



# 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 05, 2024

TIME: 1:53 PM

WSR 24-16-116

**Agency:** Department of Health – Board of Osteopathic Medicine and Surgery

**Original Notice**

**Supplemental Notice to WSR**

**Continuance of WSR**

**Preproposal Statement of Inquiry was filed as WSR 24-01-084 ; 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:** (describe subject)

Osteopathic physician exam requirements in WAC 246-853-020. The Board of Osteopathic Medicine and Surgery (board) is proposing amendments to update the examination requirements for licensure of osteopathic physicians.

**Hearing location(s):**

**Date:**

**Time:**

**Location:** (be specific)

**Comment:**

September 13, 2024

10:00 am

The public hearing will be hybrid. Participants can attend in person at the physical location or virtually by registering via Zoom.

**Physical Location:**

Hilton Garden Inn Seattle/Renton  
[1801 E. Valley Road Renton, Washington 98057 USA](https://www.hilton.com/en/hotels/hgtrse1-hilton-garden-inn-seattle-arenton-washington/)

**Virtual:**

You are invited to a Zoom webinar.  
When: Sep 13, 2024 09:00 AM Pacific Time (US and Canada)  
Topic: Board of Osteopathic Medicine & Surgery Business Meeting

Register in advance for this webinar:

[https://us02web.zoom.us/webinar/register/WN\\_mLzgguj9QhmpftjY96WFg](https://us02web.zoom.us/webinar/register/WN_mLzgguj9QhmpftjY96WFg)

You may register in advance for the virtual portion of the hearing. After registering, you will receive a confirmation email containing

	information about joining the webinar.	
<b>Date of intended adoption:</b> September 13, 2024 (Note: This is <b>NOT</b> the <b>effective</b> date)		
<b>Submit written comments to:</b> Name Becky McElhiney Address PO Box 47852 Olympia, WA 98504-7852 Email <a href="https://fortress.wa.gov/doh/policyreview">https://fortress.wa.gov/doh/policyreview</a> Fax 360-236-2850 Other Beginning (date and time) <u>Beginning on the date and time of this filing</u> By (date and time) <u>September 6, 2024 at midnight</u>		<b>Assistance for persons with disabilities:</b> Contact Becky McElhiney Phone 360-236-4766 Fax 360-236-2901 TTY 711 Email <a href="mailto:osteopathic@doh.wa.gov">osteopathic@doh.wa.gov</a> Other By (date) <u>September 5, 2024.</u>
<b>Purpose of the proposal and its anticipated effects, including any changes in existing rules:</b>  Second Substitute Senate Bill (2SHB) 1724 (chapter 425, Laws of 2023), section 8, codified as RCW 18.130.077, directs the Board of Osteopathic Medicine and Surgery (board) to reduce barriers to obtaining licensure in Washington. The bill requires disciplining authorities to waive education, training, experience, and exam requirements for applicants who have been credentialed in another state or states with substantially equivalent standards for at least two years immediately preceding their application with no interruption in licensure lasting longer than 90 days.  To align with RCW 18.130.077, the board is proposing to amend the osteopathic examination requirements. The proposed changes would allow applicants to select one out of the four nationally approved examination series instead of selecting a combination of two or more examinations to qualify for licensure. Additionally, the board is proposing to remove the Osteopathic Principles and Practices (OP&P) exam as one of the examinations.  The purpose of the proposed amendments is to simplify the osteopathic examination requirements. The proposed amendments would update the exam requirements to align with the goals set forth by RCW 18.130.077, and provide flexibility for applicants entering in the Washington workforce while also still ensuring competency to practice osteopathic medicine. The board is also proposing to remove the OP&P exam as an option because the board has identified that this state-specific exam is an underutilized pathway to licensure. Removing this exam allows more flexibility for those entering <del>in</del> the Washington workforce.		
<b>Reasons supporting proposal:</b> RCW 18.130.077 requires disciplinary authorities to waive education, training, experience, and exam requirements for out-of-state applicants with substantially equivalent standards. The department has periodically had timeliness discrepancies in issuing credentials and processing applications, which was exacerbated during the Coronavirus disease 2019 (COVID-19) pandemic. The goal of the statute is to reduce barriers for out-of-state health care professionals seeking licensure in Washington to expand the availability of qualified providers and streamline the credentialing process.  The proposed rule implements the statute's objectives by removing barriers for certain applicants licensed in other states if they meet substantially equivalent standards. This rule fulfills the intent of the statutes by creating faster pathways to licensure, while ensuring safety mechanisms for patients receiving care and services are in place and enforceable through rule.		
<b>Statutory authority for adoption:</b> RCW 18.57.005, 18.130.050 18.340.020, and 2SHB 1724 (chapter 425, Laws of 2023) codified as RCW 18.130.077		
<b>Statute being implemented:</b> RCW 18.130.077		
<b>Is rule necessary because of a:</b> 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:		
<b>Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:</b> None		
<b>Name of proponent:</b> (person or organization) Board of Osteopathic Medicine and Surgery <b>Type of proponent:</b> <input type="checkbox"/> Private. <input type="checkbox"/> Public. <input checked="" type="checkbox"/> Governmental.		

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Becky McElhiney	111 Israel Rd SE, Tumwater WA 98501	360-236-4766
Implementation	James Chaney	111 Israel Rd SE, Tumwater WA 98501	360-236-2831
Enforcement	James Chaney	111 Israel Rd SE, Tumwater WA 98501	360-236-2831

**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 Becky McElhiney
- Address PO Box 47852, Olympia, WA 98504-7852
- Phone 360-236-4766
- Fax 360-236-2850
- TTY 711
- Email osteopathic@doh.wa.gov
- Other

No: Please explain:

**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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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: This rule only impacts the licensing of providers and not the business.

**(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:** 7/31/2024  
**Name:** James Chaney  
**Title:** Executive Director, Board of Osteopathic Medicine and Surgery

**Signature:**  


AMENDATORY SECTION (Amending WSR 15-16-085, filed 7/31/15, effective 8/31/15)

**WAC 246-853-020 Osteopathic medicine and surgery examination.**

~~((1))~~ An applicant for licensure as an osteopathic physician must successfully pass:

~~((a))~~ (1) Parts I, II, and III of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) or Parts I, II, and III of the exam administered by the National Board of Osteopathic Medical Examiners (NBOME); or

~~((b) The Washington Osteopathic Principles and Practices (OP&P) Examination with a minimum score of seventy-five percent in each section;~~)

(2) The Comprehensive Osteopathic Variable-Purpose Examination (COMVEX) administered by NBOME with a minimum passing score as established by NBOME; or ~~((other state administered OP&P exam approved by the board.~~

~~(2) In addition to the exams identified in subsection (1)(b) of this section, the applicant must also pass at least one of the following:~~

~~(a))~~ (3) The Federation of State Licensing Board (FLEX) I and FLEX II Examination with a minimum score of 75 on each component. If taken prior to June 1985, passed with a FLEX weighted average of a minimum ~~((seventy-five))~~ 75 percent; or

~~((b) The FLEX I and FLEX II Examination with a minimum score of seventy-five on each component; or~~

~~(c))~~ (4) The United States Medical Licensing Examination (USMLE) Steps I, II, and III after December 1993, with a minimum score as established by the Federation of State Medical Boards and the National Board of Medical Examiners.