PROPOSED RULE MAKING



CR-102 (July 2022) (Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

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DATE: December 20, 2022

TIME: 5:48 PM

WSR 23-01-133

Agency: Departmen	nt of Health			
⊠ Original Notice				
□ Supplemental Notice to WSR				
☐ Continuance of WSR				
□ Preproposal State	ment of Inq	uiry was filed as WSR 22-2	20-067	; or
☐ Expedited Rule Ma	kingProp	osed notice was filed as W	/SR	; or
☐ Proposal is exemp	t under RC	W 34.05.310(4) or 34.05.33	0(1); oı	•
□ Proposal is exemp				
Title of rule and other identifying information: Multiple health profession fee amendments including, WAC 246-803-990, 246-809-990, 246-810-990, 246-815-990, 246-817-990, 246-817-99005, 246-828-990, 246-845-990, 246-915-99005, 246-930-990, and 246-980-990. Amendments to fee rates are being proposed by the Department of Health (department) for the following professions; Acupuncturist or acupuncture and Eastern Medicine Practitioner, Licensed mental health counselor, Licensed advanced social worker and licensed independent clinical social worker, Certified counselor, Certified adviser, Registered agency affiliated counselor (excluding interns), Dental hygienist, Dentist, Registered dental assistant, Certified dental anesthesia assistant, Licensed expanded function dental auxiliary, Audiologist, Speech-Language pathologist, Hearing aid specialist, Speech-Language pathology assistant, Nursing pool operator, Physical therapist, Physical therapist assistant, Sex offender treatment provider, Affiliate treatment provider certificate, and Home care aide. Additional technical updates are proposed to ensure clarity and consistency.				
Hearing location(s):				
Date:	Time:	Location: (be specific)		Comment:
1/24/2023	9:00am	The Department of Health holding this hearing via Zoo only. Please register in ad for this hearing.	om	
		Register in advance for this webinar: https://us02web.zoom.us/w/register/WN_zV_6IEypTq0A4cAjMPA	vebinar	
		After registering, you will re a confirmation email contain information about joining the webinar.	ining ne	
Date of intended adoption: 1/25/2023 (Note: This is NOT the effective date)				
Submit written comm				ance for persons with disabilities:
Name: Heather Cantrell		Contact Heather Cantrell		
Address: PO Box 47850 Olympia, WA 98504-7850		Phone: 360-236-4637		
Email: HSQAFeeRules	@doh.wa.g	OV	Fax:	
Fax:			TTY: 711	
Other: https://fortress.wa.gov/doh/policyreview By (date) 1/23/2023		Email: HSQAFeeRules@doh.wa.gov Other:		
			By (da	te) 1/16/2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: RCW 43.70.250 requires that the costs of licensing each profession be fully borne by members of that profession. The Office of Financial Management also requires professions to maintain a reasonable cash reserve to cover fluctuations in cash flow and operating expenses. These changes are needed to ensure the department is in line with RCW 43.70.250 and the fees set are sufficient to recover the costs of licensing the professions. These changes will also address the petition from the WA Acupuncture and Eastern Medicine Association (WAEMA) Board requesting the department lower the licensure fees for Acapuncture and Eastern Medicine Practitioners. The department is also proposing modifications in rule language for clarity and consistency. Reasons supporting proposal: Assessments of fund balances were performed to determine if the fund balances were projected to have either too much or too little to maintain levels. These adjustments are needed to maintain the appropriate balance amounts as identified in the assessment. RCW 43.70.250 requires that the costs of licensing each profession be fully borne by members of the profession. Statutory authority for adoption: RCW 43.70.110, 43.70.250, and 43.70.280 Statute being implemented: None 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 **Type of proponent:** □ Private □ Public ⊠ Governmental Name of proponent: (person or organization) Department of Health Name of agency personnel responsible for: Name Office Location Phone Drafting: Heather Cantrell 111 Israel Road SE, Tumwater, WA 98501 360-236-4637 Implementation: Shawna Fox 111 Israel Road SE, Tumwater WA 98501 360-236-4700 Enforcement: Blake Maresh 111 Israel Road SE. Tumwater WA 98501 360-236-4700 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: $TTY \cdot$ Email: Other: Please explain: As defined in RCW 34.05.328(5)(b), the department has determined that no significant ⋈ No: analysis is required because the revisions are to set or adjust fees, correct, or clarify language without changing the effect of the rule.

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.					
This rule pro	(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):				
adopted sole regulation the adopted.	e proposal, or portions of the proposal, is exempt to ely to conform and/or comply with federal statute his rule is being adopted to conform or comply with description:	or regul			
☐ This rule	·		e the agency has completed the pilot rule process		
☐ This rule			ne provisions of RCW 15.65.570(2) because it was		
	proposal, or portions of the proposal, is exempt	under <u>R</u>	CW 19.85.025(3). Check all that apply:		
	RCW 34.05.310 (4)(b)		RCW 34.05.310 (4)(e)		
	(Internal government operations)		(Dictated by statute)		
	RCW 34.05.310 (4)(c)	\boxtimes	RCW 34.05.310 (4)(f)		
	(Incorporation by reference)		(Set or adjust fees)		
\boxtimes	RCW 34.05.310 (4)(d)		RCW 34.05.310 (4)(g)		
	(Correct or clarify language)		((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 u	under <u>R</u>	CW 19.85.025(4) (does not affect small businesses).		
☐ This rule	proposal, or portions of the proposal, is exempt	under R	CW		
has determi			rule: As defined in RCW 34.05.310(4)(f), the department t is required because the revisions are to set or adjust		
	f exemptions: Check one.				
			entified above apply to all portions of the rule proposal.		
proposal, bu	proposal is partially exempt (complete section 3) at less than the entire rule proposal. Provide detail proposal is not exempt (complete section 3). No	ls here	,		
	usiness economic impact statement: Complete				
	n of the proposed rule is not exempt , does it imp		re-than-minor costs (as defined by RCW 19.85.020(2))		
□ No rule did r □ Yes	Briefly summarize the agency's mino not impose more-than-minor costs.	poses n	analysis and how the agency determined the proposed more-than-minor cost to businesses and a small business business economic impact statement here:		
	oublic may obtain a copy of the small business eccepting:	onomic	impact statement or the detailed cost calculations by		
Ad Ph Fa	ame: ddress: none: ax: FY:				
	mail: ther:				
1					

Date: December 20, 2022

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

Kistin Fully

Title: Chief of Policy for Secretary of Health

WAC 246-803-990 Acupuncturist or acupuncture and Eastern medicine practitioner fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC($(\frac{1}{2})$).

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
License application	((\$100.00)) <u>\$60.00</u>
License renewal	((196.00)) $\underline{60.00}$
Inactive license renewal	50.00
Late renewal penalty	((105.00)) 50.00
Expired license reissuance	50.00
Expired inactive license reissuance	50.00
Duplicate license	15.00
Certification of license	25.00
Acupuncture or Eastern medicine training program application	500.00
UW library access fee	9.00

- WAC 246-809-990 Licensed counselor, and associate—Fees and renewal cycle. (1) Except for a probationary license as described in WAC 246-809-095, a license must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC.
- (2) Associate licenses are valid for one year and must be renewed every year on the date of issuance. The associate license may be renewed no more than six times, except as provided in RCW 18.225.145.
 - (3) The following nonrefundable fees will be charged:

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Title	Fee
Licensed marriage and family therapist	
Original application	
Application and initial license	\$290.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	180.00
Late renewal penalty	90.00
Expired license reissuance	85.00
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal	70.00
Late renewal penalty	35.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed marriage and family therapy associate	
Original application	
Application	65.00
UW online access fee (HEAL-WA)	16.00
Renewal	
Renewal	50.00
UW online access fee (HEAL-WA)	16.00
Late renewal penalty	50.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor	
Original application	
Application	95.00
Initial license	80.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	((90.00)) 125.00
Late renewal penalty	((50.00))
Everined license reissyance	65.00 65.00
Expired license reissuance	65.00

Title	Fee
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal retired active	70.00
Late renewal penalty	35.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor associate	
Original application	
Application	35.00
Renewal	
Renewal	25.00
Late renewal penalty	25.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker and licensed independent clinical social worker	
Original application	
Application and initial license	((100.00)) <u>170.00</u>
((Initial license	100.00))
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	((100.00)) 70.00
Late renewal penalty	50.00
Expired license reissuance	72.50
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal retired active	65.00
Late renewal penalty	30.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker associate and licensed independent clinical social worker associate	
Original application	
Application	35.00
UW online access fee (HEAL-WA)*	16.00
Renewal	
Renewal	25.00
Late renewal penalty	25.00
UW online access fee (HEAL-WA)*	16.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00
	_3.00

[2] OTS-4236.1

* Surcharge applies to independent clinical social worker associate only.

(4) For a probationary license as described under WAC 246-809-095, the following nonrefundable fees will be charged:

Title	Fee
Licensed marriage and family therapist	
Original application	
Application and initial license	\$290.00
Active license renewal	
Renewal	180.00
Late renewal penalty	90.00
Expired license reissuance	85.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor	
Original application	
Application and initial license	175.00
Active license renewal	
Renewal	90.00
Late renewal penalty	50.00
Expired license reissuance	65.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker and licensed independent clinical social worker	
Original application	
Application and initial license	200.00
Active license renewal	
Renewal	100.00
Late renewal penalty	50.00
Expired license reissuance	72.50
Duplicate license	10.00
Verification of license	25.00

[3] OTS-4236.1

WAC 246-810-990 Counselors fees and renewal cycle. (1) Under chapter 246-12 WAC, a counselor must renew their credential every year on the practitioner's birthday.

(2) Examination and reexamination fees are the responsibility of the applicant and are paid directly to the testing company.

(3) The following nonrefundable fees will be charged:

Title	Fee
Registered hypnotherapist:	
Application and registration	\$155.00
Renewal	\$80.00
Late renewal penalty	\$75.00
Expired registration reissuance	\$75.00
Duplicate registration	\$10.00
Verification of registration	\$25.00
Certified counselor:	
Application and certification	((\$345.00)) \$680.00
Examination or reexamination	\$85.00
Renewal	((\$305.00)) \$800.00
Late renewal penalty	((\$155.00)) <u>\$300.00</u>
Expired credential reissuance	\$100.00
Duplicate credential	\$10.00
Verification of credential	\$25.00
Certified adviser:	
Application and certification	((\$285.00)) \$620.00
Examination or reexamination	\$85.00
Renewal	((\$250.00)) <u>\$745.00</u>
Late renewal penalty	((\$125.00)) <u>\$300.00</u>
Expired credential reissuance	\$100.00
Duplicate credential	\$10.00
Verification of credential	\$25.00
Registered agency affiliated counselor:	
Application and registration	((\$90.00)) <u>\$175.00</u>
Renewal	((\$75.00)) <u>\$185.00</u>
Late renewal penalty	((\$50.00)) <u>\$95.00</u>
Expired registration reissuance	\$50.00
Duplicate registration	\$10.00
Verification of registration	\$25.00

AMENDATORY SECTION (Amending WSR 18-21-141, filed 10/19/18, effective 11/19/18)

WAC 246-815-990 Dental hygiene fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC((, Part 2)).

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application examination and reexamination	\$100.00
Renewal	((50.00)) 70.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Credentialing application	100.00
Limited license application	100.00
Limited license renewal.	((50.00)) 70.00
Limited license late renewal penalty	50.00
Expired limited license reissuance	50.00
Duplicate license	15.00
Verification of license	25.00
Education program evaluation	200.00

WAC 246-817-990 Dentist fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC(($\frac{1}{2}$)), except faculty and resident licenses.

- (2) Faculty and resident licenses must be renewed every year on July 1 as provided in chapter 246-12 WAC(($\frac{7}{7}$ Part $\frac{2}{7}$)).
 - (3) The following nonrefundable fees will be charged:

Title of Fee	Fee
Original application by examination	o n *
Initial application	\$500.00
Original application - Without exa	mination
Initial application	500.00
Initial license	500.00
Faculty license application	500.00
Resident license application	115.00
Active license renewal:	
Renewal	$\frac{((350.00))}{365.00}$
Surcharge - Impaired dentist	50.00
Late renewal penalty	((288.00)) <u>185.00</u>
Expired license reissuance	300.00
Inactive license renewal:	
Renewal	125.00
Surcharge - Impaired dentist	50.00
Late renewal penalty	50.00
Retired active license renewal	
Renewal	150.00
Surcharge - Impaired dentist	50.00
Late renewal penalty	75.00
Duplicate license	15.00
Certification of license	25.00
Anesthesia permit	
Initial application	150.00
Renewal - (Three-year renewal cycle)	((150.00)) <u>160.00</u>
Late renewal penalty	((75.00)) 80.00
Expired permit reissuance	50.00
On-site inspection fee	To be determined by future rule adoption.

^{*} In addition to the initial application fee above, applicants for licensure via examination will be required to submit a separate application and examination fee directly to the dental testing agency accepted by the dental quality assurance commission.

WAC 246-817-99005 Dental assistant, dental anesthesia assistant, and expanded function dental auxiliary fees and renewal cycle. (1) Credentials must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC((, Part 2)).

(2) The following nonrefundable fees will be charged for dental assistant, dental anesthesia assistant, and expanded function dental auxiliary credentials:

Title of Fee - Dental Professionals	Fee
Registered dental assistant application	\$40.00
Registered dental assistant renewal	((21.00)) 25.00
Registered dental assistant late renewal	((21.00)) 25.00
Registered dental assistant expired reactivation	20.00
Certified dental anesthesia assistant application	100.00
Certified dental anesthesia assistant renewal	((75.00)) 85.00
Certified dental anesthesia assistant late renewal	50.00
Certified dental anesthesia assistant expired reactivation	75.00
Licensed expanded function dental auxiliary application	175.00
Licensed expanded function dental auxiliary renewal	$\frac{((160.00))}{165.00}$
Licensed expanded function dental auxiliary late renewal	((80.00)) 85.00
Licensed expanded function dental auxiliary expired reactivation	50.00
Duplicate credential	15.00
Certification of credential	25.00

WAC 246-828-990 Hearing aid specialist, audiologist, speech-language pathologist, and speech-language pathology assistant fees and renewal cycle. (1) Credentials must be renewed every year on the practitioner's birthday as provided in WAC 246-12-030.

(2) Practitioners must pay the following nonrefundable fees:

Audiologist or Speech-Language

Pathologist of Speech-Language	
Fee Type:	Fee
Interim permit	
Application	\$165.00
Permit	140.00
Initial license	
Application and license	$\begin{array}{c} ((110.00)) \\ \underline{175.00} \end{array}$
((License	95.00))
HEAL-WA* surcharge	16.00
Active license renewal	
Renewal	((75.00)) 45.00
Late renewal penalty	((50.00)) 45.00
HEAL-WA* surcharge	16.00
Expired license reissuance	140.00
Inactive license	
Renewal	60.00
Expired license reissuance	90.00
Verification of license	25.00
Duplicate license	10.00

^{*} Surcharge applies to speech-language pathologists only. HEAL-WA is the health resources for Washington online library. See RCW 43.70.110.

Hearing Aid Specialist Fee Type: Fee **Initial license** Application and license ((\$110.00))\$175.00 ((License 95.00)) Hearing aid specialist practical 350.00 exam for Washington hearing society applicants **Active license renewal** Renewal ((75.00))<u>45.00</u> Late renewal penalty ((50.00))<u>45.00</u> Expired license reissuance 136.00 **Inactive license renewal**

Renewal

56.00

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Fee Type:	Fee
Expired license reissuance	86.00
Verification of license	25.00
Duplicate license	10.00

Speech-Language Pathology Assistant

Fee Fee Type:

Initial credential

((\$85.00)) <u>\$55.00</u> Application

Active credential renewal

((45.00))15.00Renewal Late renewal penalty ((45.00))

<u>15.00</u> Expired credential reissuance 50.00

Inactive credential renewal

Renewal 50.00 Expired credential reissuance 50.00

Verification of credential 25.00

Duplicate credential 10.00

> [2] OTS-4241.1

AMENDATORY SECTION (Amending WSR 17-24-014 and 17-22-088, filed 11/27/17 and 10/27/17, effective 3/1/18)

WAC 246-845-990 Nursing pool fees and renewal cycle. (1) Registrations must be renewed every year on the (($\frac{\text{practitioner's birthday}}{\text{date of original issuance}}$ as provided in chapter 246-12 WAC(($\frac{\text{Part}}{2}$)).

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Original application	\$175.00
Renewal	((155.00)) <u>280.00</u>
Late renewal penalty	((80.00)) <u>140.00</u>
Expired registration reissuance	60.00
Duplicate license	10.00
Verification of license	25.00

AMENDATORY SECTION (Amending WSR 18-21-140, filed 10/19/18, effective 2/1/19)

WAC 246-915-990 Physical therapist fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC((, Part 2)).

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Original application	
Application	((\$65.00)) <u>\$80.00</u>
Active license renewal	
License renewal	$\frac{((75.00))}{100.00}$
Late renewal penalty	50.00
Expired license reissuance	50.00
Inactive license renewal	
License renewal	35.00
Expired license reissuance	50.00
Duplicate license	10.00
Verification of license	25.00

AMENDATORY SECTION (Amending WSR 18-21-140, filed 10/19/18, effective 2/1/19)

WAC 246-915-99005 Physical therapist assistant fees and renewal

therapist assistant:

Title of Fee	Fee
Original application	
Application	((\$60.00)) <u>\$75.00</u>
Active license renewal	
License renewal	((70.00)) 95.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Inactive license renewal	
License renewal	35.00
Expired license reissuance	50.00
Duplicate license	10.00
Verification of license	25.00

AMENDATORY SECTION (Amending WSR 21-13-079, filed 6/15/21, effective 7/16/21)

WAC 246-930-990 Sex offender treatment provider fees and renewal cycle. (1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC.

(2) The following nonrefundable fees will be charged for:

Title of Fee	Fee
Sex offender treatment provider:	
Application and examination	((\$ 600.00)) \$450.00
Reexamination	250.00
Initial certification	((200.00)) 50.00
Renewal	$\begin{array}{c} ((1,000.00)) \\ \underline{500.00} \end{array}$
Inactive status	300.00
Late renewal penalty	$\frac{((300.00))}{250.00}$
Expired certificate reissuance	300.00
Expired inactive certificate reissuance	150.00
Duplicate certificate	15.00
Verification of certification	15.00

(3) The following nonrefundable fees will be charged for affiliate treatment provider:

Title of Fee	Fee
Application and examination	((400.00)) 200.00
Reexamination	250.00
Renewal	$\frac{((500.00))}{250.00}$
Inactive status	250.00
Late renewal penalty	((250.00)) 125.00
Expired affiliate certificate reissuance	250.00
Expired inactive affiliate certificate reissuance	100.00
Duplicate certificate	15.00

(4) Under RCW 71.09.360, fees established in this section may be waived for sex offender treatment providers contracted to provide treatment services to persons on conditional release in underserved counties as determined by the department of social and health services.

 $\underline{\text{AMENDATORY SECTION}}$ (Amending WSR 16-05-021 and 15-19-150, filed 2/8/16 and 9/22/15, effective 5/1/16)

WAC 246-980-990 Home care aide certification fees. (1) Certifications must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC(($\frac{1}{2}$ Part 2)).

(2) The following nonrefundable fees will be charged for home care aide:

Title of Fee	Fee
Application	((\$85.00)) \$100.00
Certification renewal	((85.00)) <u>100.00</u>
Late renewal penalty	((30.00)) <u>50.00</u>
Expired certification reactivation	30.00
Duplicate certification	15.00
Verification	25.00