



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:

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:

Name: Heather Cantrell

Address: PO Box 47850 Olympia, WA 98504-7850

Email: HSQAFeeRules@doh.wa.gov

Fax:

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

By (date) 1/23/2023

Assistance for persons with disabilities:

Contact Heather Cantrell

Phone: 360-236-4637

Fax:

TTY: 711

Email: HSQAFeeRules@doh.wa.gov

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:

- | | |
|---|---|
| <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 checked="" type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" 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: 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:

A handwritten signature in cursive script that reads "Kristin Peterson".

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 <u>and license</u>	((110.00))
	<u>175.00</u>
((License	95.00))
HEAL-WA* surcharge	16.00
Active license renewal	
Renewal	((75.00))
	<u>45.00</u>
Late renewal penalty	((50.00))
	<u>45.00</u>
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 <u>and license</u>	((110.00))
	<u>\$175.00</u>
((License	95.00))
Hearing aid specialist practical exam for Washington hearing society applicants	350.00
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

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))
	<u>\$55.00</u>
Active credential renewal	
Renewal	((45.00))
	<u>15.00</u>
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