



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: August 27, 2024

TIME: 9:06 AM

WSR 24-18-041

Agency: Department of Health—Washington Medical Commission

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-19-029 ; 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); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: 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 proposed updates to incorporate RCW 18.340.020.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 11, 2024	9:15 am	Virtual: Register for this virtual meeting to be held via Teams: https://tinyurl.com/ycxn37ve In person: Department of Health 111 Israel Rd SE, Room 166 Tumwater, WA 98501	The public hearing will be hybrid. Participants can attend at the physical location, or virtually by registering on Teams. To join the WMC's Rules interested parties email list, please visit: https://public.govdelivery.com/accounts/WADOH/subscribe/new?topic_id=WADOH_153

Date of intended adoption: October 11, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Amelia Boyd, Program Manager
Address: PO Box 47866, Olympia, WA 98504-7866
Email: <https://fortress.wa.gov/doh/policyreview/>
Fax: N/A
Other
Beginning (date and time): On the date and time of this filing
By (date and time): October 4, 2024 at 11:59pm

Assistance for persons with disabilities:

Contact: Amelia Boyd, Program Manager
Phone: 1 (800) 525-0127
Fax: N/A
TTY: 711
Email: medical.rules@wmc.wa.gov
Other
By (date): October 4, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Washington Medical Commission (commission) is amending WAC 246-918-076 and 246-919-397 to align with the provisions of Second Substitute House Bill (2SHB) 1009 (chapter 165, Laws of 2023), also known as the Military Spouse Employment Act codified under RCW 18.340.020. These amendments are intended to streamline the permit process for military spouses, ensuring consistency with the new state legislation and improving overall clarity and efficiency in the application process.

The proposed language clarifies the requirements, emphasizes the expedited nature of the license process, aligns the terminology by changing "permit" to "license" in accordance with the bill, refines the terminology, removes outdated requirements, and updates the definitions.

The anticipated effects of the proposed language include:

- Clearer requirements will reduce confusion for applicants and ensure a smoother application process.
- Emphasizing the expedited nature of the license process will likely lead to quicker approval times, benefiting military spouses needing timely access to employment.
- Aligning the terminology with the bill by changing "permit" to "license" will create consistency and reduce potential misunderstandings.
- Refining terminology and removing outdated requirements will ensure the regulations are up-to-date and relevant.
- Updated definitions will provide greater precision and accuracy in interpreting the rules, ensuring they are correctly applied to eligible individuals.

Reasons supporting proposal:

By clarifying the requirements, the proposal ensures that applicants understand the necessary steps, reducing errors and rejections in the application process. Aligning the terminology by changing "permit" to "license" creates consistency with the legislative language, enhancing legal coherence and interpretation. Refining terminology and removing outdated requirements keep the regulations current and relevant, ensuring they meet present-day standards and needs. Updating definitions provides clearer guidelines for eligibility and application, ensuring that the rules are applied accurately and effectively to all relevant parties.

Statutory authority for adoption: RCW 18.71.017 and 18.130.050

Statute being implemented: 2SHB 1009 (chapter 165, Laws of 2023) codified under RCW 18.340.020

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: Washington Medical Commission

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Amelia Boyd	111 Israel Rd SE, Tumwater, WA 98501	(360) 918-6336
Implementation: Kyle Karinen	111 Israel Rd SE, Tumwater, WA 98501	(360) 236-4810
Enforcement: Kyle Karinen	111 Israel Rd SE, Tumwater, WA 98501	(360) 236-4810

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

No: Please explain: The proposed rules are exempt from a cost-benefit analysis under RCW 34.05.328(5)(b)(iii) because the proposed rules incorporate the military spouse licensure requirements from RCW 18.340.020.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:

- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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 19.85.025\(4\)](#). (Does not affect small businesses).

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

Explanation of how the above exemption(s) applies to the proposed rule: The proposed rules only impact individual licenses not small businesses.

(2) Scope of exemptions: *Check one.*

The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: August 26, 2024

Name: Kyle Karinen

Title: Executive Director, Washington Medical Commission

Signature:

Signature on file

WAC 246-918-076 How to obtain ((a)) an expedited temporary ((practice permit)) license—Military spouse. A military spouse (~~or state registered domestic partner of a military person~~) may receive ((a)) an expedited temporary ((practice permit)) license while completing any specific additional requirements that are not related to training or practice standards for physician assistants under the following conditions.

(1) ((A)) An expedited temporary ((practice permit)) license 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 the state of Washington;

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

~~(c))~~ Holds an unrestricted, active license in another state or United States territory that ((has)) the commission currently deems to have substantially equivalent licensing standards for a physician assistant (~~to those~~) in the state of Washington; and

~~((d))~~ (c) Is not subject to any pending investigation, charges, or disciplinary action by the regulatory body (~~of the~~) in any other state or ((states)) United States territory in which the applicant holds a license.

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

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

(a) ((The)) A full or limited license is (~~granted~~) issued to the applicant;

(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 expedited temporary ((practice permit)) license; or

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

(4) To receive ((a)) an expedited 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 military person;~~

~~(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))~~ (b) Submit a written request for a temporary practice permit; and

(c) Submit a copy of the military person's orders and a copy of one of the following:

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

(5) For the purposes of this section the following definitions shall apply:

(a) "Military spouse" (~~(means the husband, wife,)~~) is someone married to or in a registered domestic ((partner of) partnership with a military person(-) who is serving in the United States Armed Forces, the United States Public Health Service Commissioned Corps, or the Merchant Marine of the United States; and

(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.

WAC 246-919-397 How to obtain ((a)) an expedited temporary ((practice permit)) license—Military spouse. A military spouse (~~or state registered domestic partner of a military person~~) may receive ((a)) an expedited temporary ((practice permit)) license while completing any specific additional requirements that are not related to training or practice standards for physicians under the following conditions.

(1) ((A)) An expedited temporary ((practice permit)) license 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 the state of Washington;

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

~~(c))~~ Holds an unrestricted, active license in another state or United States territory that ((has)) the commission currently deems to have substantially equivalent licensing standards for a physician (~~to those~~) in the state of Washington; and

~~((d))~~ (c) Is not subject to any pending investigation, charges, or disciplinary action by the regulatory body (~~of the~~) in any other state or ((states)) United States territory in which the applicant holds a license.

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

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

(a) ((The)) A full or limited license is ((granted)) issued to the applicant;

(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 expedited temporary ((practice permit)) license; or

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

(4) To receive ((a)) an expedited 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 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))~~ (b) Submit a written request for a temporary practice permit; and

(c) Submit a copy of the military person's orders and a copy of one of the following:

(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) Documentation of a state registered domestic partnership.

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

(5) For the purposes of this section the following definitions shall apply:

(a) "Military spouse" ~~((means the husband, wife,))~~ is someone married to or in a registered domestic ((partner of)) partnership with a military person((-)) who is serving in the United States Armed Forces, the United States Public Health Service Commissioned Corps, or the Merchant Marine of the United States; and

(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.