



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Health

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) 01/01/2016 (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: Title 246 WAC. The adopted rules reduce fees for multiple health care providers, add the University of Washington Health Sciences Library (HEAL-WA) fee for two credentials, amend the number of times licensed counselor associate credentials may be renewed, and add certain late renewal penalties. See Attachment A for complete list of professions and purposes.

Citation of existing rules affected by this order:

Repealed: None
Amended: See Attachment A
Suspended: None

Statutory authority for adoption: See Attachment A for list of specific statutory authorities

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 15-14-072 on 06/26/2015 (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: phone
Address: fax
e-mail

Date adopted: 09/22/2015

NAME (TYPE OR PRINT)
John Wiesman, DrPH, MPH

SIGNATURE

, DrPH, MPH

TITLE
Secretary of Health

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 22, 2015
TIME: 2:32 PM

WSR 15-19-149

(COMPLETE REVERSE SIDE)

**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	Repealed	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	Repealed	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	Repealed	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	Repealed	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>
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The number of sections adopted in the agency's own initiative:

	New	<u>0</u>	Amended	<u>10</u>	Repealed	<u>0</u>
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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>
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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>10</u>	Repealed	<u>0</u>

Attachment A

Title 246 WAC CR-102 Multiple Profession Fee Reductions/Changes

Title of rule and other identifying information

The Department of Health (department) adopted changes to the fee rules of the professions in Table 1 that include:

- Reduction of application, active license renewal, and active renewal late penalty fees because the licensing fees were generating more revenue than is needed to cover the full cost of administering these licensing programs;
- Clarification of which categories of fees require payment of the HEAL-WA surcharge to make it easier for licensees to identify the fees they will be required to pay;
- Changes in formatting to make it easier for licensees to identify the fees they will be required to pay. This requires additional amendments in the proposed language to create headings and move fee categories under the proper headings.
- Restructuring of physical therapy fees so that physical therapy assistants do not pay more than physical therapists. The physical therapist assistants are currently paying higher fees than physical therapists, so the department adopted reduced fees to spread them more fairly across the two physical therapy credentials.

Table 1

WAC	WAC Title/Profession	Statutory Authority
246-916-990	Athletic trainer fees and renewal cycle	RCW 43.70.280
246-822-990	Dietitian and nutritionist fees and renewal cycle	RCW 43.70.280
246-809-990	Licensed counselor, and associate – fees and renewal cycle Includes:* <ul style="list-style-type: none"> • Licensed mental health counselor • Licensed mental health counselor associate • Licensed advanced social worker • Licensed advanced social worker associate • Licensed independent clinical social worker • Licensed independent clinical social worker associate • Licensed marriage and family therapist (clarifying changes only) • Licensed marriage and family therapist associate (adding HEAL-WA fees and clarifying changes only) 	RCW 43.70.110, 43.70.280, and 18.225.145
246-847-990	Occupational therapy fees and renewal cycle Includes: <ul style="list-style-type: none"> • Occupational therapist • Occupational therapy assistant 	RCW 43.70.280
246-851-990	Optometry fees and renewal cycle	RCW 43.70.280

246-850-990	Orthotist and prosthetist fees Includes: <ul style="list-style-type: none"> • Orthotist • Prosthetist 	RCW 43.70.280 and 18.130.250
246-915-990	Physical therapy fees and renewal cycle	RCW 43.70.280
246-915-99005	Physical therapist assistant fees and renewal cycle	RCW 43.70.280
246-924-990	Psychology fees and renewal cycle	RCW 43.70.110 and 43.70.280
246-928-990	Respiratory care fees and renewal cycle	RCW 43.70.280

*Licensed marriage and family therapist and licensed marriage and family therapist associate credentials are not included in this fee reduction proposal because this program does not have a surplus. The changes included in this rule package for these professions are addition of the HEAL-WA surcharge and formatting.

In addition, the department adopted amendments to WAC 246-809-990 to: add the University of Washington (HEAL-WA) surcharge to the marriage and family therapist associate and independent clinical social worker associate credentials to implement ; amend the number of times a marriage and family therapist associate, mental health counselor associate, advanced social worker associate, and independent clinical social worker associate license may be renewed from four to six times to implement chapter 73, laws of 2013; and add late renewal penalties for the psychologist retired active and optometrist inactive renewals to make these professions' fees consistent with other professions per RCW 43.70.280(1).

AMENDATORY SECTION (Amending WSR 13-21-077, filed 10/17/13, effective 1/1/14)

WAC 246-822-990 Dietitian and nutritionist fees and renewal cycle. (1) Certificates 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	Fee
<u>Original application</u>	
Application	\$((100.00)) <u>65.00</u>
<u>HEAL-WA*</u> surcharge	<u>16.00</u>
<u>Renewal</u>	
Renewal	((70.00)) <u>45.00</u>
HEAL-WA* surcharge((Application and renewal))	16.00
Late renewal penalty	((50.00)) <u>45.00</u>
Expired certificate reissuance	50.00
Duplicate certificate	30.00
((Certification)) <u>Verification of certificate</u>	30.00

*HEAL-WA is the health resources for Washington online library. See RCW 43.70.110.

WAC 246-928-990 Respiratory care fees and renewal cycle. (1)

Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. ~~((The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.))~~

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$((210.00)) <u>140.00</u>
Temporary practice permit	50.00
Duplicate license	15.00
Verification of licensure	15.00
Renewal	((165.00)) <u>110.00</u>
Late renewal penalty	((110.00)) <u>55.00</u>
Expired license reissuance	65.00

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

WAC 246-851-990 Optometry 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	\$((175.00))
	<u>130.00</u>
Out-of-state seminar	100.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	((199.00))
	<u>150.00</u>
Late renewal penalty	((100.00))
	<u>75.00</u>
Expired license reissuance	75.00
UW online access fee (HEAL-WA)	16.00
Inactive license renewal	
Renewal	75.00
<u>Late renewal penalty</u>	<u>50.00</u>
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal	94.00
Late renewal penalty	50.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	15.00
((Certification)) <u>Verification of license</u>	25.00

WAC 246-916-990 Athletic trainer 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. ~~((The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.))~~

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
<u>Original application</u>	
Application	\$(175.00)) <u>115.00</u>
<u>Active license renewal</u>	
((License)) <u>Renewal</u>	((200.00)) <u>135.00</u>
Late renewal penalty	((100.00)) <u>70.00</u>
<u>Expired license reactivation</u>	<u>100.00</u>
<u>Inactive license renewal</u>	
((Inactive license)) <u>Renewal</u>	40.00
((Expired license reactivation	100.00))
Expired ((inactive)) license reactivation	40.00
Duplicate license	15.00
<u>Verification of license</u>	25.00

AMENDATORY SECTION (Amending WSR 08-15-014, filed 7/7/08, effective 7/7/08)

WAC 246-915-990 Physical therapy 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. (~~The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.~~)

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
<u>Original application</u>	
Application	\$(100.00) <u>65.00</u>
<u>Active license renewal</u>	
License renewal	((75.00)) <u>50.00</u>
Late renewal penalty	50.00
<u>Expired license reissuance</u>	<u>50.00</u>
<u>Inactive license renewal</u>	
((Inactive)) License renewal	35.00
Expired ((inactive)) license reissuance	50.00
((Expired license reissuance	50.00))
Duplicate license	15.00
((Certification)) <u>Verification of license</u>	25.00

AMENDATORY SECTION (Amending WSR 08-13-068, filed 6/13/08, effective 7/1/08)

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. (~~The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.~~)

(2) The following nonrefundable fees will be charged for physical therapist assistant:

Title of Fee	Fee
<u>Original application</u>	

Title of Fee	Fee
Application	\$((100.00)) <u>60.00</u>
<u>Active license renewal</u>	
License renewal	((125.00)) <u>45.00</u>
Late renewal penalty	((62.50)) <u>45.00</u>
<u>Expired license reissuance</u>	<u>50.00</u>
<u>Inactive license renewal</u>	
((Inactive)) License renewal	((50.00)) <u>35.00</u>
Expired ((inactive)) license reissuance	((75.00)) <u>50.00</u>
((Expired license reissuance	75.00))
Duplicate license	15.00
((Certification)) <u>Verification of license</u>	25.00

AMENDATORY SECTION (Amending WSR 11-20-092, filed 10/4/11, effective 12/1/11)

WAC 246-850-990 Orthotic and prosthetic fees. (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
<u>Original application</u>	
((Orthotic)) <u>Orthotist</u> application	\$ ((395.00)) <u>265.00</u>
((Prosthetic)) <u>Prosthetist</u> application	((395.00)) <u>265.00</u>
<u>Active renewal</u>	
((Orthotic)) <u>Orthotist</u> renewal	((190.00)) <u>125.00</u>
((Prosthetic)) <u>Prosthetist</u> renewal	((190.00)) <u>125.00</u>
Late renewal penalty fee	((190.00)) <u>65.00</u>
Expired credential reissuance fee	190.00
<u>Inactive renewal for orthotist or prosthetist</u>	
((Inactive-credential)) <u>Renewal</u> fee	135.00
Late ((inactive)) renewal fee	((135.00)) <u>70.00</u>
<u>Retired active renewal for orthotist or prosthetist</u>	
((Retired-active-credential)) <u>Renewal</u> fee	135.00
Late ((retired-active-credential)) renewal fee	((135.00)) <u>70.00</u>
Duplicate credential	30.00
((Certification)) <u>Verification of credential</u>	30.00

WAC 246-809-990 Licensed counselor, and associate—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) 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 ~~((four))~~ six times.

((Title	Fee
(3) The following nonrefundable fees will be charged for licensed marriage and family therapist:	
Application	\$150.00
Initial license	75.00
Renewal	140.00
Renewal-retired active	70.00
Late renewal penalty	70.00
Late renewal-retired active	35.00
Expired license reissuance	85.00
Duplicate license	10.00
Certification of license	10.00
UW online access fee (HEAL-WA)	16.00
(4) The following nonrefundable fees will be charged for licensed mental health counselor:	
Application	140.00
Initial license	125.00
Renewal	138.00
Renewal-retired active	70.00
Late renewal penalty	60.00
Late renewal-retired active	35.00
Expired license reissuance	65.00
Duplicate license	10.00
Certification of license	10.00
UW online access fee (HEAL-WA)	16.00
(5) The following nonrefundable fees will be charged for licensed advanced social worker and licensed independent clinical social worker:	
Application	125.00
Initial license	125.00
Renewal	126.00
Renewal-retired active	65.00
Late renewal penalty	63.00
Late renewal-retired active	30.00
Expired license reissuance	72.50
Duplicate license	10.00
Certification of license	10.00
UW online access fee (HEAL-WA)	16.00
(6) The following nonrefundable fees will be charged for licensed marriage and family therapy associates:	

((Title	Fee
Application	50.00
Renewal	40.00
Late renewal penalty	40.00
Expired license reissuance	40.00
Duplicate license	15.00
Certification of license	15.00
(7) The following nonrefundable fees will be charged for licensed mental health counselor associates:	
Application	50.00
Renewal	40.00
Late renewal penalty	40.00
Expired license reissuance	40.00
Duplicate license	15.00
Certification of license	15.00
(8) The following nonrefundable fees will be charged for licensed advanced social worker associates and licensed independent clinical social worker associates:	
Application	50.00
Renewal	40.00
Late renewal penalty	40.00
Expired license reissuance	40.00
Duplicate license	15.00
Certification of license	15.00))

(3) The following nonrefundable fees will be charged:

<u>Title</u>	<u>Fee</u>
<u>Licensed marriage and family therapist</u>	
<u>Original application</u>	
Application	\$150.00
License	75.00
UW online access fee (HEAL-WA)	16.00
<u>Active license renewal</u>	
Renewal	140.00
Late renewal penalty	70.00
Expired license reissuance	85.00
UW online access fee (HEAL-WA)	16.00
<u>Retired active license renewal</u>	
Renewal	70.00
Late renewal penalty	35.00
UW online access fee (HEAL-WA)	16.00
<u>Duplicate license</u>	10.00
<u>Verification of license</u>	10.00
<u>Licensed marriage and family therapy associate</u>	
<u>Original application</u>	
Application	50.00
UW online access fee (HEAL-WA)	16.00

<u>Title</u>	<u>Fee</u>
<u>Renewal</u>	
<u>Renewal</u>	40.00
<u>UW online access fee (HEAL-WA)</u>	16.00
<u>Late renewal penalty</u>	40.00
<u>Expired license reissuance</u>	40.00
<u>Duplicate license</u>	15.00
<u>Verification of license</u>	15.00
<u>Licensed mental health counselor</u>	
<u>Original application</u>	
<u>Application</u>	95.00
<u>Initial license</u>	80.00
<u>UW online access fee (HEAL-WA)</u>	16.00
<u>Active license renewal</u>	
<u>Renewal</u>	90.00
<u>Late renewal penalty</u>	50.00
<u>Expired license reissuance</u>	65.00
<u>UW online access fee (HEAL-WA)</u>	16.00
<u>Retired active license renewal</u>	
<u>Renewal retired active</u>	70.00
<u>Late renewal penalty</u>	35.00
<u>UW online access fee (HEAL-WA)</u>	16.00
<u>Duplicate license</u>	10.00
<u>Verification of license</u>	10.00
<u>Licensed mental health counselor associate</u>	
<u>Original application</u>	
<u>Application</u>	35.00
<u>Renewal</u>	
<u>Renewal</u>	25.00
<u>Late renewal penalty</u>	25.00
<u>Expired license reissuance</u>	40.00
<u>Duplicate license</u>	15.00
<u>Verification of license</u>	15.00
<u>Licensed advanced social worker and licensed independent clinical social worker</u>	
<u>Original application</u>	
<u>Application</u>	100.00
<u>Initial license</u>	100.00
<u>UW online access fee (HEAL-WA)</u>	16.00
<u>Active license renewal</u>	
<u>Renewal</u>	100.00
<u>Late renewal penalty</u>	50.00
<u>Expired license reissuance</u>	72.50
<u>UW online access fee (HEAL-WA)</u>	16.00
<u>Retired active license renewal</u>	
<u>Renewal retired active</u>	65.00
<u>Late renewal penalty</u>	30.00
<u>UW online access fee (HEAL-WA)</u>	16.00
<u>Duplicate license</u>	10.00

<u>Title</u>	<u>Fee</u>
<u>Verification of license</u>	<u>10.00</u>
<u>Licensed advanced social worker associate and licensed independent clinical social worker associate</u>	
<u>Original application</u>	
<u>Application</u>	<u>35.00</u>
<u>UW online access fee (HEAL-WA)*</u>	<u>16.00</u>
<u>Renewal</u>	
<u>Renewal</u>	<u>25.00</u>
<u>Late renewal penalty</u>	<u>25.00</u>
<u>UW online access fee (HEAL-WA)*</u>	<u>16.00</u>
<u>Expired license reissuance</u>	<u>40.00</u>
<u>Duplicate license</u>	<u>15.00</u>
<u>Verification of license</u>	<u>15.00</u>

* Surcharge applies to independent clinical social
worker associate only.

AMENDATORY SECTION (Amending WSR 13-21-077, filed 10/17/13, effective 1/1/14)

WAC 246-847-990 Occupational therapy fees and renewal cycle.

(1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for occupational therapist:

((Title of Fee	Fee
Application and initial license fee	\$175.00
License renewal	145.00
HEAL-WA* surcharge—Initial license and renewal (\$16.00 per year for two-year cycle)	32.00
Limited permit fee	55.00
Late renewal fee	80.00
Expired license reissuance	80.00
Inactive license	15.00
Expired inactive license reissuance	15.00
Duplicate license	30.00
Certification of license	30.00))

<u>Title of Fee</u>	<u>Fee</u>
<u>Original application</u>	
Application and initial license fee	\$150.00
HEAL-WA* surcharge	16.00
<u>Limited permit fee</u>	
	55.00
<u>Active license renewal</u>	
License renewal	125.00
Late renewal fee	65.00
HEAL-WA* surcharge (\$16.00 per year for two-year cycle)	32.00
Expired license reissuance	80.00
<u>Inactive license renewal</u>	
Inactive license	15.00
Expired license reissuance	15.00
HEAL-WA* surcharge (\$16.00 per year for two-year cycle)	32.00
<u>Duplicate license</u>	
	30.00
<u>Verification of license</u>	
	30.00

(3) The following nonrefundable fees will be charged for occupational therapy assistant:

((Title of Fee	Fee
Application and initial license fee	175.00
License renewal	125.00
HEAL-WA* surcharge—Initial license and renewal (\$16.00 per year for two-year cycle)	32.00
Late renewal fee	70.00
Expired license reissuance	70.00

((Title of Fee	Fee
Inactive license	15.00
Expired inactive license reissuance	14.00
Limited permit fee	45.00
Duplicate license	30.00
Certification of license	30.00))

<u>Title of Fee</u>	<u>Fee</u>
<u>Original application</u>	
Application and initial license fee	\$150.00
HEAL-WA* surcharge	16.00
<u>Limited permit fee</u>	<u>45.00</u>
<u>Active license renewal</u>	
License renewal	105.00
Late renewal fee	55.00
Expired license reissuance	70.00
HEAL-WA* surcharge (\$16.00 per year for two-year cycle)	32.00
<u>Inactive license renewal</u>	
Inactive license	15.00
Expired inactive license reissuance	14.00
HEAL-WA* surcharge (\$16.00 per year for two-year cycle)	32.00
<u>Duplicate license</u>	<u>30.00</u>
<u>Verification of license</u>	<u>30.00</u>

*HEAL-WA is the health resources for Washington online library. See RCW 43.70.110.

AMENDATORY SECTION (Amending WSR 12-19-088, filed 9/18/12, effective 11/1/12)

WAC 246-924-990 Psychology 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
<u>Original application</u>	
Application	\$(275.00)
	<u>190.00</u>
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Active license renewal</u>	
Renewal	((300.00))
	<u>210.00</u>
((Renewal-retired-active	105.00))
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
Late renewal penalty	((155.00))
	<u>105.00</u>
Expired license reissuance	155.00
<u>Retired active license renewal</u>	
<u>Renewal</u>	<u>105.00</u>
<u>Late renewal penalty</u>	<u>55.00</u>
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
Duplicate license	30.00
((Certification)) <u>Verification of license</u>	30.00
Amendment of certificate of qualification	35.00
((UW online access fee (HEAL-WA)	16.00))