



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- 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).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)

WAC 246-12-050, Creating a permanent new section to provide for temporary practice permits to be issued to an applicant for a profession listed in RCW 18.130.040(2)(a) while a fingerprint-based national background check is completed.

**Hearing location(s):** Town Center 2  
111 Israel Rd. SE, Rm. 158  
Tumwater, WA

Date: 10/28/09

Time: 9:00 am

**Submit written comments to:**

Name: Dianna Staley  
Address: Department of Health  
Health Systems Quality Assurance  
PO Box 47860  
Olympia, WA 98504-7860  
Website: <http://www3.doh.wa.gov/policyreview/>  
fax 360-236-4626 by (date) 10/28/2009

**Assistance for persons with disabilities:** Contact

Dianna Staley by 10/21/2009

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 10/30/2009

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

To provide for permanent temporary practice permits to be issued to an applicant for a profession listed in RCW 18.130.040(2)(a) if a fingerprint-based national background check must be conducted. The national background check process is lengthy and has caused licensing delays that may affect the public's access to health care. The temporary practice permit will be issued to applicants in secretary professions listed in RCW 18.130.040(2)(a) that do not currently regulate temporary practice permits by statute or rule. To receive the permit, the applicant must meet all other licensing requirements, qualifications, and have no criminal record in Washington. The proposed rule will provide for qualified applicants to practice in the full scope of their profession until the permit expires. The proposed permanent rule will replace the emergency rule adopted effective September 1, 2009.

**Reasons supporting proposal:**

In 2008 4SHB 1103 (Chapter 134 Laws of 2008) passed authorizing fingerprint-based national background checks for those situations when a background check in RCW 18.130.064 was inadequate. The legislation authorized the secretary to issue a temporary practice permit to an applicant who must have the national background check. The proposed rule will reduce the barriers for out-of-state licensed applicants who otherwise meet all licensing requirements. This rule will also improve the public's access to health care.

**Statutory authority for adoption:**  
RCW 18.130.064, RCW 18.130.075

**Statute being implemented:**  
RCW 18.130.064, RCW 18.130.075

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 22, 2009  
TIME: 11:31 AM

WSR 09-19-116

DATE 09/22/09

NAME (type or print)  
Mary C. Selecky

SIGNATURE

TITLE  
Secretary of Health

**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..... Dianna Staley	Department of Health, PO Box 47860, Olympia, WA 98504-7860	360-236-4997
Implementation.... Shannon Beigert	Department of Health, PO Box 47850, Olympia, WA 98504-7850	360-236-4604
Enforcement..... Karen Jensen	Department of Health, PO Box 47850, Olympia, WA 98504-7850	360-236-4600

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(g)(ii), a SBEIS is not required for proposed rules that adopt, amend, or repeal a filing or related process requirement for applying to an agency for a license or permit.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Dianna Staley

Address: Department of Health

Health Systems Quality Assurance

PO Box 47860

Olympia, WA 98504-7860

phone 360-236-4997

fax 360-236-4626

e-mail [dianna.staley@doh.wa.gov](mailto:dianna.staley@doh.wa.gov)

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(v) exempts rules the content of which is explicitly and specifically dictated by statute.

NEW SECTION

**WAC 246-12-050 How to obtain a temporary practice permit.**

Fingerprint-based national background checks may cause a delay in licensing. Individuals who satisfy all other licensing requirements and qualifications may receive a temporary practice permit while the national background check is completed. This section applies to any profession listed in RCW 18.130.040 (2)(a) that does not currently issue a temporary practice permit under the profession's specific statute or rule, unless the profession prohibits temporary practice permits by statute or rule.

(1) A temporary practice permit may be issued to an applicant who:

(a) Holds an unrestricted, active license in another state that has substantially equivalent licensing standards for the same profession to those in Washington;

(b) Is not subject to denial of a license or issuance of a conditional or restricted license; and

(c) Does not have a criminal record in Washington.

(2) A temporary practice permit grants the individual the full scope of practice for the profession.

(3) A temporary practice permit will not be renewed, reissued, or extended. A temporary practice permit expires when any one of the following occurs:

(a) The license is granted;

(b) A notice of decision on application is mailed to the applicant, unless the notice of decision on application specifically extends the duration of the temporary practice permit; or

(c) One hundred eighty days after the temporary practice permit is issued.

(4) To receive a temporary practice permit, the applicant must:

(a) Submit the necessary application, fee(s), and documentation for the license.

(b) Meet all requirements and qualifications for the license, except the results from a fingerprint-based national background check, if required.

(c) Provide verification of having an active unrestricted license in the same profession from another state that has substantially equivalent licensing standards for the profession in Washington.

(d) Submit the fingerprint card and a written request for a temporary practice permit when the department notifies the applicant the national background check is required.