



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: November 17, 2024

TIME: 11:19 AM

WSR 24-23-062

Agency: Department of Health

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) July 1, 2025 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Respiratory Care Practitioner licensure, endorsement, and temporary permits - reducing barriers. The Department of Health (department) is adopting 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. Additionally, the department is adopting 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 adopting revisions to WAC 246-928-560 and adding a new section, WAC 246-928-575, for applicants with a current national certification to align licensure and endorsement requirements with RCW 18.130.077. The department is adopting these amendments and 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 department is also adopting amendments to the temporary practice permit rule, WAC 246-928-570, to align with RCW 18.340.020 which requires temporary permits to be issued for no less than 180 days for military spouses. The adopted amendments extend the length of time a temporary practice permit is issued for from 90 days to 180 days for all applicants, not just military spouses.

The purpose of the adopted amendments includes removing barriers to obtaining full licensure, entering and remaining in the RCP workforce, and streamline and shorten the credentialing process.

After the public rules hearing on October 16, 2024, the department made corrections to the rule language to align with RCW 18.130.075 temporary practice permits for health professions. The changes made to the rule language are a result of identifying inconsistency in the proposed rule language with RCW 18.130.075 and were made for consistency and clarity purposes. The changes are described below in the PERMANENT RULE box.

Citation of rules affected by this order:

New: WAC 246-928-575
Repealed: None
Amended: WAC 246-928-560 and 246-928-570
Suspended: None

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.

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-18-010 on August 22, 2024 (date).

Describe any changes other than editing from proposed to adopted version:

In WAC 246-928-570 Temporary practice permits for applicants credentialed out-of-state, the following language was removed from (1)(d): "verification of completion of the required education and examination as specified in WAC 246-928-520 and WAC 246-928-540." This language was removed because it is inconsistent with RCW 18.130.075, which does not require applicants for a temporary permit provide proof of their education and examination prior to being issued a temporary permit.

Also in WAC 246-928-570, the following language was removed from subsection (4): "A temporary permit holder is subject to the same education and examination requirements as required in WAC 246-928-520 and 246-928-540." This language was removed because of inconsistency with RCW 18.130.075 as some applicants applying for a temporary permit under endorsement rules may not be subject to those education and exam requirements.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Kathy Weed

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Other: None

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>1</u>	Amended	<u>2</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>1</u>	Amended	<u>2</u>	Repealed	<u>0</u>

Date Adopted: November 17, 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, appearing to read "Kristin Peterson".

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; and

(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 as specified in WAC 246-928-520).~~

(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. ((Temporary permit holders are subject to the same education and examination requirements as set forth in WAC 246-928-520 and 246-928-550.

~~(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.