy licensure compact (compact) fees and renewal cycle. The Department of Health (department) is proposing a new section of rule, WAC 246-847-991, to implement Senate Bill (SB) 5518, which creates a new interstate licensure compact for occupational therapy and gives member states the discretion to charge a fee for granting compact privileges. The proposed rule specifies the fees and renewal cycle.

**Hearing location(s):**

**Date:**

**Time:**

**Location:** (be specific)

**Comment:**

April 4, 2023

9:00am

The Department of Health will be holding a virtual only hearing.

Register in advance for this webinar:

[https://us02web.zoom.us/webinar/register/WN\\_O\\_2-K67eS2CmxUGs2Q9Frw](https://us02web.zoom.us/webinar/register/WN_O_2-K67eS2CmxUGs2Q9Frw)

After registering, you will receive a confirmation email containing information about joining the webinar.

**Date of intended adoption:** April 11, 2023 (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: [kathy.weed@doh.wa.gov](mailto:kathy.weed@doh.wa.gov)

Fax: 360-236-2901

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

By (date) April 4, 2023

**Assistance for persons with disabilities:**

Contact Kathy Weed

Phone: 360-236-4883

Fax: 360-236-2901

TTY: 360-833-6388 or 711

Email: [kathy.weed@doh.wa.gov](mailto:kathy.weed@doh.wa.gov)

Other:

By (date) March 21, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** SB 5518 passed in 2022 and codified in RCW 18.59.180, enacted the Occupational Therapy Licensure Compact (Compact) in Washington state. The purpose of the compact is to facilitate interstate practice of occupational therapists (OT) and occupational therapy assistants (OTA). RCW 18.59.180, Article 3, (3), allows the state of Washington to collect fees for the compact. The purpose of the proposal is to charge a fee for granting the privilege of licensure in Washington through the compact.

**Reasons supporting proposal:** 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 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 a license for compact privileges.

**Statutory authority for adoption:**

RCW 43.70.110, 43.70.250, 43.70.280, and SB 5518 (Chapter 152, Laws of 2022) codified as RCW 18.59.180

**Statute being implemented:** RCW 18.59.180

**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) Department of Health

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

No: Please explain: As defined in RCW 34.05.328(5)(b), the department has determined that no significant analysis is required because the rule sets fees.

**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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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:

**(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:** February 27, 2023

**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".