



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 07, 2018
TIME: 10:33 AM

WSR 18-04-110

Agency: Department of Health

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) 03/15/2018 (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: Chapter 246-824 WAC, regarding dispensing optician examination and licensure: WAC 246-824-035 (new), 246-824-040 (amended), 246-824-045 (new), 246-824-071 (amended) and repealing WACs 246-824-060, 246-824-065, and 246-824-070. These adopted rules designate the American Board of Opticianry and National Contact Lens Examiners (ABO-NCLE) as the examination requirement for dispensing optician licensure and repeal WAC 246-824-065, the requirement that the examining committee must administer the state licensing examination. The adopted rules clarify licensure requirements by amending WAC 246-824-040 to add license eligibility and add WAC 246-824-045 to establish application requirements. These adopted rules also remove the requirement of the jurisprudence exam for out-of-state applicants and repeal sections related to the state administered exam. Finally, the adopted rules update the sections to be current and consistent with other rules for health professions under the authority of the Secretary of Health.

Citation of rules affected by this order:

- New: WAC 246-824-035, WAC 246-824-045
- Repealed: WACs 246-824-060, 246-824-065, 246-824-070
- Amended: WACs 246-824-040, 246-824-071
- Suspended: none

Statutory authority for adoption: RCW 43.70.040

Other authority: Chapter 18.34 RCW

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 17-18-088 on 09/05/2017 (date).

Describe any changes other than editing from proposed to adopted version: In WAC 246-824-040 a new subsection (5) was added to read "and (5) Meet any other requirements by law." This change was made to inform license applicants that they must meet various other requirements as well as those in chapter 18.34 RCW.

WAC 246-824-040 (3)(c) replaced "Practice as a dispensing optician in a state other than Washington for at least five years; except as provided in WAC 246-824-071;" with, "Been principally engaged in practicing as a dispensing optician not in the state of Washington for five years." to be consistent with RCW 18.34.070.

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

Name: Debra Mendoza

Address: Department of Health, PO Box 47852, Olympia, WA 98504-7852

Phone: 360-236-4841

Fax: 360-236-2901

TTY: (360) 833-6388 or 711

Email: debra.mendoza@doh.wa.gov

Web site:

Other:

**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>0</u>	Amended	<u>0</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>
-----	----------	---------	----------	----------	----------

The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>2</u>	Amended	<u>2</u>	Repealed	<u>3</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted using:

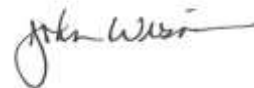
Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>2</u>	Amended	<u>2</u>	Repealed	<u>3</u>

Date Adopted: 02/06/2018

Name: John Wiesman, DrPH, MPH

Title: Secretary of Health

Signature:



NEW SECTION

WAC 246-824-035 Examination. The examining committee approves the examinations from the American Board of Opticianry and National Contact Lens Examiners (ABO-NCLE) for dispensing optician licensure.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-824-040 (~~(Application for examination.)~~) Licensure eligibility. (~~((1) An individual shall make application for examination, in accordance with RCW 18.34.070, on an application form prepared and provided by the secretary.~~

~~(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.~~

~~(3) If an applicant is unable to attend his or her scheduled examination, and so notifies the secretary in writing at least 7 days prior to the scheduled examination date, the applicant will be re-scheduled at no additional charge. Otherwise, the fee will be forfeited. (Emergencies considered.)~~

~~(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he or she may be scheduled to retake the examination by submitting an application and paying the statutory examination fee.~~

~~(5) Applications and fees for examination and all documents required in support of the application must be submitted to the division of professional licensing, department of health, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination.~~

~~(6) Apprenticeship training shall be completed prior to the application deadline.)~~ To be eligible for licensure, applicants must:

(1) Be eighteen years or more of age;

(2) Graduate from an accredited high school or receive a general equivalency degree;

(3) Complete one of the following:

(a) At least six thousand hours of certified apprenticeship training that must be completed in no less than three years as required under chapter 18.34 RCW; or

(b) An accredited opticianry course as described in WAC 246-824-050; or

(c) Been principally engaged in practicing as a dispensing optician not in the state of Washington for five years;

(4) Successfully pass one of the following examinations:

(a) The state examination offered on or before August 31, 2017;

(b) On or after June 1, 2015, the basic competency examination, basic contact lens examination, and the practical examinations from ABO-NCLE. This requirement can also be met by successfully passing the ABO-NCLE advanced competency examination, advanced contact lens examination, and the practical examinations on or after June 1, 2015; and

(5) Meet any other requirements in law.

NEW SECTION

WAC 246-824-045 License application. An applicant for a dispensing optician license must submit the following:

- (1) A completed application on forms provided by the department;
- (2) Proof of eligibility under WAC 246-824-040;
- (3) Verification of passing the examination under WAC 246-824-040(4);
- (4) Proof of completing four clock hours of AIDS education and training as required by chapter 246-12 WAC, Part 8; and
- (5) Fees required under WAC 246-824-990.

AMENDATORY SECTION (Amending WSR 02-18-025, filed 8/23/02, effective 9/23/02)

WAC 246-824-071 (~~(License by endorsement.)~~) Applicants currently licensed in other states. ~~((1) A license)) Before licensure to any individual currently licensed to practice as a dispensing optician (may be issued without examination to an individual who is currently licensed in another state that has licensing standards substantially equivalent to those currently applicable in Washington state.~~

~~(2) The department will issue a license by endorsement upon receipt of:~~

- ~~(a) A completed application and application fee;~~
- ~~(b) The applicant will provide documentation from the state in which the applicant is currently licensed sufficient to establish that the state's licensing standards are substantially equivalent to the licensing standards currently applicable in Washington state;~~
- ~~(c) A completed open book state law questionnaire;~~
- ~~(d) Documentation of) in another state, as provided in chapter 18.34 RCW, applicants must provide evidence of:~~

~~(1) Verification of credential from any state and the state's substantially equivalent licensing standards;~~

~~(2) Completion of four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8;~~

~~((e)) (3) Verification from all states in which the applicant has ever held a license, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment.~~

~~((3) If licensure by endorsement is not granted, and the applicant is otherwise qualified for the licensing examination, he or she may apply for licensure by examination in accordance with RCW 18.34.070 and WAC 246-824-040.~~

~~(4) Endorsement application fees may be applied towards the examination fee if licensure by endorsement is not granted.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-824-060 Dispensing optician examination.
WAC 246-824-065 Duties and responsibilities of the
 dispensing optician examining
 committee.
WAC 246-824-070 Informal review of examination results.