



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 13, 2025

TIME: 1:12 PM

WSR 25-21-064

Agency: Department of Health

Effective date of rule:

Permanent Rules

- ☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: Brief Adjudicative Proceedings Rules. Amending the application of brief adjudicative proceedings in WAC 246-10-501 (Department of Health) and WAC 246-11-420 (Health Profession Boards and Commissions). The amendments expand the category types eligible for brief adjudicated proceedings (BAP) .

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 246-10-501, WAC 246-11-420
Suspended:

Statutory authority for adoption: RCW 43.70.040, RCW 34.05.413, RCW 34.05.482, RCW 34.05.485, RCW 18.130.050, chapter 18.71B RCW, and chapter 18.74 RCW

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-16-028 on July 28, 2025 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>

Date Adopted: 10/13/2025

Name: Kristin Peterson, JD for Dennis E. Worsham

Title: Chief of Policy for Secretary of Health

Signature:



WAC 246-11-420 Application of brief adjudicative proceedings.

(1) If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following:

(a) A determination whether an applicant for a license meets the minimum criteria for an unrestricted license and the board proposes to deny such a license or to issue a restricted license ~~((+))~~, or a determination that a license holder is ineligible for an expedited license or compact privilege from an interstate compact. For the purposes of this subsection:

(i) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another state to practice or work in the remote state under its laws and rules as outlined in Title 18 RCW for its respective profession.

(ii) "Interstate compact" means an agreement between two or more states that allows a license holder through a streamlined process to become licensed in multiple states. The license holder is under the regulations of the state where the patient/client is located at the time of the patient/client encounter.

(iii) "Remote state" means a member state other than the home state where a license holder is exercising or seeking to exercise the compact privilege.

(b) A determination whether a person is in compliance with the terms and conditions of a final order previously issued by the board, except final orders under RCW 18.130.110;

(c) Any approval of a school or curriculum when such approval by the board is required by statute or rule;

(d) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal;

(e) An action to suspend a credential under RCW 18.130.125 and 18.130.127;

(f) Issuance of written citation and assessment of a fine under RCW 18.130.230;

(g) A decision to withdraw a credential issued in error. For the purposes of this rule, "credential issued in error" means a credential issued to an individual who did not fully complete the application process or meet the credentialing requirements yet was inadvertently granted a credential; ~~((+))~~

(h) A decision to deny a request for a list of applicants for professional licenses or for professional licensees for commercial purposes under RCW 42.56.070(8); or

(i) A determination to reject or withdraw approval of an ancillary utilization plan pursuant to RCW 18.64A.040 and 18.64A.060.

(2) If an adjudicative proceeding is requested in a matter not listed in subsection (1) of this section, a brief adjudicative proceeding may be conducted in the discretion of the presiding officer when it appears that:

(a) Only legal issues exist; or

(b) Both parties have agreed to a brief adjudicative proceeding; and

(c) The protection of the public interest does not require that the board provide notice and an opportunity to participate to persons other than the parties.

WAC 246-10-501 Application of brief adjudicative proceedings.

(1) If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following:

(a) A determination whether an applicant for a professional, business, or facility license meets the minimum criteria for an unrestricted license and the department proposes to deny such a license or to issue a restricted license ~~((+))~~, or a determination that a license holder is ineligible for an expedited license or compact privilege from an interstate compact. For the purposes of this subsection:

(i) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another state to practice or work in the remote state under its laws and rules as outlined in Title 18 RCW for its respective profession.

(ii) "Interstate compact" means an agreement between two or more states that allows a license holder through a streamlined process to become licensed in multiple states. The license holder is under the regulations of the state where the patient/client is located at the time of the patient/client encounter.

(iii) "Remote state" means a member state other than the home state where a license holder is exercising or seeking to exercise the compact privilege.

(b) An application to approve a water system plan under WAC 246-290-100;

(c) An application to approve a project report under WAC 246-290-110;

(d) An application for source approval under WAC 246-290-130;

(e) An application to approve construction documents under WAC 246-290-120;

(f) An application to approve an existing Group A water system under WAC 246-290-140;

(g) An application for source approval under WAC 246-291-125;

(h) An application to approve a design report under WAC 246-291-120;

(i) An application to approve an existing Group B water system under WAC 246-291-280;

(j) An application to approve a water system plan under WAC 246-291-140;

(k) A decision under WAC 246-293-190;

(l) A decision with respect to service area conflicts under WAC 246-293-430;

(m) An application for approval as a satellite management agency under WAC 246-295-040;

(n) A civil penalty imposed under RCW 70A.125.040 when the amount of the civil penalty does not exceed ~~((two thousand five hundred dollars))~~ \$2,500;

(o) A request to bank nursing home beds under RCW 70.38.111(9);

(p) A determination as to whether a person is in compliance with the terms and conditions of a final order previously issued by the department, except final orders under RCW 18.130.110;

(q) Any approval of a school or curriculum when such approval by the department is required or authorized by statute or rule;

(r) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for license renewal;

(s) A decision to deny, modify, or impose conditions upon an operating permit under WAC 246-294-050;

(t) A decision to deny or revoke certification as a home care aide when a long-term care worker is disqualified from working with vulnerable persons under chapter 74.39A RCW;

(u) A civil penalty imposed against a health carrier or third-party administrator under RCW 70.290.060;

(v) A decision to deny or revoke a credential under RCW 18.108.085(3);

(w) An action to suspend a credential under RCW 18.130.127;

(x) Issuance of written citation and assessment of a fine under RCW 18.130.230;

(y) An action to invalidate a credential that was issued to a person who failed to meet credentialing requirements;

(z) A decision to withdraw a credential issued in error. For the purposes of this rule, "credential issued in error" means a credential issued to an individual who did not fully complete the application process or meet the credentialing requirements yet was inadvertently granted a credential;

(aa) A decision to deny a request for a list of applicants for professional licenses or of professional licensees for commercial purposes under RCW 42.56.070(8);

(bb) A decision to deny or revoke registration of a report or application for an amendment, or withhold or deny issuance of a certification under RCW 70.58A.040 (1)(f);

(cc) A decision to deny a request for data under RCW 70.58A.520; (~~ee~~)

(dd) A decision to deny an application for approval of a coordinated quality improvement program, or to revoke approval of a coordinated quality improvement program under RCW 43.70.510;

(ee) A decision to deny or revoke an application for certification of a milk bank for failure to meet minimum standards under WAC 246-720-100; or

(ff) A decision to deny or revoke the application of a 988 crisis line call center application for failure to meet the minimum standards under WAC 246-350-020 and 246-350-030.

(2) If an adjudicative proceeding is requested, in a matter not listed in subsection (1) of this section, a brief adjudicative proceeding may be conducted in the discretion of the presiding officer when it appears that protection of the public interest does not require that the department provide notice and an opportunity to participate to persons other than the parties and:

(a) Only legal issues exist; or

(b) Both parties have agreed to a brief adjudicative proceeding.