



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health- Board of Optometry

- Preproposal Statement of Inquiry was filed as WSR 14-06-100 ; 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 246-851-545 Retired active credential. The Board of Optometry (board) is proposing adding a new rule creating a retired active status for licensed optometrists.

**Hearing location(s):** Washington State Department of Health  
Kent Regional Office  
20425 72nd Avenue South  
Room 309  
Kent WA 98032

Date: 09/21/2015

Time: 11:30 a.m.

**Submit written comments to:**

Name: Lorelei Walker  
Address: 111 Israel Road SE  
P O Box 47852  
Olympia WA 98504-7852  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax (360) 236-2901 by (date) 09/17/2015

**Assistance for persons with disabilities:** Contact

Lorelei Walker, Program Manager by 09/15/2015

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 09/21/2015

(Note: This is NOT the effective date)

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

The proposed rule will create a retired active status and allow optometrists to maintain their credential and practice at a reduced renewal fee. An optometrist with a retired active license may not receive compensation for vision care services. An optometrist with a retired active credential must report fifty hours of continuing education every two years and must comply with chapter 246-12 WAC, Part 5. Separate rulemaking has been filed to establish a retired active fee.

**Reasons supporting proposal:**

The board received a petition requesting a retired active status for licensed optometrists. The board determined that it would initiate rulemaking to consider implementation of a retired active status. Under RCW 18.130.250 and chapter 246-12 WAC, when authorized, a health care provider may apply for a retired active credential when he or she holds an active Washington state credential and is in good standing. The rule will allow an optometrist with a retired active license to provide vision care services on a limited basis at a reduced renewal fee.

**Statutory authority for adoption:**

RCW 18.54.070(2)

**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:

**DATE** 07/31/2015

**NAME** (type or print)

Kathy Schmitt

**SIGNATURE**

**TITLE**

Deputy Director, Office of Health Professions and Facilities

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** August 04, 2015

**TIME:** 5:31 PM

**WSR 15-16-119**

**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 Optometry

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947
Implementation.... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947
Enforcement..... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947

**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: Judy Haenke

Address: 111 Israel Road SE

Tumwater WA 98501

phone (360) 236-4947

fax (360) 236-2901

e-mail [judy.haenke@doh.wa.gov](mailto:judy.haenke@doh.wa.gov)

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 246-851-545 Retired active credential.** (1) To obtain a retired active credential, an optometrist must comply with chapter 246-12 WAC, Part 5.

(2) An optometrist with a retired active license may not receive compensation for vision care services.

(3) An optometrist with a retired active license must renew the license every year on his or her birthday according to WAC 246-12-130 and 246-851-990 and report fifty hours of continuing education every two years.