



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health- Nursing Care Quality Assurance Commission

- 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 246-840-095 Temporary Practice Permits. Amendment. Temporary practice permits are issued to applicants who need to complete a finger-print card but have completed all other requirements for licensure. The temporary practice permit allows practice for six months with a one time extension if the finger-print card is not yet completed. The amendments make it very clear about the process for requesting and receiving an extension.

Hearing location(s): Department of Health
310 Israel Road SE
Tumwater, WA 98502

Date: 1/15/2010 Time: 9:30 a.m.

Submit written comments to:

Name: Terry J. West, Deputy Executive Director
Address: Department of Health
P.O. Box 47864
Olympia, WA 98504
Website: <http://www3.doh.wa.gov/policyreview/>
fax 360 236-4738 by (date) 01/08/2010

Assistance for persons with disabilities: Contact

Terry J. West by 01/04/2010

TTY (800) 833-6388 or () 711

Date of intended adoption: 01/15/2010

(Note: This is **NOT** the **effective** date)

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

The original rule adopted August, 2009 created a temporary practice permit for nurses applying for endorsement with an out-of-state address. The temporary practice permit is issued for six months with one extension. The amendments clearly outline the process for an applicant to obtain an extension.

Reasons supporting proposal:

The amendments make it easier for an applicant to request an extension.

Statutory authority for adoption:

RCW 18.130.075 and RCW 18.130.064

Statute being implemented:

RCW 18.130.075 and RCW 18.130.064

Is rule necessary because of a:

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

DATE 11/16/09

NAME (type or print)

Paula R. Meyer, MSN, RN

Paula R. Meyer MSN, RN

TITLE

Executive Director

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: November 16, 2009

TIME: 5:18 PM

WSR 09-23-084

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Recommend adoption for clarification.

Name of proponent: (person or organization) Nursing Care Quality Assurance Commission Private
 Public
 Governmental

Name of agency personnel responsible for:		
Name	Office Location	Phone
Drafting..... Terry J. West	Department of Health, P.O. Box 47864, Olympia, WA 98504	(360) 236-4712
Implementation.... Terry J. West	Department of Health, P.O. Box 47864, Olympia, WA 98504	(360) 236-4712
Enforcement..... Terry J. West	Department of Health, P.O. Box 47864, Olympia, WA 98504	(360) 236-4712

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)(d), a SBEIS is not required for proposed rules that only correct typographical errors, make address or name changes, or clarify the language of a rule without changing its effect.

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

e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(iv)

exempts rules that only correct typographical errors, make address or name changes or clarify the language of a rule without changing its effect.

AMENDATORY SECTION (Amending WSR 09-17-053, filed 8/13/09, effective 9/13/09)

WAC 246-840-095 Temporary practice permits. ~~((A new rule is needed to create a temporary practice permit.))~~ The nursing care quality assurance commission (NCQAC) conducts background checks on applicants to assure safe patient care. Completion of a fingerprint-based national ~~((criminal))~~ background check may ~~((require additional time))~~ cause a delay in licensing.

(1) The NCQAC may issue a temporary practice permit ~~((when the))~~ to an applicant ~~((is licensed))~~ who holds an unrestricted, active license in another state ~~((with licensing standards))~~ which has substantially equivalent ~~((to))~~ licensing standards to those in Washington. The applicant must not be subject to denial of a license or issuance of a conditional or restricted license ~~((under this chapter)).~~

~~((1) If there are no violations identified because of the preliminary background check, and the applicant meets all other licensure conditions, the NCQAC may issue a temporary practice permit allowing time to complete the national criminal background check requirements.~~

~~The NCQAC issues a temporary practice permit valid for six months. At the fifth month, if the department of health has not received information from the Federal Bureau of Investigations (FBI), the applicant must contact the NCQAC office.~~

~~A one time extension of six months may be granted for good cause documented as beyond the control of the applicant. The applicant must file a request for extension petition with the department of health indicating their fingerprint card has not been received from the FBI. The request must be filed at least thirty days before the temporary practice permit expires.~~

~~(2) The temporary practice permit allows the applicant to work in the state of Washington as a nurse during the time period specified on the permit. The temporary practice permit serves as a license to practice nursing.~~

~~(3) The NCQAC issues a license after it receives the national background check report if the report is negative and the applicant otherwise meets the requirements for a license.~~

~~(4) The temporary practice permit is no longer valid after the license is issued or action is taken on the application because of the background check.)~~ (2) A temporary practice permit serves as a license to practice nursing during the time period specified on the permit.

(3) A temporary practice permit expires when:

(a) A 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.

If, at the expiration of the original temporary practice permit, the department has not received information from the fingerprint-based national background check, the NCOAC may renew the temporary practice permit for an additional one hundred eighty days.

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

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

(b) Submit a completed national background check fingerprint card, if required.

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

(d) Provide verification of holding an unrestricted nursing license from another state that has substantially equivalent licensing standards to those in Washington.

(e) Submit a separate application for a temporary practice permit.