



PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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FILED

DATE: April 03, 2019

TIME: 10:17 AM

WSR 19-08-090

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR ; 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 246-919-990 Physician and surgeon fees and renewal cycle and 246-918-990 Physician assistant fees and renewal cycle. Proposing to increase renewal fees and late renewal penalties for allopathic physicians and allopathic physician assistants.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
5/7/2019	2:00 p.m.	Department of Health Town Center 2, Room #158 111 Israel Road SE Tumwater, WA 98501	

Date of intended adoption: 05/17/2019 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Nancy Elliott

Address: Department of Health
PO Box 47850
Olympia, WA 98504-7850

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

Fax: None

Other: None

By (date) 05/07/2019

Assistance for persons with disabilities:

Contact Nancy Elliott

Phone: 360-236-4878

Fax:

TTY: (360) 833-6388 or 711

Email: nancy.elliott@doh.wa.gov

Other: None

By (date) 04/24/2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Current fees are not generating sufficient revenue to keep the program self-supporting, with the fund balance projected to fall into a deficit of nearly -\$9 million next biennium. The Department of Health (department), in coordination with the Washington Medical Commission (WMC), is proposing fee increases to bring licensing revenues in alignment with the actual costs of regulating allopathic physicians and physician assistants, maintain a positive program fund balance, and bring the reserve to an amount equal to five months of operating costs over a six-year period. Professions need to maintain a reserve that is based on level of risk including revenue stability, disciplinary trends, and size of the profession, in order to cover unanticipated costs.

Department of Health policy and Office of Financial Management guidelines that require professions to have a sufficient reserve to cover unexpected costs were also used.

The department is also proposing adjustments to bring the late renewal penalty in line with agency standards for health professions.

Reasons supporting proposal: RCW 43.70.250 requires the cost of each licensing program to be fully borne by the profession's members, and licensing fees to be based on the licensing program's costs. Without the proposed fee increases, the program cannot remain self-supporting. In addition, the State Auditor's Office (SAO) published their performance audit report, "Aligning Healthcare Professional Fees with Licensing Costs," in November 2018, to examine if the department aligns the fees it charges to healthcare professions with the costs of licensing. In response, the department is developing processes to review fees more consistently and enhance transparency of fund balances and fee-setting.

The program's budget is not currently maintaining a positive fund balance, which is projected to fall into a large deficit next biennium, nor a reserve equal to five months of operating costs to cover extraordinary expenditures. The financial risks, due to unexpected costs associated with ongoing multiple legal challenges in state and federal courts that could settle against the WMC, necessitate a larger reserve.

Statutory authority for adoption: RCW 43.70.250 and RCW 43.70.280

Statute being implemented: RCW 43.70.250 and 43.70.280

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes 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 Private Public Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Nancy Elliott	111 Israel Road SE, Tumwater, WA 98501	360-236-4878
Implementation:	Amelia Boyd	111 Israel Road SE, Tumwater, WA 98501	360-236-2727
Enforcement:	Amelia Boyd	111 Israel Road SE, Tumwater, WA 98501	360-236-2727

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 agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

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.

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:

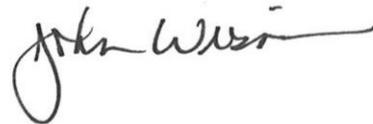
Email:

Other:

Date: 4/3/2019

Signature:

Name: John Wiesman, DrPH, MPH



Title: Secretary of Health

WAC 246-919-990 Physician and surgeon fees and renewal cycle.

(1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training limited licenses.

(2) Postgraduate training limited licenses must be renewed every year to correspond to the program's date.

(3) A retired active physician who resides and practices in Washington and obtains or renews a retired active license is exempt from all licensing fees except for the impaired physician program surcharge authorized by RCW 18.71.310.

(4) The applicants and licensees must pay the following nonrefundable fees:

<u>(Title of Fee</u>	<u>Fee</u>
Physicians and surgeons: Chapter 18.71 RCW	
Application (annual)*	\$491.00
Two-year renewal*	657.00
Late renewal penalty	262.50
Expired license reissuance	262.50
Certification of license	50.00
Duplicate license	15.00
Temporary permit	50.00
Application fee for transitioning from a postgraduate training limited license (annual)*	166.00
Retired active physicians and surgeons: (Two-year cycle)	
Retired active physician who resides and practices in-state per RCW 18.71.080 and 18.130.250 (Washington physician health program surcharge)	100.00
Retired active physician license renewal *(does not meet in-state exemption)	332.00
Retired active late renewal penalty	50.00
Postgraduate limited license fees: RCW 18.71.095 (One-year cycle)	
Limited license application*	391.00
Limited license renewal*	391.00
Limited duplicate license	15.00))
<u>Title of Fee</u>	<u>Fee</u>
<u>Original application</u>	
<u>Application</u>	<u>\$425.00</u>
<u>UW HEAL-WA surcharge*</u>	<u>16.00</u>
<u>Washington physician health program surcharge*</u>	<u>50.00</u>
<u>Active license renewal</u>	
<u>Two-year renewal</u>	<u>880.00</u>
<u>UW HEAL-WA surcharge*</u>	<u>32.00</u>

<u>Title of Fee</u>	<u>Fee</u>
<u>Washington physician health program surcharge*</u>	<u>100.00</u>
<u>Late renewal penalty</u>	<u>300.00</u>
<u>Expired license reissuance</u>	<u>262.50</u>
<u>Retired active license renewal</u>	
<u>(resides and practices in-state per RCW 18.71.080 and 18.130.250)</u>	
<u>Two-year renewal (only includes Washington physician health program surcharge)**</u>	<u>100.00</u>
<u>Retired active license renewal</u>	
<u>(does not meet in-state exemption)</u>	
<u>Two-year renewal</u>	<u>200.00</u>
<u>UW HEAL-WA surcharge*</u>	<u>32.00</u>
<u>Washington physician health program surcharge*</u>	<u>100.00</u>
<u>Late renewal penalty</u>	<u>100.00</u>
<u>Verification of license</u>	<u>50.00</u>
<u>Duplicate license</u>	<u>15.00</u>
<u>Temporary permit</u>	<u>50.00</u>
<u>Transitioning from postgraduate training limited license</u>	
<u>Application fee</u>	<u>100.00</u>
<u>UW HEAL-WA surcharge*</u>	<u>16.00</u>
<u>Washington physician health program surcharge*</u>	<u>50.00</u>
<u>Postgraduate limited license: RCW 18.71.095</u>	
<u>(One-year cycle)</u>	
<u>Original application</u>	
<u>Application</u>	<u>325.00</u>
<u>UW HEAL-WA surcharge*</u>	<u>16.00</u>
<u>Washington physician health program surcharge*</u>	<u>50.00</u>
<u>Limited license renewal</u>	
<u>(One-year cycle)</u>	
<u>Renewal</u>	<u>325.00</u>
<u>UW HEAL-WA surcharge*</u>	<u>16.00</u>
<u>Washington physician health program surcharge*</u>	<u>50.00</u>
<u>Limited duplicate license</u>	<u>15.00</u>

* ((The application or renewal fee includes:)) The Washington physician health program surcharge (RCW 18.71.310(2)) is assessed at \$50.00 per year, and the University of Washington (UW) HEAL-WA web portal access fee (RCW 43.70.110) is assessed at \$16.00 per year.

AMENDATORY SECTION (Amending WSR 15-20-050, filed 9/30/15, effective 1/1/16)

WAC 246-918-990 Physician assistants fees and renewal cycle.

(1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The applicant or licensee must pay the following nonrefundable fees:

Title of Fee	Fee
Physician assistants:	
Original application (((annual))*	\$116.00))
<u>Application</u>	<u>\$50.00</u>
<u>UW HEAL-WA surcharge*</u>	<u>16.00</u>
<u>Washington physician health program surcharge</u>	<u>50.00</u>
Active license renewal	
Two-year renewal(((*	202.00))
	<u>265.00</u>
<u>UW HEAL-WA surcharge*</u>	<u>32.00</u>
<u>Washington physician health program surcharge*</u>	<u>100.00</u>
Late renewal fee	((50.00))
	<u>130.00</u>
Expired license reissuance	50.00
Retired active license renewal	
Two-year renewal(((**	135.00))
	<u>35.00</u>
<u>Washington physician health program surcharge*</u>	<u>100.00</u>
Late renewal fee	35.00
Duplicate license	15.00

* ~~((includes))~~ The Washington physician health program surcharge (RCW 18.71A.020(3)) is assessed at \$50.00 per year, and the University of Washington (UW) HEAL-WA web portal access fee (RCW 43.70.110) assessed at \$16.00 per year.

** ~~((includes))~~ The Washington physician health program surcharge is assessed at \$50.00 per year.