



WASHINGTON
Medical
Commission
Licensing. Accountability. Leadership.

Rules Workshop

2SHB 1009 – Military
Spouse Temporary License

January 16, 2024 – 3:00 pm to 5:00 pm

Teams Webinar



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PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 12, 2023

TIME: 1:16 PM

WSR 23-19-029

Agency: Department of Health—Washington Medical Commission

Subject of possible rule making: Military spouse temporary practice permits. WAC 246-918-076 (physician assistants) and WAC 246-919-397 (physicians), How to obtain a temporary practice permit—Military spouse. The Washington Medical Commission (commission) will consider amending these WACs in response to Second Substitute House Bill (2SHB) 1009 (chapter 165, Laws of 2023), Military spouse employment act.

Statutes authorizing the agency to adopt rules on this subject: RCW 18.71.017 and 18.130.050; 2SHB 1009 (chapter 165, Laws of 2023) .

Reasons why rules on this subject may be needed and what they might accomplish: 2SHB 1009 provides additional information for issuing this temporary permit, a different definition of military spouse, and other items that are not included in the WACs. The commission will consider amending these WACs to align with the bill more closely.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rulemaking

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Amelia Boyd, Program Manager	(If necessary) Name:
Address: PO Box 47866, Olympia, WA 98504-7866	Address:
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Other:	Other:

Additional comments: To join the interested parties email list, please visit:
https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153

Date: September 8, 2023

Name: Kyle Karinen

Title: Executive Director

Signature:

Signature on file

WAC 246-918-076 How to obtain a temporary ~~practice~~

~~permit~~license—**Military spouse.** A military spouse ~~or state registered domestic partner of a military person~~ may receive a temporary ~~practice~~permitlicense while completing any specific additional requirements that are not related to training or practice standards for physician assistants.

(1) A temporary ~~practice~~permitlicense 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 ir spouse being the subject of a military~~military person's~~ transfer to Washington;

~~(b) Left employment in another state to accompany the military person to Washington;~~

(eb) Holds an unrestricted, active license in another state that has substantially equivalent licensing standards for a physician assistant to those in Washington; and

(ca) Is not subject to any pending investigation, charges, or disciplinary action by the regulatory body in any of the other states in which they hold a license~~or states~~.

(2) A temporary ~~practice permit~~license grants the individual the full scope of practice for the physician assistant.

(3) A temporary ~~practice permit~~license expires when any one of the following occurs:

(a) The full? Regular? 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~~license; or

(c) One hundred eighty days after the temporary ~~practice permit~~license is issued.

(4) To receive a temporary ~~practice permit~~license, the applicant must:

(a) Submit to the commission the necessary application, fee(s), fingerprint card if required, and documentation for the license;

(b) Attest on the application that the applicant left employment in another state to accompany their ~~person's~~military ~~person's~~pouse;

(c) Meet all requirements and qualifications for the license that are specific to the training, education, and practice standards for physician assistants;

(d) Provide verification of having an active unrestricted license in the same profession from another state that has substantially equivalent licensing standards as a physician assistant in Washington;

(e) Submit a copy of the ~~ir spouse's military person's~~ orders and a copy of:

(i) The military-issued identification card showing the ~~ir spouse's military person's~~ information and the applicant's relationship to the ~~ir spouse-military person; or~~

(ii) A marriage license ~~;~~ ~~or~~

~~(iii) A state registered domestic partnership; and~~

(f) Submit a written request for a temporary ~~license~~ ~~practice permit~~.

(5) For the purposes of this section ~~:~~

~~(a) a "Military spouse" means the husband, wife, or registered domestic partner of a military person is someone~~

married to or in a registered domestic partnership with a
military member.

~~(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.~~

[Statutory Authority: RCW 18.71A.020 and 18.340.020. WSR 17-18-
097, § 246-918-076, filed 9/6/17, effective 10/7/17.]

WAC 246-919-397 How to obtain a temporary ~~practice~~

~~permit~~license—**Military spouse.** A military spouse ~~or state~~
~~registered domestic partner of a military person~~ may receive a
temporary ~~practice~~permitlicense while completing any specific
additional requirements that are not related to training or
practice standards for physicians.

(1) A temporary ~~practice~~permitlicense 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 ir spouse
being the subject of a military ~~person's~~ transfer to Washington;

~~(b) Left employment in another state to accompany the~~
~~military person to Washington;~~

~~(e)~~ Holds an unrestricted, active license in another state
that has substantially equivalent licensing standards for a
physician to those in Washington; and

~~(e)~~ Is not subject to any pending investigation, charges,
or disciplinary action by the regulatory body in any of the
other states in which they hold a license ~~or states~~.

(2) A temporary ~~practice permit~~license grants the individual the full scope of practice for the physician.

(3) A temporary ~~practice permit~~license expires when any one of the following occurs:

(a) The full? Regular? 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~~license; or

(c) One hundred eighty days after the temporary ~~practice permit~~license is issued.

(4) To receive a temporary ~~practice permit~~license, the applicant must:

(a) Submit to the commission the necessary application, fee(s), fingerprint card if required, and documentation for the license;

(b) Attest on the application that the applicant left employment in another state to accompany the ir spouse ~~military~~ person;

(c) Meet all requirements and qualifications for the license that are specific to the training, education, and practice standards for physicians;

(d) Provide verification of having an active unrestricted license in the same profession from another state that has substantially equivalent licensing standards for physicians in Washington;

(e) Submit a copy of the ~~ir spouse's military person's~~ orders and a copy of:

(i) The military-issued identification card showing the ~~ir spouse's military person's~~ information and the applicant's relationship to the ~~ir spouse-military person; or~~

(ii) A marriage license ~~;~~ ~~or~~

~~(iii) Documentation of a state-registered domestic partnership.~~

(f) Submit a written request for a temporary ~~practice permit~~ license.

(5) For the purposes of this section ~~÷~~

~~(a) a "Military spouse" means the husband, wife, is someone~~
~~married to or in a~~ ~~or~~-registered domestic partnership ~~of~~with a
military ~~person~~member.

~~(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.~~

[Statutory Authority: RCW 18.71.017 and 18.130.050. WSR 20-22-
003, § 246-919-397, filed 10/21/20, effective 11/21/20.]

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1009

68th Legislature
2023 Regular Session

Passed by the House April 13, 2023
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate April 10, 2023
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1009** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1009

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington **68th Legislature** **2023 Regular Session**

By House Appropriations (originally sponsored by Representatives Leavitt, Barkis, Ryu, Paul, Donaghy, Slatter, Simmons, Low, Volz, Schmidt, Christian, Lekanoff, Griffey, Doglio, Robertson, Orwall, Caldier, Reeves, Bronoske, Bergquist, Shavers, Riccelli, and Ormsby)

READ FIRST TIME 02/06/23.

1 AN ACT Relating to military spouse employment; amending RCW
2 18.340.020 and 73.04.150; adding new sections to chapter 18.340 RCW;
3 adding a new section to chapter 28A.410 RCW; adding a new section to
4 chapter 43.60A RCW; adding a new section to chapter 38.42 RCW;
5 creating new sections; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** This act may be known and cited as the
8 military spouse employment act.

9 NEW SECTION. **Sec. 2.** The legislature finds that the lives of
10 military spouses are dominated by frequent deployments and
11 relocations, and one-third of military families move each year. Many
12 military families depend on two incomes, and military spouses tend to
13 be better educated than the civilian population, with approximately
14 34 to 50 percent working in fields that require a professional
15 license. The length of time to credential after a move is a
16 significant employment barrier, with one study finding 20 percent of
17 military spouses waited at least 10 months for a license after moving
18 to a new state. This wait contributes to higher rates of unemployment
19 or underemployment for military spouses when compared to their
20 civilian counterparts. Given the fiscal and economic constraints of

1 military families and the readiness considerations of the department
2 of defense, the legislature intends to help alleviate the career
3 turmoil military spouses face while serving in our state.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.340
5 RCW to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Authority" means any agency, board, commission, or other
9 authority for issuance of a license, certificate, registration, or
10 permit under this title. "Authority" does not include the department
11 of labor and industries, or the department of financial institutions
12 with respect to escrow agent licensure under chapter 18.44 RCW.

13 (2) "License" means a license, certificate, registration, or
14 permit to perform professional services.

15 **Sec. 4.** RCW 18.340.020 and 2011 2nd sp.s. c 5 s 2 are each
16 amended to read as follows:

17 (1) ~~((For the purposes of this section, "authority" means any~~
18 ~~board, commission, or other authority for issuance of a license,~~
19 ~~certificate, registration, or permit under this title.~~

20 ~~(2) To the extent resources are available:))~~

21 (a) Each authority shall establish procedures to expedite the
22 issuance of a license ~~(, certificate, registration, or permit to~~
23 ~~perform professional services))~~ regulated by each such authority to a
24 person:

25 (i) Who is ~~((certified or))~~ licensed, certified, or registered,
26 or has a permit in another state to perform professional services in
27 that state; and

28 (ii) Whose spouse is the subject of a military transfer to
29 Washington ~~((; and~~

30 ~~(iii) Who left employment in the other state to accompany the~~
31 ~~person's spouse to Washington))~~.

32 (b) The procedure must include a process for issuing the person a
33 license ~~(, certificate, registration, or permit, if, in the opinion~~
34 ~~of the authority, the requirements for licensure, certification,~~
35 ~~registration, or obtaining a permit of such other state are~~
36 ~~substantially equivalent to that required in Washington))~~ within 30
37 days of receiving a completed application. A completed application
38 means that the authority has received all supporting materials,

1 related application fees, fingerprints, and required documentation
2 associated with a criminal background check.

3 ~~((e))~~ (2) Each authority in this title shall develop a method
4 and adopt rules to authorize a person who meets the criteria in
5 ~~((a)(i) through (iii) of)~~ this ~~((subsection))~~ section to perform
6 services regulated by the authority in Washington by issuing the
7 person a temporary license ~~(, certificate, registration, or permit)~~
8 within 30 days of receiving a completed application. A completed
9 application means that the authority has received a copy of the
10 certificate issued by the other state for a certificated education
11 professional, related application fees, fingerprints, and required
12 documentation associated with a criminal background check. The
13 license may be issued for a limited period of time of no less than
14 180 days to allow the person to perform services regulated by the
15 authority while completing any specific additional requirements in
16 Washington that are not related to training or practice standards of
17 the profession that were not required in the other state in which the
18 person is licensed, certified, or registered, or has a permit.

19 (3) Nothing in this section requires the authority to issue a
20 ~~((temporary))~~ license ~~(, certificate, registration, or permit)~~ if
21 the standards of the other state are substantially unequal to
22 Washington standards.

23 ~~((d))~~ (4) An applicant must state in the application that ~~((he~~
24 ~~or she))~~ the applicant:

25 ~~((i))~~ (a) Has requested verification from the other state or
26 states that the person is currently licensed, certified, registered,
27 or has a permit; and

28 ~~((ii))~~ (b) Is not subject to any pending investigation,
29 charges, or disciplinary action by the regulatory body of the other
30 state or states.

31 ~~((e))~~ (5) If the authority finds reasonable cause to believe
32 that an applicant falsely affirmed or stated either of the
33 requirements under ~~((d)(i) or (ii) of this))~~ subsection (4)(a) or
34 (b) of this section, the authority may summarily suspend the
35 license ~~(, certificate, registration, or permit)~~ pending an
36 investigation or further action to discipline or revoke the
37 license ~~(, certificate, registration, or permit)~~.

38 NEW SECTION. Sec. 5. A new section is added to chapter 18.340
39 RCW to read as follows:

1 (1) Each authority must identify a contact or coordinator within
2 the authority to assist military spouse applicants and licensees.

3 (2) Each authority must provide training to each board or
4 commission member on the culture of military spouses, the military
5 spouse experience, and issues related to military spouse career
6 paths. Board or commission members appointed on or before October 1,
7 2023, must complete the training by January 1, 2024. Board or
8 commission members appointed after October 1, 2023, must complete the
9 training within 90 days after appointment. The department of veterans
10 affairs shall create an internet-based training that may be used by
11 each authority to satisfy this requirement.

12 (3) Each authority is encouraged to:

13 (a) Appoint a military spouse to serve on its licensing board or
14 commission;

15 (b) Conduct a review of the authority's licensing application
16 process for military spouses and identify barriers to military spouse
17 employment; and

18 (c) Review licensing fees and related expenses and identify
19 possible ways to reduce costs for military spouses.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.340
21 RCW to read as follows:

22 (1) The employment security department, the department of health,
23 the department of licensing, and the department of veterans affairs
24 shall each maintain a military spouse assistance web page containing,
25 at a minimum:

26 (a) Each authority's rules and procedures, including any required
27 fees, related to the licensing of military spouses;

28 (b) Contact information for each authority's military spouse
29 contact or coordinator; and

30 (c) Links to the military spouse assistance web pages of other
31 agencies.

32 (2) A direct link to the agency's military spouse assistance web
33 page must be displayed on the agency's home page.

34 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.410
35 RCW to read as follows:

36 The agency responsible for educator certification shall, as set
37 forth in chapter 18.340 RCW:

1 (1) Adopt rules for expedited professional certification for
2 military spouses;

3 (2) Identify a contact or coordinator to assist military spouse
4 applicants and licensees;

5 (3) Provide training to each board member on the culture of
6 military spouses, the military spouse experience, and issues related
7 to military spouse career paths; and

8 (4) Maintain a military spouse assistance web page.

9 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.60A
10 RCW to read as follows:

11 (1) The department, the employment security department, and the
12 department of commerce shall consult local chambers of commerce,
13 associate development organizations, and businesses to initiate a
14 demonstration campaign to increase military spouse employment. This
15 campaign may include partnerships with chambers of commerce that
16 result in business owners sharing, with the local chamber of
17 commerce, information on the number of military spouses employed and
18 the local chambers of commerce providing this information to the
19 department.

20 (2) Participants in the campaign are encouraged to work with the
21 Washington state military transition council and county veterans'
22 advisory boards under RCW 73.08.035.

23 (3) Funding for the campaign shall be established from existing
24 resources.

25 (4) For the purposes of this section, "military spouse" means any
26 person married or previously married to a military service member,
27 irrespective of the length of the marriage, during the military
28 service member's service in any branch of the United States armed
29 forces as an active duty service member, reservist, or national guard
30 member.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 38.42
32 RCW to read as follows:

33 (1) The spouse of a service member may terminate an employment
34 contract without penalty at any time after the service member
35 receives military service orders for a permanent change of station
36 if:

37 (a) The spouse provides written notice, including email, to the
38 employer of the termination under this section; and

1 (b) The spouse provides written proof to the employer of the
2 official orders showing that the service member has received military
3 orders for a permanent change of station.

4 (2) Termination of an employment contract under this section is
5 effective on the day notice is given under subsection (1) of this
6 section or on a date mutually agreed to by the parties to the
7 employment contract.

8 (3) An employer may not impose any penalty for termination of an
9 employment contract under this section.

10 (4) For purposes of this section:

11 (a) "Employment contract" means a contract that establishes the
12 terms of employment or other professional relationship with the
13 spouse of a service member. "Employment contract" does not include an
14 independent contractor agreement.

15 (b) "Penalty" means any fee or cost or liability for breach of
16 contract or any other adverse consequence imposed by the employer.
17 "Penalty" does not include any requirements established by state or
18 federal law.

19 (5) This section applies prospectively only and not
20 retroactively. It applies only to employment contracts entered into
21 on or after the effective date of this section.

22 (6) Nothing in this section shall be construed as altering the
23 terms, conditions, or practices contained in any collective
24 bargaining agreement in effect on the effective date of this section
25 until the expiration date of such agreement.

26 **Sec. 10.** RCW 73.04.150 and 2017 c 184 s 1 are each amended to
27 read as follows:

28 (1) There is hereby created a joint committee on veterans' and
29 military affairs. The committee shall consist of: (a) Eight members
30 of the senate appointed by the president of the senate, four of whom
31 shall be members of the majority party and four of whom shall be
32 members of the minority party; and (b) eight members of the house of
33 representatives appointed by the speaker, four of whom shall be
34 members of the majority party and four of whom shall be members of
35 the minority party. Members of the committee shall be appointed
36 before the close of the 2005 legislative session, and before the
37 close of each regular session during an odd-numbered year thereafter.

38 (2) Each member's term of office shall run from the close of the
39 session in which he or she was appointed until the close of the next

1 regular session held in an odd-numbered year. If a successor is not
2 appointed during a session, the member's term shall continue until
3 the member is reappointed or a successor is appointed. The term of
4 office for a committee member who does not continue as a member of
5 the senate or house of representatives shall cease upon the convening
6 of the next session of the legislature during an odd-numbered year
7 after the member's appointment, or upon the member's resignation,
8 whichever is earlier. Vacancies on the committee shall be filled by
9 appointment in the same manner as described in subsection (1) of this
10 section. All such vacancies shall be filled from the same political
11 party and from the same house as the member whose seat was vacated.

12 (3) The committee shall establish an executive committee of four
13 members, two of whom are members of the senate and two of whom are
14 members of the house of representatives. The executive committee
15 shall appoint one cochair from the two executive committee members
16 who are senators and one cochair from the two executive committee
17 members who are representatives. The two cochairs shall be from
18 different political parties and their terms of office shall run from
19 the close of the session in which they are appointed until the close
20 of the next regular session in an odd-numbered year. The executive
21 committee is responsible for performing all general administrative
22 and personnel duties assigned to it in the rules and procedures
23 adopted by the joint committee, as well as other duties delegated to
24 it by the joint committee.

25 (4) The joint committee on veterans' and military affairs has the
26 following powers and duties:

27 (a) To study veterans' issues, active military forces issues, and
28 national guard and reserve component issues, and make recommendations
29 to the legislature; and

30 (b) To study structure and administration of the department of
31 veterans affairs and the military department, and make
32 recommendations to the legislature.

33 (5) The joint committee shall adopt rules and procedures for its
34 orderly operation. The joint committee may create subcommittees to
35 perform duties under this section.

36 (6) The regulating authorities for the department of licensing
37 ~~((and)),~~ the department of health, and the professional educator
38 standards board shall file reports to the legislature ~~((biennially~~
39 ~~and the Washington state military transition council))~~ annually
40 beginning January 1, ~~((2018))~~ 2024, and appear annually before the

1 joint committee on veterans' and military affairs, to provide updates
2 on progress in their efforts to implement the requirements of chapter
3 18.340 RCW, chapter 32, Laws of 2011, ((and)) chapter 351, Laws of
4 2011(~~(. By January 1, 2018, the department of labor and industries
5 and the professional educator standards board must each submit a
6 report to the legislature, including an assessment on how its
7 licensing, certification, and apprenticeship programs apply training
8 and experience acquired by military members and their spouses outside
9 of Washington, and recommendations about whether such programs should
10 be included in the reporting schedule within this subsection)), and
11 section 6 of this act.~~

12 NEW SECTION. **Sec. 11.** Section 4 of this act takes effect
13 October 1, 2023.

--- END ---