



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(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 12-20-020 ; 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 246-840-125 Retired Active Status. This proposed new rule establishes a retired active status for registered nurses and licensed practical nurses and sets requirements for continuing competency associated with this status.

**Hearing location(s):** Capitol Room  
Doubletree by Hilton Hotel (formerly Phoenix Inn Suites)  
415 Capitol Way N  
Olympia WA 98501

Date: 11/8/2013 Time: 1:30 p.m.

**Submit written comments to:**

Name: Teresa Corrado  
Address: PO Box 47864  
Olympia WA 98504-7864  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax 360-236-4738 by (date) 11/01/2013

**Assistance for persons with disabilities:** Contact

Michael Hively by 11/01/2013

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 11/08/2013

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

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

This proposed rule establishes a new retired active license status for registered nurses and licensed practical nurses. The rule allows these nurses to practice on an intermittent or emergent basis, yet retain competency through continuing education and practice hours. It gives direction to nurses on the limits of a retired active status, renewal process, and reinstatement process. Fees for this new credential are being adopted separately.

**Reasons supporting proposal:**

There is a need to have competent and knowledgeable nurses whose licenses can be activated quickly in a time of emergency or who can fulfill intermittent roles. There are many retired nurses who are unable to meet the required experience hours for an active license, but would like to continue to serve their communities as nurses. This rule will increase the availability of health care providers to Washington State patients.

**Statutory authority for adoption:**  
RCW 18.130.250 and RCW 18.79.110

**Statute being implemented:**  
RCW 18.130.250

**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: September 30, 2013**

**TIME: 10:28 AM**

**WSR 13-20-084**

**DATE**

**NAME** (type or print)

Paula R. Meyer, MSN, RN

**SIGNATURE**

*Paula R. Meyer MSN, RN*

**TITLE**

Executive Director

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

None

**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..... Paula Meyer	111 Israel Rd SE, Tumwater WA 98501	360-236-4713
Implementation.... Paula Meyer	111 Israel Rd SE, Tumwater WA 98501	360-236-4713
Enforcement..... Paula Meyer	111 Israel Rd SE, Tumwater WA 98501	360-236-4713

**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 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: Teresa Corrado

Address: PO Box 47864

Olympia WA 98504-7864

phone 360-236-4708

fax 360-236-4738

e-mail [teresa.corrado@doh.wa.gov](mailto:teresa.corrado@doh.wa.gov)

No: Please explain:

NEW SECTION

**WAC 246-840-125 Retired active credential.** (1) A registered or licensed practical nurse may place their credential in "retired active" status by meeting the requirements of this section.

(2) A registered or licensed practical nurse who holds a retired active credential may only practice in intermittent or emergent circumstances.

(a) Intermittent means the registered or licensed practical nurse will practice no more than ninety days a year.

(b) Emergent means the registered or licensed practical nurse will practice only in emergency circumstances such as earthquakes, floods, times of declared war, or other states of emergency.

(3) To obtain a retired active credential a registered or a licensed practical nurse must:

(a) Meet the requirements in WAC 246-12-120.

(b) Pay the appropriate fee in WAC 246-840-990.

(4) To renew a retired active credential the registered nurse or licensed practical nurse must:

(a) Meet the requirements in WAC 246-12-130. The retired active credential fee is in WAC 246-840-990.

(b) Have completed forty-five hours of continuing education in compliance with WAC 246-840-203 (1)(a)(iii)(A) through (F). Education may include CPR and first aid.

(c) Demonstrate they have practiced at least ninety-six hours every three years. Practice may be paid or volunteer, but must require nursing knowledge or a nursing license.

(d) Renew their retired active credential every year on their birthday.

(5) To return to active status the registered or licensed practical nurse must:

(a) Meet the requirements in WAC 246-12-140. The active renewal fee is in WAC 246-840-990.

(b) Meet the continuing competency requirements in WAC 246-840-205.

(6) A registered or licensed practical nurse who holds a retired active credential is subject to a continuing competency audit.

(a) All late renewals and a percentage up to five percent of registered and licensed practical nurses renewing their license may be audited by the commission.

(b) A registered or practical nurse being audited will have thirty calendar days to complete and submit to the commission the audit form documenting at least ninety-six hours of active practice, and forty-five hours of continuing nursing education every three years. Active practice hours are not to exceed ninety days each year.

(c) To document practice hours and continuing nursing education a registered or licensed practical nurse shall comply with WAC 246-840-206 (4) and (5).