



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health- Board of Hearing and Speech

- 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 246-828-305, Creating a new section to provide for temporary practice permits to be issued to speech-language pathologist, speech-language pathology assistant, audiologist, and hearing instrument fitter/dispenser applicants while a fingerprint-based background check is completed.

Hearing location(s): Department of Health
Town Center Two
111 Israel Road SE, Room 158
Tumwater, WA 98504

Date: 06/14/2010

Time: 10:00 a.m.

Submit written comments to:

Name: Janette Benham
Address: Department of Health
PO Box 47852
Tumwater, WA 98504-7852
Website: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-2901 by (date) 05/28/2010

Assistance for persons with disabilities: Contact

Janette Benham by 05/28/2010

TTY (800) 833-6388 or () 711

Date of intended adoption: 06/14/2010

(Note: This is NOT the effective date)

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

The proposed rules provide for temporary practice permits to be issued to a speech-language pathologist, speech-language pathology assistant, audiologist, or hearing instrument fitter/dispenser applicant if a fingerprint-based national background check must be conducted. The national background check process is lengthy and has caused credentialing delays that may affect the public's access to healthcare. To receive the permit, the applicant must meet all other credentialing requirements, hold a credential in another state, and have no criminal record in Washington. The proposed rule will provide for qualified applicants to practice the full scope of the profession until the permit expires.

Reasons supporting proposal:

In 2008, 4SHB 1103 (Chapter 134 Laws of 2008) authorized fingerprint-based national background checks for those situations when a Washington background check is inadequate. The legislation authorized the secretary to issue a temporary permit to an applicant who must have the national background check. The proposed rule will reduce the barriers for out-of-state applicants who otherwise meet all of the requirements and hold a credential as a speech-language pathologist, speech-language pathology assistant, audiologist, or hearing instrument fitter/dispenser in another state.

Statutory authority for adoption:

RCW 18.35.161, RCW 18.130.064, and RCW 18.130.075

Statute being implemented:

RCW 18.130.064 and 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: May 04, 2010

TIME: 11:40 AM

WSR 10-10-101

DATE 05/04/10

NAME (type or print)

Janette Benham

SIGNATURE

TITLE

Program Manager

(COMPLETE REVERSE SIDE)

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, Board of Hearing and Speech

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Janette Benham	Department of Health, PO Box 47852, Olympia, WA 98504-7852	360-236-4857
Implementation.... Shannon Beigert	Department of Health, PO Box 47850, Olympia, WA 98504-7850	360-236-4904
Enforcement..... Karen A. 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:

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)(v) exempts rules the content of which is explicitly and specifically dictated by statute.

NEW SECTION

WAC 246-828-305 How to obtain a temporary practice permit while the national background check is completed. Fingerprint-based national background checks may cause a delay in licensing or certification. Individuals who satisfy all other licensing or certification requirements and qualifications may receive a temporary practice permit while the national background check is completed.

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

(a) Holds an unrestricted, active license or certification to practice as a speech-language pathologist, speech-language pathology assistant, audiologist, or hearing instrument fitter/dispenser in another state that has substantially equivalent licensing or certification standards to those in Washington state;

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

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

(2) A temporary practice permit grants the individual the full scope of practice under this chapter.

(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 or certification is granted;

(b) A notice of decision on application is mailed to the applicant, unless the notice of decision on the 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 or certification.

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

(c) Provide verification of having an active unrestricted license or certification to practice as a speech-language pathologist, speech-language pathology assistant, audiologist, or hearing instrument fitter/dispenser from another state that has substantially equivalent licensing or certification standards as Washington state.

(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.