



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health- Medical Quality Assurance Commission

Preproposal Statement of Inquiry was filed as WSR 09-20-075 & 10-14-107 ;
 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 246-919-480 Retired active credential, WAC 246-919-010 Definitions, and WAC 246-919-421(4) (repeal) Renewal and continuing medical education cycle revision. Amending the requirements for the retired active physician license.

Hearing location(s): Department of Health
 Point Plaza East, Room 139
 310 Israel Road SE
 Tumwater, Washington 98501

Date: 12/9/10 Time: 6:00 p.m.

Submit written comments to:

Name: Julie Kitten
 Address: PO Box 47866
 Olympia, WA 98506-7866
 Website: <http://www3.doh.wa.gov/policyreview/>
 fax 360-236-2795 by (date) 12/02/2010

Assistance for persons with disabilities: Contact

Julie Kitten by 12/02/2010

TTY (800) 833-6388 or () 711

Date of intended adoption: 12/09/2010

(Note: This is NOT the effective date)

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

The Commission proposes amending the licensing and continuing education rules regarding retired active physicians to improve access to health care services for the citizens of this state without compromising public safety. The proposed amendments include removing the restriction of primary care services only, and the restriction to practicing only in community clinics.

Reasons supporting proposal:

Second Substitute House Bill 1899 Section 4 (1) (Chapter 403, Laws of 2009) directed the Commission to consider amending the requirements for retired active physicians. The Commission is considering removing financial and practical barriers for the health care services the retired active physicians provide. This should increase the availability of services that retired active physicians could provide to all practice settings.

Statutory authority for adoption:

RCW 18.71.017, RCW 18.130.250, RCW 18.71.440

Statute being implemented:

RCW 18.71.080, RCW 18.71.440

Is rule necessary because of a:

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

DATE 10/20/10

NAME (type or print)

Maryella Jansen

SIGNATURE

TITLE

Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: October 20, 2010

TIME: 10:03 AM

WSR 10-21-103

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

None

Name of proponent: (person or organization)

Commission

Department of Health - Medical Quality Assurance

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Julie Kitten	243 Israel Road SE, Tumwater, WA 98501	360-236-2757
Implementation.... Maryella Jansen	243 Israel Road SE, Tumwater, WA 98501	360-236-2755
Enforcement..... Maryella Jansen	243 Israel Road SE, Tumwater, WA 98501	360-236-2755

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 was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name: Julie Kitten

Address: PO Box 47866

Olympia, WA 98504-7866

phone 360-236-2755

fax 360-236-2795

e-mail julie.kitten@doh.wa.gov

No: Please explain:

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-919-010 Definitions. (~~((1) "Commission" means the Washington state medical quality assurance commission.~~

~~(2) "Applicant" is an individual who has completed the application form and has paid the application fee.~~

~~(3) "Physician" means a physician licensed pursuant to chapter 18.71 RCW.~~

~~(4) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.71.0193 for conduct occurring before June 11, 1986, and the conduct described in RCW 18.130.180 for conduct occurring on or after June 11, 1986.~~

~~(5) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.~~

~~(6) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.~~

~~(7) "Mentally or physically disabled physician" means a physician who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice medicine with reasonable skill and safety by reason of any mental or physical condition.)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" is an individual who has completed the application form and has paid the application fee.

(2) "Commission" means the Washington state medical quality assurance commission.

(3) "Emergent" means a circumstance calling for immediate action.

(4) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(5) "Intermittent" means providing services on a part-time or full-time nonpermanent basis.

(6) "Mentally or physically disabled physician" means a physician who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice medicine with reasonable skill and safety by reason of any mental or physical condition.

(7) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(8) "Physician" means a physician licensed pursuant to chapter 18.71 RCW.

(9) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.71.0193 for conduct occurring before June 11, 1986, and the conduct described in RCW 18.130.180 for conduct occurring on or after June 11, 1986.

AMENDATORY SECTION (Amending WSR 99-23-090, filed 11/16/99, effective 1/1/00)

WAC 246-919-421 Renewal and continuing medical education cycle revision. Beginning January 1, 2000, the one-year renewal cycle for physicians will transition to a two-year cycle and a four-year continuing medical education reporting cycle. The renewal and continuing medical education reporting cycle will be as follows:

(1) Effective January 1, 2000, any physician whose birth year is an even number will renew their credential for twenty-four months and every two years thereafter. Those physicians must obtain two hundred hours of continuing medical education within the next forty-eight months from the date of the initial two-year license and every four years thereafter.

(2) Effective January 1, 2001, any physician whose birth year is an odd number will renew their credential for twenty-four months and every two years thereafter. Those physicians must obtain two hundred hours of continuing medical education within the next forty-eight months from the date of the initial two-year license and every four years thereafter.

(3) Effective January 1, 2000, in order to attain full license status, individuals with a post-graduate limited license will pay the fee difference between the limited license application and the full license application. This license will expire on their second ((birthdate)) birth date after issuance and every two years thereafter.

~~((4) Effective January 1, 2000, those physicians on a retired active status will remain on the annual renewal cycle and a four-year continuing medical education reporting cycle. Those retired active physicians must report two hundred hours of continuing medical education within the next forty-eight months and every four years thereafter.))~~

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

WAC 246-919-480 Retired active ((credential)) license. (1) ~~((A practitioner may))~~ To obtain a retired active ((credential. Refer to the requirements of)) license a physician must comply with chapter 246-12 WAC, Part 5, excluding WAC 246-12-120 (2)(c) and (d).

~~(2) ((The practitioner's practice is limited to providing health care services without compensation;~~

~~(3) Services are provided in community clinics located in the state of Washington that are operated by public or private tax-exempt corporations; and~~

~~(4) Services must be limited to primary care.))~~ A physician

with a retired active license may not receive compensation for health care services;

(3) A physician with a retired active license may practice only in emergent or intermittent circumstances; and

(4) Physicians with a retired active license must renew every two years and must report one hundred hours of continuing medical education at every renewal.