



# 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 246-817-990 Dentist fees and renewal cycle; WAC 246-853-990 Osteopathic fees and renewal cycle; WAC 246-922-990 Podiatry fees and renewal cycle. Proposing to reduce initial application and license renewal fees; increase the surcharge for the impaired dentist program and clarify this surcharge applies to the renewal of active and inactive dentist licenses; and make general housekeeping edits.

**Hearing location(s):** Department of Health  
Point Plaza East - Rooms 152/153  
310 Israel Road SE  
Tumwater, WA 98501

Date: September 12, 2013

Time: 1 p.m.

**Submit written comments to:**

Name: Dick Goldsmith  
Address: Health Systems Quality Assurance  
P.O. Box 47830  
Olympia, Washington 98504-7830  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax (360) 236-4626 by (date) 09/12/2013

**Assistance for persons with disabilities:** Contact

Susan Chamberland by 09/05/2013

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 10/01/2013

(Note: This is NOT the effective date)

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

Current licensing fees generate more revenue than needed to cover the full cost of administering the credentialing programs for these professions. The department is proposing to amend WAC 246-817-990, WAC 246-853-990, and WAC 246-922-990 to reduce the initial application and license renewal fees for these professions as noted in **Attachment A**.

The department also is proposing to increase the surcharge from \$25 to \$50 for the Impaired Dentist Program as directed by House Bill (HB) 1534 (ch. 129, Laws of 2013), which is added to the fee when a dentist renews his or her license. In addition, the department is proposing to amend the list of dentist fees to clarify that this surcharge applies to the renewal of an inactive dentist license.

General housekeeping edits are also proposed.

**Reasons supporting proposal:**

RCW 43.70.250 requires the cost of each licensing program to be fully borne by the profession's members and licensing fees to be based on the department's licensure costs. Reducing fees to proposed levels will align revenue with each program's expenses and enable reserves to be maintained should unanticipated events, such as complaint increases, occur. A \$25 surcharge imposed on the renewal of active and inactive dentist licenses currently finances the Impaired Dentist Program. RCW 18.32.534, as amended by HB 1534, requires the department to increase this surcharge to no more than \$50.

**Statutory authority for adoption:**

RCW 43.70.250 and RCW 43.70.280

**Statute being implemented:**

House Bill 1534 (chapter 129, Laws of 2013)

**Is rule necessary because of a:**

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

DATE 07/29/2013

NAME (type or print)

John Wiesman, DrPH, MPH

SIGNATURE

for John Wiesman, DrPH, MPH

TITLE

Secretary of Health

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: **July 29, 2013**

TIME: **2:40 PM**

WSR **13-16-031**

**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..... Dick Goldsmith	Town Center 2, 111 Israel Road SE, Tumwater, WA 98501	(360) 236-4985
Implementation.... Shannon Beigert	Town Center 2, 111 Israel Road, SE, Tumwater, WA 98501	(360) 236-4606
Enforcement..... Blake Maresh	Town Center 2, 111 Israel Road SE, Tumwater, WA 98501	(360) 236-4760

**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)(f), a SBEIS is not required for proposed rules that set or adjust fees or rates pursuant to legislative standards.

**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)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

Attachment A  
 Fee Reductions and Impaired Dentist Program Surcharge

**Table 1**

Profession	Current Application Fee*	Proposed Application Fee (Percent change over current fee)	Current Active Renewal Fee	Proposed Active Renewal Fee (Percent change over current fee)
Dentist	\$700	\$500 (-28.6 %)	\$551	\$350 (-36.5 %)
Osteopathic Physician and Surgeon	\$600	\$425 (-29.2 %)	\$600	\$425 (-29.2 %)
Podiatric Physician and Surgeon	\$975	\$650 (-33.3%)	\$975	\$650 (-33.3%)

\*For dentist, pertains to initial application fee for original application by examination, initial application fee for original application—without examination, and initial license fee for original application—without examination. For osteopathic physician and surgeon, pertains to endorsement application fee.

**Table 2**

Proposed Impaired Dentist Program Surcharge	Current Active Renewal Fee + Current Impaired Dentist Program Surcharge	Proposed Active Renewal Fee + Proposed Impaired Dentist Program (Percent change over current renewal fee + current surcharge)
\$50	\$551 + \$25 = \$576	\$350 + \$50 = \$400 (-30.6.6%)

\*\*RCW 18.32.534(2) requires the department to impose this surcharge on each license issuance or renewal; the department chose to do so on all license renewals. As part of its proposal, the department would revise the text in WAC 246-817-990(3) to clarify that a dentist must pay this surcharge when renewing an active or inactive license.

**WAC 246-817-990 Dentist fees and renewal cycle.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except faculty and resident licenses. ~~((The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.))~~

(2) Faculty and resident licenses must be renewed every year on July 1 as provided in chapter 246-12 WAC, Part 2. ~~((The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.))~~

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
<b>Original application by examination*</b>	
Initial application	\$((700.00)) <u>500.00</u>
<b>Original application - Without examination</b>	
Initial application	((700.00)) <u>500.00</u>
Initial license	((700.00)) <u>500.00</u>
<b>Faculty license application</b>	560.00
<b>Resident license application</b>	115.00
<b><u>Active license renewal:</u></b>	
Renewal	((551.00)) <u>350.00</u>
Surcharge - Impaired dentist	((25.00)) <u>50.00</u>
Late renewal penalty	288.00
Expired license reissuance	300.00
<b><u>Inactive license renewal:</u></b>	
<u>Renewal</u>	<u>125.00</u>
<u>Surcharge - Impaired dentist</u>	<u>50.00</u>
<del>((Inactive))</del> Late renewal penalty	50.00
<b>Duplicate license</b>	15.00
<b>Certification of license</b>	25.00
<b>Anesthesia permit</b>	
Initial application	150.00

<b>Title of Fee</b>	<b>Fee</b>
Renewal - (Three-year renewal cycle)	150.00
Late renewal penalty	75.00
Expired permit reissuance	50.00
On-site inspection fee	To be determined by future rule adoption.

\* In addition to the initial application fee above, applicants for licensure via examination will be required to submit a separate application and examination fee directly to the dental testing agency accepted by the dental quality assurance commission.

AMENDATORY SECTION (Amending WSR 12-19-088, filed 9/18/12, effective 11/1/12)

**WAC 246-853-990 Osteopathic fees and renewal cycle.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training limited licenses.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program dates.

(3) The following nonrefundable fees will be charged for osteopathic physicians:

<b>Title of Fee</b>	<b>Fee</b>
Endorsement application	<del>\$(600.00)</del> 425.00
Active license renewal	<del>((600.00))</del> 425.00
Active late renewal penalty	250.00
Active expired license reissuance	250.00
Inactive license renewal	350.00
Expired inactive license reissuance	225.00
Inactive late renewal penalty	175.00
Endorsement/state exam application	500.00
Reexam	100.00
Certification of license	50.00
Limited license application	325.00
Limited license renewal	300.00
Temporary permit application	70.00
Duplicate certificate	20.00
Substance abuse monitoring surcharge	25.00
UW online access fee (HEAL-WA)	16.00

(4) The following nonrefundable fees will be charged for osteopathic physician assistants:

<b>Title of Fee</b>	<b>Fee</b>
Application	\$250.00
Renewal	250.00
Late renewal penalty	150.00
Expired license reissuance	100.00
Certification of license	30.00
Practice plan	70.00
Interim permit	200.00
License after exam	100.00
Duplicate certificate	20.00
Substance abuse monitoring surcharge	25.00
UW online access fee (HEAL-WA)	16.00

AMENDATORY SECTION (Amending WSR 12-19-088, filed 9/18/12, effective 11/1/12)

**WAC 246-922-990 Podiatry fees and renewal cycle.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except for postgraduate training limited licenses.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program dates.

(3) The following nonrefundable fees will be charged:

<b>Title of Fee</b>	<b>Fee</b>
Application	<del>\$(975.00)</del> <u>650.00</u>
License renewal	<del>((975.00))</del> <u>650.00</u>
Inactive license renewal	175.00
Inactive late renewal penalty	100.00
Active late renewal penalty	300.00
Active expired license reissuance	300.00
Expired inactive license reissuance	67.50
Duplicate license	30.00
Certification of license	50.00
Retired active status	275.00
Temporary practice permit	50.00
Limited license application	400.00
Limited license renewal	475.00
Substance abuse monitoring surcharge	25.00
UW online access fee (HEAL-WA)	16.00