



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: April 14, 2025

TIME: 2:21 PM

WSR 25-09-062

Agency: Department of Health

- Original Notice**
- Supplemental Notice to WSR**
- Continuance of WSR**
- Preproposal Statement of Inquiry was filed as WSR 24-21-096; 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: Examination requirements for orthotists and prosthetists. The Department of Health (department), along with the Orthotics and Prosthetics Advisory Committee, is proposing amendments to comply with recent legislation. To align chapter 246-850 WAC with Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023), the department is proposing to amend the jurisprudence examination as a requirement for licensure and incorporating knowledge of professional jurisprudence into continuing competency requirements for orthotists and prosthetists. The department is proposing updates to WAC 246-850-060, 246-850-140, and 246-850-150.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 28, 2025	10:00am	Virtual: Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_wfGnixbCQHyWX_haXY40bg After registering, you will receive a confirmation email containing information about joining the webinar.	The Department of Health will be offering a public hearing remotely. Participants may attend virtually. You may also submit comments in writing.

Date of intended adoption: June 4, 2025 (Note: This is **NOT** the effective date)

Submit written comments to:	Assistance for persons with disabilities:
Name: Rachel Phipps Address: PO Box 47852, Olympia WA 98504-7852 Email: orthotics-prosthetics@doh.wa.gov Fax: N/A Other: https://fortress.wa.gov/doh/policyreview/ Beginning (date and time) The date and time of this filing By (date and time) May 28, 2025 at 11:59pm	Contact: Rachel Phipps Phone: 564-233-1277 Fax: N/A TTY 711 Email: orthotics-prosthetics@doh.wa.gov Other By (date) May 21, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: To comply with Second Substitute House Bill (2SHB) 1724 the department is proposing to remove the requirement for passing the Washington state jurisprudence (JP) examination from initial licensure to instead be required as part of continuing competency. By moving the JP examination to be required after initial licensure, the standards of care for patient safety can be kept secure and licensed orthotists and prosthetists can maintain their knowledge base.

The proposed amendments also clarify which category the JP examination will qualify for under the continuing competency program requirements in WAC 246-850-150, and that successful completion during the three-year renewal cycle applies for credit.

Reasons supporting proposal: The intent of the law is to make disciplining authorities review licensure requirements and remove barriers to entering and remaining in the health care workforce. The proposed changes to chapter 246-850 WAC align with the industry practice and allow for improved initial licensure for orthotists and prosthetists in Washington State.

Pursuant to RCW 18.130.077 and RCW 18.200.090, the requirement to waive education, training, experience, and exam requirements for out-of-state applicants applies to orthotists and prosthetists. Reducing barriers for licensure of orthotists and prosthetists for out-of-state professionals will increase access to healthcare for Washingtonians, achieving the goal of RCW 18.130.077. The proposed amendments implement the statute's objectives by removing the JP examination as a requirement for initial licensure.

Statutory authority for adoption: RCW 18.130.040 and 18.200.050

Statute being implemented: Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023) codified as RCW 18.130.077

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

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Rachel Phipps	111 Israel Rd SE Tumwater, WA 98501	564-233-1277
Implementation: James Cheney	111 Israel Rd SE Tumwater, WA 98501	360-236-2831
Enforcement: James Cheney	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 Rachel Phipps
Address PO Box 47852 Olympia, WA 98504-7852
Phone 564-233-1277
Fax 360-236-2901
TTY 711
Email orthotics-prosthetics@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:

- [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: The proposed rules impact only individual orthotists and prosthetists as providers or applicant for licensure, not small businesses.

(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: April 14, 2025

Name: Kristin Peterson, JD for Jessica Todorovich, MS

Title: Chief of Policy for Acting Secretary of Health

Signature:

A handwritten signature in black ink, appearing to read "Kristin Peterson".

AMENDATORY SECTION (Amending WSR 22-17-083, filed 8/17/22, effective 9/17/22)

WAC 246-850-060 Examination requirements. (1) An applicant for initial licensure as an orthotist shall successfully complete the following examinations:

(a) ~~((The Washington state jurisprudence examination; and~~
(b)) As prepared and administered by the American Board for Certification in Orthotics, Prosthetics and Pedorthics:
(i) The orthotic written multiple choice examination;
(ii) The orthotic written simulation examination; and
(e)) (b) If the applicant completes the education requirements for licensure on or after January 1, 2020, the orthotic clinical patient management exam.

(2) An applicant for initial licensure as a prosthetist shall successfully complete the following examinations:

((a) ~~The Washington state jurisprudence examination; and~~
(b)) As prepared and administered by the American Board for Certification in Orthotics, Prosthetics and Pedorthics:
(i) (a) The prosthetic written multiple choice examination;
(ii) (b) The prosthetic written simulation examination; and
(iii) (c) If the applicant completes the education requirements for initial licensure on or after January 1, 2020, the prosthetic clinical patient management exam.

(3) An applicant who has successfully completed examinations administered by the American Board for Certification in Orthotics, Prosthetics and Pedorthics prior to July 1, 1991, may be considered by the secretary in order to determine if the applicant meets alternative standards that are substantially equivalent.

(4) A licensee must successfully complete the Washington state jurisprudence examination within 180 days after initial licensure.

AMENDATORY SECTION (Amending WSR 23-23-137, filed 11/17/23, effective 12/18/23)

WAC 246-850-140 Continuing competency requirements for orthotists and prosthetists. (1) The continuing competency reporting cycle begins with the first full three-year period after initial licensure. All orthotists and prosthetists shall attest to completion of continuing competency activities every year at renewal and shall comply with WAC 246-12-170 through 246-12-240.

(2) All licensed orthotists and prosthetists shall complete continuing competency hours as follows:

(a) Licensed orthotists shall complete a minimum of 45 continuing competency hours every three years in the area of orthotics.

(b) Licensed prosthetists shall complete a minimum of 45 continuing competency hours every three years in the area of prosthetics.

(c) Individuals who are licensed as both an orthotist and as a prosthetist shall complete a minimum of 60 continuing competency hours every three years.

(3) For individuals licensed in one discipline, a maximum of ((eighteen)) 18 Category 2 continuing competency hours may be earned in any three-year reporting period.

(4) For individuals licensed in both disciplines, a maximum of 24 Category 2 continuing competency hours may be earned in any three-year reporting period.

(5) Licensees may alternatively meet the continuing competency requirement if they hold a current certification from the American Board for Certification in Orthotics, Prosthetics and Pedorthics. The required documentation is proof of certification during the three-year cycle.

(6) Orthotists and prosthetists must complete a minimum of two hours in health equity continuing education training every four years by complying with WAC 246-12-800 through 246-12-830.

(a) Individuals licensed as both an orthotist and prosthetist only need to meet the requirements once every four years.

(b) This training must be completed by the end of the second full continuing education reporting period after January 1, 2024, or the second full continuing education reporting period after initial licensure, whichever is later.

(c) The hours spent completing health equity continuing education under this section count toward meeting applicable continuing education requirements in this section.

(7) Licensed orthotists and prosthetists must complete and pass the Washington state jurisprudence examination every three years as a continuing competency requirement.

AMENDATORY SECTION (Amending WSR 19-09-065, filed 4/16/19, effective 5/17/19)

WAC 246-850-150 Classification of categories of continuing competency. Continuing competency activities are distinguished between activities which are sponsored by those organizations listed in subsection (1) of this section and those which are generally either independent or unsupervised, or both and are listed in subsection (2) of this section.

(1) Category 1. Courses offered or approved by the following organizations qualify as Category 1 continuing competency activities. Category 1 activities receive one continuing competency credit hour for every ((fifty)) 50 minutes spent in a course or other activity. Licensees shall maintain documentation of attendance at courses. Acceptable documentation includes certificates or receipts with an authorized signature, stamp or seal.

(a) American Board for Certification in Orthotics, Prosthetics and Pedorthics.

(b) Board for Orthotist/Prosthetist Certification.

(c) American Academy of Orthotists and Prosthetists.

(d) American Orthotic and Prosthetic Association.

(e) International Association of Orthotics and Prosthetics.

(f) International Society of Prosthetics and Orthotics.

(g) Association of American Children's Orthotics and Prosthetics Clinics.

(h) Canadian Orthotic and Prosthetic Association.

(i) Any school or college of orthotics or prosthetics approved by the secretary under RCW 18.200.050(5).

(j) Relevant school or college courses from an institution accredited by a recognized regional accrediting body.

(k) Relevant courses or seminars offered by organizations or associations such as the American Society of Orthopedic Surgeons, the American Academy of Physical Medicine and Rehabilitation, the American College of Sports Medicine, the American Medical Association, the American Occupational Therapy Association, the American Physical Therapy Association, the American Osteopathic Association, and the American Podiatric Medical Association.

(l) Manufacturer courses approved/sponsored by organizations listed in subsection (1)(a) through (k) of this section.

(2) Category 2. Category 2 continuing competency activities are primarily either independent or unsupervised, or both. Licensees shall maintain documentation of completion of Category 2 activities. The following activities, and designated continuing competency credit hours, are considered Category 2 continuing competency:

(a) Relevant allied health seminars not identified as Category 1 activities. A credit hour is ((fifty)) 50 minutes spent in a course or other activity. A maximum of five continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation includes certificates or receipts with an authorized signature, stamp or seal.

(b) Practice management. For the purpose of this section, practice management includes only those activities which are directly related to patient care. A credit hour is ((fifty)) 50 minutes spent in this activity. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation includes verification of completion of a course or seminar, or a written certification by the licensee describing the activity, the total time required to complete the activity and the date completed.

(c) Journal reading, including electronic publications that are consistent with the goals specified in the individual licensee's professional enhancement plan.

(i) Scientific journals with required examination. Each examination qualifies for two continuing competency credit hours. A maximum of six continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a certificate issued by the sponsoring organization or author showing successful completion of the examination.

(ii) Scientific journals not requiring an examination. Each report qualifies for one continuing competency credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation for each article is a written report identifying the publication source, author, publication date, and a summary of at least five points from the article.

(iii) Business journals. Each report qualifies for one continuing competency credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation for each article, is a written report identifying the publication source, author, publication date, and a summary of at least five points from the article.

(d) Instruction video, videodisc or internet courses. A credit hour is ((fifty)) 50 minutes spent in this activity. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a written report identifying the source of the instruction, the release

date, and summarizing at least five points presented in the instruction.

(e) Manufacturer courses sponsored by organizations not identified as Category 1 activities. A credit hour is ((fifty)) 50 minutes spent in this activity. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation includes certificates or receipts with an authorized signature, stamp or seal.

(f) Participating in peer review. For the purpose of this section, peer review means either serving on a formal peer review panel, committee or individual review of a sole provider, where the purpose of the review is to determine whether appropriate treatment was rendered, or whether the services rendered were within accepted standards. Each occurrence qualifies for three credit hours. A maximum of nine continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a certification signed by the facilitator of the peer review providing the date and the total time spent in the peer review process.

(g) Student or peer mentoring.

(i) Student mentoring. Each four-hour period spent in this activity qualifies for one credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a copy of the mentoring contract or agreement and a certification from the student substantiating the date(s) engaged in mentoring and the total mentoring time.

(ii) Peer mentoring. Each four-hour period spent in this activity qualifies for one credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a certification summarizing the subject of the mentoring, the date, and total mentoring time and signed by the licensee and at least one other practitioner participating in the mentoring activity.

(h) Documented group study. A credit hour is ((fifty)) 50 minutes spent in this activity. A maximum of six continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a summary of the group study topics, the date, and total group study time, signed by the facilitator or other authorized personnel.

(i) Grand rounds. Each report qualifies for one credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a report summarizing the cases presented, the location, date, and total time spent in the grand rounds activity and signed by the facilitator or other authorized personnel.

(j) Presentation or lecture to professional group. Each presentation or lecture qualifies for two credit hours. A maximum of six continuing competency credit hours may be earned in this activity in any three-year reporting period. Credit for subsequent presentations will only be considered if the licensee can demonstrate that substantial additional preparation was required. Acceptable documentation is a course outline and a certification from the licensee providing the location, date and total presentation time.

(k) Successful completion of the Washington state jurisprudence examination. Licensees may claim one hour for this activity. This activity can only be claimed once during a three-year continuing competency education reporting cycle.

(1) Other activities that enhance or expand the practice may be submitted to the secretary for consideration.