



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 01, 2019

TIME: 10:07 AM

WSR 19-20-094

Agency: Department of Health- Occupational Therapy Practice Board

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 18-22-117 ; 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).

Proposal is exempt under RCW .

Title of rule and other identifying information: (describe subject) WAC 246-847-067, The Occupational Therapy Practice Board (board) proposes to create a new section to establish licensing requirements for applicants with a license that has expired in another state.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
11-8-2019	9:10AM	Department of Health Town Center 2, Room 145 111 Israel Road SE Tumwater, WA 98501	

Date of intended adoption: 11/08/2019 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Kathy Weed

Address: P.O. Box 47852

Olympia, WA 9854-7852

Email: <https://fortress.wa.gov/doh/policyreview>

Fax: 360-236-2901

Other:

By (date) 11/07/2019

Assistance for persons with disabilities:

Contact Kathy Weed

Phone: 360-236-4883

Fax: 360-236-2901

TTY: (360) 833-6388 or 711

Email: kathy.weed@doh.wa.gov

Other:

By (date) 11/01/2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule creates requirements for applicant with expired credentials in another state that seek Washington licensure. Proposed rule language is clear and will assist the board in quickly evaluating individual portfolios and expedite the application process.

Reasons supporting proposal: This route to licensure was inadvertently deleted during previous rulemaking in August 2018 under WSR 18-09-032. To ensure this route to licensure is still available, rulemaking is required. Rulemaking establishes enforceable licensing requirements and a safety mechanism for patients receiving occupational therapy services. These mechanisms ensure competence, appropriate education, and training for applicants that have not been actively practicing for an extended period of time.

Statutory authority for adoption: RCW 18.59.130

Statute being implemented: RCW 18.59.130

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

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, Occupational Therapy Practice Board

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Kathy Weed	111 Israel Rd SE, Tumwater, WA 98504	360-236-4883
Implementation:	Kathy Weed	111 Israel Rd SE, Tumwater, WA 98504	360-236-4883
Enforcement:	Kathy Weed	111 Israel Rd SE, Tumwater, WA 98504	360-236-4883

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name: Kathy Weed
Address: P.O. Box 47852
Olympia, WA 98501
Phone: 360-236-4883
Fax: 360-236-2901
TTY: (360) 833-6388 or 711
Email: kathy.weed@doh.wa.gov
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The proposed rule does not impose costs on businesses.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: 10-01-19

Signature:

Name: Sheryl Zylstra, OT



Title: Chair, Department of Health-Occupational Therapy Practice Board

NEW SECTION

WAC 246-847-067 Initial application for individuals who have an expired license in a different state and are seeking Washington licensure.

(1) An initial applicant with an expired license in a different state who has not practiced for less than three years must comply with the requirements for licensure as specified in chapter 18.59 RCW and this chapter.

(2) An initial applicant with an expired license in a different state who has not practiced for three or more years but less than five years from date of application must comply with the requirements for licensure as specified in chapter 18.59 RCW and this chapter and submit proof to the department of:

(a) Completion of thirty hours of continued competency as described in WAC 246-847-065 for the previous two-year period; and

(b) Completion of any additional requirements as required by the board.

(3) An initial applicant with an expired license in a different state who has not practiced for five or more years from date of application must comply with the requirements for licensure as specified in chapter 18.59 RCW and this chapter and submit proof to the department of:

(a) Completion of thirty hours of continued competency as described in WAC 246-847-065 for the previous two-year period;

(b) Completion of a board-approved reentry program; and

(c) In addition to these requirements, the applicant has the choice of:

(i) Completion of extended course work preapproved by the board; or

(ii) Successfully retaking and passing the examinations specified in WAC 246-847-080.

(d) Completion of any additional requirements as required by the board.

(4) The applicant may be required to appear before the board for oral interview.