PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: December 20, 2022
TIME: 5:48 PM

WSR 23-01-133

Agency: Department of Health

☒ **Original Notice**

☐ **Supplemental Notice to WSR**

☐ **Continuance of WSR**

☒ **Preproposal Statement of Inquiry was filed as WSR** 22-20-067 **; 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: 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, 246-915-990, 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 is holding this hearing via Zoom only. Please register in advance for this hearing. Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_zV_6IEypTqGLAWA4cAjMPA After registering, you will receive a confirmation email containing information about joining the webinar.	

Date of intended adoption: 1/25/2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:	**Assistance 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.gov	Fax:
Fax:	TTY: 711
Other: https://fortress.wa.gov/doh/policyreview	Email: HSQAFeeRules@doh.wa.gov
By (date) 1/23/2023	Other:
	By (date) 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 Acupuncture 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:
Email:
Other:

☒ No: Please explain: As defined in RCW 34.05.328(5)(b), the department has determined that no significant 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.

(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:

- ☐ RCW 34.05.310 (4)(b) (Internal government operations)
- ☐ RCW 34.05.310 (4)(c) (Incorporation by reference)
- ☒ RCW 34.05.310 (4)(d) (Correct or clarify language)
- ☐ RCW 34.05.310 (4)(e) (Dictated by statute)
- ☒ RCW 34.05.310 (4)(f) (Set or adjust fees)
- ☐ 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: As defined in RCW 34.05.310(4)(f), the department has determined that no Small Business Economic Impact Statement is required because the revisions are to set or adjust fees or clarify language under RCW 34.05.310(4)(d).

(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: December 20, 2022 **Name**: Kristin Peterson, JD for Umair A. Shah, MD, MPH **Title:** Chief of Policy for Secretary of Health	**Signature:** 

AMENDATORY SECTION (Amending WSR 21-09-008, filed 4/8/21, effective 5/9/21)

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((~~, Part 2~~)).

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
License application	(($~~100.00~~)) $60.00
License renewal	(($~~196.00~~)) 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

AMENDATORY SECTION (Amending WSR 21-20-030, filed 9/24/21, effective 10/25/21)

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:

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~~)) 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~~)) 170.00
((~~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

* 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

AMENDATORY SECTION (Amending WSR 21-16-002, filed 7/22/21, effective 11/1/21)

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~~)) $300.00
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~~)) $745.00
Late renewal penalty	((~~$125.00~~)) $300.00
Expired credential reissuance	$100.00
Duplicate credential	$10.00
Verification of credential	$25.00
Registered agency affiliated counselor:	
Application and registration	((~~$90.00~~)) $175.00
Renewal	((~~$75.00~~)) $185.00
Late renewal penalty	((~~$50.00~~)) $95.00
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

AMENDATORY SECTION (Amending WSR 15-07-004, filed 3/6/15, effective 4/6/15)

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((~~, Part 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((~~, Part 2~~)).

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
Original application by examination*	
Initial application	$500.00
Original application - Without examination	
Initial application	500.00
Initial license	500.00
Faculty license application	500.00
Resident license application	115.00
Active license renewal:	
Renewal	((~~350.00~~)) 365.00
Surcharge - Impaired dentist	50.00
Late renewal penalty	((~~288.00~~)) 185.00
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~~)) 160.00
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.

AMENDATORY SECTION (Amending WSR 12-24-015, filed 11/27/12, effective 7/1/13)

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	((~~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

AMENDATORY SECTION (Amending WSR 22-13-103, filed 6/15/22, effective 8/1/22)

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	
Fee Type:	**Fee**
Interim permit	
Application	$165.00
Permit	140.00
Initial license	
Application and license	((~~110.00~~)) 175.00
((~~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 exam for Washington hearing society applicants	350.00
Active license renewal	
Renewal	((~~75.00~~)) 45.00
Late renewal penalty	((~~50.00~~)) 45.00
Expired license reissuance	136.00
Inactive license renewal	
Renewal	56.00

Hearing Aid Specialist

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

Speech-Language Pathology Assistant

Fee Type:	**Fee**
Initial credential	
Application	((~~$85.00~~)) $55.00
Active credential renewal	
Renewal	((~~45.00~~)) 15.00
Late renewal penalty	((~~45.00~~)) 15.00
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

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 ((~~practitioner's birthday~~)) date of original issuance as provided in chapter 246-12 WAC((~~, Part 2~~)).

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Original application	$175.00
Renewal	((~~155.00~~)) 280.00
Late renewal penalty	((~~80.00~~)) 140.00
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~~)) $80.00
Active license renewal	
License renewal	((~~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 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 for physical therapist assistant:

Title of Fee	Fee
Original application	
Application	((~~$60.00~~)) $75.00
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	((~~1,000.00~~)) 500.00
Inactive status	300.00
Late renewal penalty	((~~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	((~~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.

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((~~, 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~~)) 100.00
Late renewal penalty	(($~~30.00~~)) 50.00
Expired certification reactivation	30.00
Duplicate certification	15.00
Verification	25.00