



PROPOSED RULE MAKING

CR-102 (June 2012)

(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) or 34.05.330(1).

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

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

WAC 246-12-051, Adding a new section to provide for temporary practice permits to be issued to certain military spouse or state-registered domestic partner applicants; and WAC 246-12-050, Amending the title only to clarify the temporary practice permit is related to completion of the national background check. These sections apply to health professions under the secretary's licensing authority in RCW 18.130.040(2)(a).

Hearing location(s): Department of Health,
Town Center 2 - Room 145
111 Israel Rd. SE
Tumwater, WA 98504

Date: 10/12/2012

Time: 10:00 a.m.

Submit written comments to:

Name: Andy Fernando
Address: Department of Health
Health Systems Quality Assurance
PO Box 47860
Olympia, WA 98504-7860
e-mail: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-4626 by (date) 10/12/2012

Assistance for persons with disabilities: Contact

Andy Fernando by 10/05/2012

TTY (800) 833-6388 or () 711

Date of intended adoption: 10/16/2012

(Note: This is NOT the effective date)

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

The proposed rules describe the procedure to issue a temporary practice permit to a military spouse or state-registered domestic partner applicant who is subject to a transfer to Washington State by the military person and he or she must complete specific additional licensing requirements in Washington State. The applicant must be licensed in another state with substantially equivalent standards and meet specific criteria. The proposed rules also clarify that WAC 246-12-050 is related to completion of a national background check. The rules apply to health professions under the secretary's authority.

Reasons supporting proposal:

ESSB 5969 (chpt. 5, Laws of 2011, 2nd Special Session) provides that certain military spouses may receive a temporary permit while completing any specific additional requirements in Washington that are not related to a profession's training or practice standards. The proposed rules describe the requirements to obtain the temporary practice permit. The permit allows the person to work in the full scope of the profession for up to 180 days. The department is including state registered domestic partners because RCW 1.12.080 requires that the term "spouse" is applied equally to these persons.

Statutory authority for adoption:

RCW 43.70.040, 18.130.040; ESSB 5969 (c 5, L 2011, 2nd ss)

Statute being implemented:

RCW 43.70.040, ESSB 5969 (chapt. 5, laws of 2011, 2nd ss)

Is rule necessary because of a:

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

DATE 08/29/12

NAME (type or print)
Mary C. Selecky

SIGNATURE

TITLE
Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 29, 2012

TIME: 1:15 PM

WSR 12-18-038

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	360-236-4607
Implementation.... Robert Nicoloff	Department of Health, PO Box 47852, Olympia, WA 98504-7852	360-236-4924
Enforcement..... Robert Nicoloff	Department of Health, PO Box 47852, Olympia, WA 98504-7852	360-236-4924

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

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. The rule is procedural rule, under RCW

34.05.328(5)(c)(i), that adopts, amends or repeals a filing or related process requirement for making application to an agency for a license or permit.

NEW SECTION

**WAC 246-12-051 How to obtain a temporary practice permit--
Military spouse.** A military spouse or state registered domestic partner of a military person may receive a temporary practice permit while completing any specific additional requirements that are not related to training or practice standards for the profession. This section applies to any profession listed in RCW 18.130.040 (2)(a).

(1) A temporary practice permit may be issued to an applicant who is a military spouse or state registered domestic partner of a military person and:

(a) Is moving to Washington as a result of the military person's transfer to Washington;

(b) Left employment in another state to accompany the military person to Washington;

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

(d) Is not subject to any pending investigation, charges, or disciplinary action by the regulatory body of the other state or states.

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

(3) A temporary practice permit expires when any one of the following occurs:

(a) The license is granted;

(b) A notice of decision on the 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), fingerprint card if required, and documentation for the license;

(b) Attest on the application that he/she left employment in another state to accompany the military person;

(c) Meet all requirements and qualifications for the license that are specific to the training, education, and practice standards for the profession;

(d) 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;

(e) Submit a copy of the military person's orders and a copy

of:

(i) The military-issued identification card showing the military person's information and the applicant's relationship to the military person;

(ii) A marriage license; or

(iii) A state registered domestic partnership; and

(f) Submit a written request for a temporary practice permit.

(5) For the purposes of this section:

(a) "Military spouse" means the husband, wife, or registered domestic partner of a military person.

(b) "Military person" means a person serving in the United States armed forces, the United States public health service commissioned corps, or the merchant marine of the United States.