



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Health.

- Permanent Rule
- Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) 07/25/2008 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify)

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

- Yes
  - No
- If Yes, explain: See attached

**Purpose:** The rules increase the listed fees (see attached) by no more than the Legislature authorized (ESHB2687, Chapter 329 Laws 2008). The rules also add a fee up to \$25 for some professions for online access to the University of Washington Library (ESSB5930, Chapter 259 Laws of 2007). Some professions phase in some fees over three years. These increases are necessary for programs to remain in operation and ensure patient safety.

**Citation of existing rules affected by this order:**

Repealed: None  
 Amended: See attached  
 Suspended: None

**Statutory authority for adoption:** RCW 43.70.110, RCW 43.70.250 & ESHB2687 (Chapter 329 Laws 2008)

**Other authority :** RCW 43.70.110 & 43.70.250

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 08-10-088, 08-10-089 on 05/06/2008 (date).  
 Describe any changes other than editing from proposed to adopted version: See attached.

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 \_\_\_\_\_

**EMERGENCY RULE ONLY**

- Under RCW 34.05.350 the agency for good cause finds:
- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
  - That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:** 07/18/2008

**NAME (TYPE OR PRINT)**  
Mary C. Selecky

**SIGNATURE**

  
 for Mary C. Selecky

**TITLE**  
Secretary

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

DATE: July 24, 2008  
 TIME: 9:56 AM

**WSR 08-16-008**

**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:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	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>6</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:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>6</u>	Repealed	<u>0</u>

Justification for Earlier Effective Date

RCW 34.05.380 (3)(c) allows for an earlier adoption if there is imminent peril to public health or safety. These rules are necessary in order to continue the current level of credentialing and disciplinary activities for health care professionals. If these activities are impaired, it could put patients at risk and create a barrier to obtaining healthcare.

RCW 34.05.380 (3)(a) allows for an earlier adoption date if action is required by statute. The Legislature approved an increase in fees through the 2008 budget bill (ESHB2687, Chapter 329 Laws 2008). The rules are adopted and effective immediately upon filing.

Describe any changes other than editing from the proposed to adopted version

The following professions were included in the proposed rules, but are being filed separately from the fees filed and adopted July 7, 2007. The department considered comments received during the public comment period and adjusted some fees. The fee increases are effective September 1, 2008:

**246-809-990 - Marriage and Family Therapist, Mental Health Counselor, Social Worker**  
**246-810-990 - Registered Counselor**  
**246-817-990 - Dentist**  
**246-928-990 - Respiratory Therapy**  
**246-926-990 - Radiologic Technologist, X-ray Technician**  
**246-927-990 - Recreational Therapy**

The following professions were filed and adopted July 7, 2008 without any changes from the proposed rules and the fee increases were effective August 1, 2008:

**246-802-990 - Acupuncture**  
**246-808-990 - Chiropractor and Chiropractic X-ray Technician**  
**246-811-990 - Chemical Dependency Counselor**  
**246-812-990 - Denturist**  
**246-815-990 - Dental Hygiene**  
**246-826-990 - Health Care Assistant**  
**246-828-990 - Hearing Instrument Fitter/Dispenser, Audiologist, and Speech Language Pathologist**  
**246-830-990 - Massage Practitioner**  
**246-836-990 - Naturopathic Physician**  
**246-840-990 - RN, LPN, & ARNP**  
**246-841-990 - Nursing Assistant**  
**246-843-990 - Nursing Home Administrator**  
**246-847-990 - Occupational Therapy**  
**246-851-990 - Optometry**  
**246-853-990 - Osteopathic Physician and Osteopathic Physician Assistant**  
**246-907-030 - Pharmaceutical licensing periods and fees**  
**246-915-990 - Physical Therapy**  
**246-918-990 - Physician Assistant**  
**246-919-990 - Physician and Surgeon**  
**246-922-990 - Podiatry**  
**246-924-990 - Psychology**  
**246-930-990 - Sex Offender Treatment Provider & Affiliate**

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-817-990 Dentist 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, except faculty and resident licenses. 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) Faculty and resident licenses must be renewed every year on July 1 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.

(3) The following nonrefundable fees will be charged:

<b>Title of Fee</b>	<b>Fee</b>
<b>Original application by examination*</b>	
Initial application	<del>\$(325.00)</del> <u>700.00</u>
<b>Original application - Without examination</b>	
Initial application	<del>((350.00))</del> <u>700.00</u>
Initial license	<del>((350.00))</del> <u>700.00</u>
<b>Faculty license application</b>	<del>((325.00))</del> <u>560.00</u>
<b>Resident license application</b>	<del>((60.00))</del> <u>115.00</u>
<b>License renewal:</b>	
Renewal	<del>((205.00))</del> <u>375.00</u>
Surcharge - impaired dentist	25.00

<b>Title of Fee</b>	<b>Fee</b>
Late renewal penalty	<del>((102.50))</del> <u>200.00</u>
Expired license reissuance	<del>((102.50))</del> <u>300.00</u>
<b>Duplicate license</b>	15.00
<b>Certification of license</b>	25.00
<b>Anesthesia permit</b>	
Initial application	<del>((50.00))</del> <u>150.00</u>
Renewal - (three-year renewal cycle)	<del>((50.00))</del> <u>150.00</u>
Late renewal penalty	<del>((50.00))</del> <u>75.00</u>
Expired permit reissuance	50.00
On-site inspection fee	To be determined by future rule adoption.

\* In addition to the initial application fee above, applicants for licensure via examination will be required to submit a separate application and examination fee directly to the dental testing agency accepted by the dental quality assurance commission.

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-809-990 Licensed mental health counselors, marriage and family therapists, and social workers--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.

<b>Title</b>	<b>Fee</b>
(2) The following nonrefundable fees will be charged for licensed marriage and family therapist:	
Application	\$(( <del>50.00</del> )) <u>150.00</u>
Initial license	(( <del>25.00</del> )) <u>75.00</u>
Renewal	(( <del>83.00</del> )) <u>140.00</u>
Late renewal penalty	(( <del>50.00</del> )) <u>70.00</u>
Expired license reissuance	(( <del>50.00</del> )) <u>85.00</u>
Duplicate license	10.00
Certification of license	10.00
(3) The following nonrefundable fees will be charged for licensed mental health counselor:	
Application	(( <del>25.00</del> )) <u>125.00</u>
Initial license	(( <del>25.00</del> )) <u>125.00</u>
Renewal	(( <del>29.00</del> )) <u>75.00</u>
Late renewal penalty	(( <del>29.00</del> )) <u>50.00</u>
Expired license reissuance	(( <del>29.00</del> )) <u>65.00</u>
Duplicate license	10.00
Certification of license	10.00

<b>Title</b>	<b>Fee</b>
<u>UW library access fee</u>	<u>25.00</u>
(4) The following nonrefundable fees will be charged for licensed advanced social worker and licensed independent clinical social worker:	
Application	<del>((25.00))</del> <u>125.00</u>
Initial license	<del>((25.00))</del> <u>125.00</u>
Renewal	<del>((42.00))</del> <u>105.00</u>
Late renewal penalty	<del>((42.00))</del> <u>52.50</u>
Expired license reissuance	<del>((42.00))</del> <u>72.50</u>
Duplicate license	10.00
Certification of license	10.00
<u>UW library access fee</u>	<u>25.00</u>

AMENDATORY SECTION (Amending WSR 06-01-104, filed 12/21/05, effective 1/21/06)

**WAC 246-926-990 ((Radiological)) Radiologic technologists, X-ray technicians--Certification and registration fees and renewal cycle.** (1) Certificates and registrations 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 practitioner must pay the following nonrefundable fees:))~~

<b>Title of Fee</b>	<b>Fee</b>
<u>(2) The following nonrefundable fees will be charged for certified radiologic technologists:</u>	
Application( <del>=certification</del> )	\$ <del>((45.00))</del> <u>150.00</u>
<del>((Exam fee = certification</del>	<del>30.00</del>
<del>Application - registration</del>	<del>35.00</del>
<del>Certification)) <u>Renewal</u></del>	<del>((45.00))</del> <u>70.00</u>
<del>((Registration renewal</del>	<del>35.00))</del>
<del>Late renewal penalty(<del>=certification</del></del>	<del>45.00))</del> <u>50.00</u>
<del>((Late renewal penalty - registration</del>	<del>35.00))</del>
<del>Expired certificate reissuance</del>	<del>((45.00))</del> <u>80.00</u>
<del>((Expired registration reissuance</del>	<del>35.00))</del>
Certification of registration or certificate	15.00
Duplicate registration or certificate	15.00
<u>(3) The following nonrefundable fees will be charged for registered X-ray technicians:</u>	
<u>Application</u>	<u>75.00</u>
<u>Renewal</u>	<u>75.00</u>
<u>Late renewal penalty</u>	<u>50.00</u>
<u>Expired reissuance</u>	<u>50.00</u>
<u>Certification of registration or certificate</u>	<u>15.00</u>

<b>Title of Fee</b>	<b>Fee</b>
<u>Duplicate registration or certificate</u>	<u>15.00</u>

AMENDATORY SECTION (Amending WSR 06-08-106, filed 4/5/06, effective 5/6/06)

**WAC 246-810-990 Counselors fees and renewal cycle.** (1) Under chapter 246-12 WAC, Part 2, a counselor must renew his or her registration every year on the practitioner's birthday. 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.

<b>Title</b>	<b>Fee</b>
(2) The following nonrefundable fees will be charged for registered counselor:	
Application and registration	\$ <del>((40.00))</del> <u>130.00</u>
Renewal	<del>((37.00))</del> <u>117.00</u>
Late renewal penalty	<del>((37.00))</del> <u>58.50</u>
Expired registration reissuance	<del>((37.00))</del> <u>65.00</u>
Duplicate registration	15.00
Certification of registration	15.00
(3) The following nonrefundable fees will be charged for registered hypnotherapist:	
Application and registration	95.00
Renewal	130.00
Late renewal penalty	65.00
Expired registration reissuance	65.00
Duplicate registration	15.00
Certification of registration	15.00

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-927-990 ((How often do I need to renew and what are the costs for registration?)) Recreation therapy fees and renewal cycle.**

(1) Registrations 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 registered recreational therapists:

<b>Title of Fee</b>	<b>Fee</b>
Application	<del>\$(+10.00)</del> <u>205.00</u>
Renewal	<del>((85.00))</del> <u>155.00</u>
Late renewal penalty	<del>((50.00))</del> <u>77.50</u>
Expired registration reissuance	<del>((50.00))</del> <u>90.00</u>
Duplicate registration	15.00
Certification of certificate	25.00

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**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:

<b>Title of Fee</b>	<b>Fee</b>
Application	<del>\$(70.00)</del> <u>150.00</u>
Temporary practice permit	<del>((35.00))</del> <u>50.00</u>
Duplicate license	15.00
Verification of licensure	15.00
Renewal	<del>((50.00))</del> <u>110.00</u>
Late renewal penalty	<del>((50.00))</del> <u>55.00</u>
Expired license reissuance	<del>((50.00))</del> <u>65.00</u>