



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: February 28, 2024

TIME: 3:40 PM

WSR 24-06-028

Agency: Department of Health

Title of rule and other identifying information: (describe subject) Military spouses - removing barriers to temporary practice permits. The Department of Health (department) is proposing amendments to WAC 246-12-051 How to obtain a temporary practice permit - Military spouse, to update language changes made by Second Substitute House Bill (2SHB) 1009 (chapter 165, Laws of 2023).

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

2SHB 1009 alters temporary practice permit (TPP) requirements to expedite the issuance of professional licenses for military spouses who hold a license in another state by removing the need to first leave employment.

The proposed rule amendment aligns WAC 246-12-051 by striking language from the rule to match the changes made by 2SHB 1009 and codified in RCW 18.340.020.

Reasons supporting proposal:

The proposed changes will align the rules with statutory changes regarding licensure of military spouses who hold a license in another state.

Statutory authority for adoption:

2SHB 1009 (chapter 165, Laws of 2023) codified as RCW 18.340.020

Statute being implemented:

RCW 18.340.020

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

Name of proponent: (person or organization)

Department of Health

Private

Public

Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Tommy Simpson and Kalon Robinson-Goodman	111 Israel Road SE, Tumwater, WA 98501	360-236-4910 or 360-233-1583
Implementation:	Tommy Simpson and Kalon Robinson-Goodman	111 Israel Road SE, Tumwater, WA 98501	360-236-4910 or 360-233-1583
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The proposed amendments align WAC 246-12-051 with the statutory language in RCW 18.340.020.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY (date) May 6, 2024

Date: February 28, 2024

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:



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))~~ (c) 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))~~ (c) 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))~~ (d) 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))~~ (e) 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.