



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: July 22, 2019

TIME: 9:35 AM

WSR 19-15-096

Agency: Department of Health

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).

Proposal is exempt under RCW .

**Title of rule and other identifying information:** (describe subject) WAC 246-825-990 License Fees. Genetic counselor. Proposing to decrease licensing application and active renewal fees, update late renewal penalties, and adjust license duplication and verification fees to meet department standards.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
08/27/2019	2:00 p.m.	Department of Health Town Center 2, Room #145 111 Israel Road SE Tumwater, WA 98501	

**Date of intended adoption:** 09/04/2019 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Jeff Wise

Address: Department of Health

PO Box 47850

Tumwater, WA 98504-7850

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

Fax: None

Other: None

By (date) 08/27/2019

**Assistance for persons with disabilities:**

Contact Jeff Wise

Phone: 360-236-4987

Fax: None

TTY: (360) 833-6388 or 711

Email: [jeff.wise@doh.wa.gov](mailto:jeff.wise@doh.wa.gov)

Other: None

By (date) 08/14/2019

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Current fees are generating surplus revenue for the genetic counselor program, largely related to their growing licensee base and minimal disciplinary costs. This program is projected to have a funding balance of \$142,000 by June 2019, which is forecasted to grow to approximately \$354,000 by June 2025. Professions need to maintain a reserve that is based on level of risk including revenue stability, disciplinary trends, and size of the profession, in order to cover unanticipated costs. The proposed 75 percent fee reduction is anticipated to bring the program's fund balance down to target reserve levels of \$57,000 by Fiscal Year (FY) 2029. The Department of Health (department), is also proposing a decrease to the late renewal penalties to

\$50.00, license duplication fee to \$10.00, and license verification fee to \$25.00, in order to bring these amounts in line with the department's standard for all health professions.

**Reasons supporting proposal:** RCW 43.70.250 requires the cost of each licensing program to be fully borne by the profession's members and licensing fees to be based on the licensing program's costs. In response to a petition by the Washington State Genetic Counselors Network, the department is proposing to decrease licensing and active renewal fees for genetic counselors, after determining that current fees are generating a program fund surplus. The goal of the proposed fee decrease is to bring licensing fee revenues into alignment with the actual costs of regulating this program, and avoid the projected growing fund surplus. The department's proposal to decrease the late renewal penalties and adjust the license duplication and verification fees is intended to bring these amounts in line with the department's standard for all health professions.

In addition, the State Auditor's Office (SAO) published their performance audit report, "Aligning Healthcare Professional Fees with Licensing Costs," in November 2018, to examine if the department aligns the fees it charges to healthcare professions with the costs of licensing. In response, the department is developing processes to review fees more consistently and enhance transparency of fund balances and fee setting. Department policy and Office of Financial Management guidelines that require professions to have a sufficient reserve to cover unexpected costs, were also used.

**Statutory authority for adoption:** RCW 43.70.250 and 43.70.280

**Statute being implemented:** RCW 43.70.250 and 43.70.280

**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

Private

Public

Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Nancy Elliott	111 Israel Road SE, Tumwater, WA 98501	360-236-4878
Implementation:	Jeff Wise	111 Israel Road SE, Tumwater, WA 98501	360-236-4987
Enforcement:	Jeff Wise	111 Israel Road SE, Tumwater, WA 98501	360-236-4987

**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: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

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 .

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If 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 analysis showing how costs were calculated.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

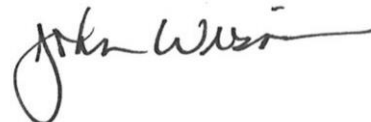
The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

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

**Date:** 07/18/2019

**Signature:**

**Name:** John Wiesman, DrPH, MPH



**Title:** Secretary of Health

AMENDATORY SECTION (Amending WSR 14-08-084, filed 4/1/14, effective 7/1/14)

**WAC 246-825-990 License fees.** (1) Licenses must be renewed every year on the practitioner's birthday as provided under chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

<b>Title</b>	<b>Fee</b>
Application	<del>((200.00))</del> <u>50.00</u>
Renewal	<del>((200.00))</del> <u>50.00</u>
Late renewal penalty	<del>((100.00))</del> <u>50.00</u>
Expired license reissuance	100.00
Duplicate license	<del>((30.00))</del> <u>10.00</u>
<del>((Certification))</del> <u>Verification</u> of licensure	<del>((30.00))</del> <u>25.00</u>

(3) The following nonrefundable fees will be charged for a provisional license:

<b>Title</b>	<b>Fee</b>
Application	30.00
Renewal	30.00
Late renewal penalty	30.00
Duplicate provisional license	<del>((30.00))</del> <u>10.00</u>
<u>Verification of provisional licensure</u>	<u>25.00</u>