



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) 10/15/2010 (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: See attachment B.

Purpose: The rules increase or adopt fees for the professions listed on attachment A as authorized by the 2010 legislature (ESSB6444). The rules also amend the name of the acupuncture profession as a result of SSB 6280 (chapter 286, Laws of 2010). 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Repealed: None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 attachment A
Suspended: None

Statutory authority for adoption: RCW 43.70.110, RCW 43.70.250, & ESSB6444 (chapter 37 Laws 2010)

Other authority : RCW 43.70.110 & 43.70.250

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 10-15-120 on 07/21/2010 (date).

Describe any changes other than editing from proposed to adopted version: The amount of the increase for the nurse technologist renewal fee was reduced. The renewal fee will be \$91.00. The amount of the increases for the respiratory therapy fees was reduced. The application fee will be \$210.00, the renewal fee \$165.00, and the late renewal penalty fee \$110.00.

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:

10/16/2010

NAME (TYPE OR PRINT)

Mary C. Selecky

SIGNATURE

TITLE

Secretary of Health

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 16, 2010

TIME: 9:38 AM

WSR 10-19-071

(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	Repealed	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	Repealed	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>12</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>12</u>	Repealed	<u>0</u>

Attachment A
2010 Health Care Practitioner Fee Increases

WAC 246-802-990 **Acupuncture** (East Asian Medicine Practitioner)

WAC 246-817-990 **Dentist**

WAC 246-817-99005 **Dental Assistant and Expanded Function Dental Auxiliary (EFDA)**

WAC 246-812-990 **Denturist**

WAC 246-809-990 **Mental Health Counselor and Social Worker**

WAC 246-834-990 **Midwifery**

WAC 246-841-990 **Nursing Assistant**

WAC 246-840-990 **RN, LPN, ARNP, & Nurse Technologist**

WAC 246-851-990 **Optometrist**

WAC 246-926-990 **Radiologic Technologist and X-Ray Technician**

WAC 246-927-990 **Recreational Therapy**

WAC 246-928-990 **Respiratory Care**

Attachment B
2010 Health Care Practitioner Fee Increases

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 health care.

RCW 34.05.380(3)(a) allows for an earlier adoption date if action is required by statute. The legislature approved these fee increases through the 2010 budget bill (ESSB6444, chapter 286, Laws of 2010). The rules are adopted immediately upon filing and effective October 15, 2010.

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

WAC 246-802-990 ((Acupuncture)) East Asian medicine practitioner 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
License application	\$(50.00) <u>100.00</u>
License renewal	((90.00)) <u>196.00</u>
Inactive license renewal	50.00
Late renewal penalty	((50.00)) <u>105.00</u>
Expired license reissuance	50.00
Expired inactive license reissuance	50.00
Duplicate license	15.00
Certification of license	25.00
((Acupuncture)) <u>East Asian medicine</u> training program application	500.00
UW library access fee	9.00

AMENDATORY SECTION (Amending WSR 09-15-039, filed 7/8/09, effective 7/8/09)

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 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
Late renewal penalty	70.00
Expired license reissuance	85.00
Duplicate license	10.00
Certification of license	10.00
(4) The following nonrefundable fees will be charged for licensed mental health counselor:	
Application	((+25.00))
	<u>140.00</u>
Initial license	125.00
Renewal	((75.00))
	<u>138.00</u>
Late renewal penalty	((50.00))
	<u>60.00</u>
Expired license reissuance	65.00
Duplicate license	10.00
Certification of license	10.00
UW library access fee	25.00
(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	((+05.00))
	<u>126.00</u>
Late renewal penalty	((52.50))
	<u>63.00</u>
Expired license reissuance	72.50
Duplicate license	10.00
Certification of license	10.00

Title	Fee
UW library access fee	25.00
(6) The following nonrefundable fees will be charged for licensed marriage and family therapy 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
(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

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

WAC 246-812-990 Denturist 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
Application	\$(1,450.00)) <u>1,500.00</u>
Examination	1,500.00
Reexamination, written	500.00
Reexamination, practical	500.00
License renewal	((1,600.00)) <u>1,855.00</u>
Late renewal penalty	300.00
Expired license reissuance	300.00
Inactive license renewal	750.00
Expired inactive license reissuance	300.00
Duplicate license	15.00
Certification of license	25.00
Multiple location licenses	50.00

AMENDATORY SECTION (Amending WSR 08-16-008, filed 7/24/08, effective 7/25/08)

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:

Title of Fee	Fee
Original application by examination*	
Initial application	\$700.00
Original application - Without examination	
Initial application	700.00
Initial license	700.00
Faculty license application	560.00
Resident license application	115.00
License renewal:	
Renewal	(375.00)
	<u>551.00</u>
Surcharge - impaired dentist	25.00
Late renewal penalty	(200.00)
	<u>288.00</u>
Expired license reissuance	300.00
<u>Inactive renewal</u>	<u>125.00</u>
<u>Inactive late renewal penalty</u>	<u>50.00</u>
Duplicate license	15.00

Title of Fee	Fee
Certification of license	25.00
Anesthesia permit	
Initial application	150.00
Renewal - (three-year renewal cycle)	150.00
Late renewal penalty	75.00
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 08-13-069, filed 6/13/08, effective 7/1/08)

WAC 246-817-99005 Dental assistant and expanded function dental auxiliary fees and renewal cycle. (1) Credentials 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) The following nonrefundable fees will be charged for dental assistant and expanded function dental auxiliary:

Title of Fee - Dental Professionals	Fee
Registered dental assistant application	\$40.00
Registered dental assistant renewal	((20.00)) <u>21.00</u>
Registered dental assistant late	((20.00)) <u>21.00</u>
Registered dental assistant expired reactivation	20.00
Licensed expanded function dental auxiliary application	175.00
Licensed expanded function dental auxiliary renewal	160.00

Title of Fee - Dental Professionals	Fee
Licensed expanded function dental auxiliary late	80.00
Licensed expanded function dental auxiliary expired reactivation	50.00
Duplicate	15.00
Verification	25.00

AMENDATORY SECTION (Amending WSR 06-13-012, filed 6/9/06, effective 7/1/06)

WAC 246-834-990 Midwifery 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 fees are nonrefundable:

Title of Fee	Fee
Initial application	\$ ((450.00)) <u>500.00</u>
National examination administration (initial/retake)	103.00
State examination (initial/retake)	((154.50)) <u>155.00</u>
Renewal	((450.00)) <u>500.00</u>
Late renewal penalty	((225.00)) <u>250.00</u>
Duplicate license	25.00
Certification of license	25.00
Application fee--Midwife-in-training program	978.75
Expired license reissuance	300.00

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

WAC 246-840-990 Fees and renewal cycle. (1) Applicants for a practical nurse license must pay the application fee and the nursing center surcharge fee when applying for a license. Licenses for practical nurse must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. Practical nurses must pay the renewal fee and the nursing center surcharge fee when renewing licenses.

(2) Applicants for a registered nurse license must pay the application fee, the RN UW library fee, and the nursing center surcharge fee when applying for a license. Licenses for registered nurse must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. Registered nurses must pay the renewal fee, the RN UW library fee, and the nursing center surcharge fee when renewing licenses.

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

(4) Registrations for nursing technicians must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The renewal must be accompanied by an attestation as described in RCW 18.79.370. This attestation will include the nursing technician's anticipated graduation date. If the anticipated graduation date is within one year, the registration will expire thirty days after the anticipated graduation date. The expiration date may be extended to sixty days after graduation if the nursing technician can show good cause as defined in WAC 246-840-010(15).

(5) 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.

(6) The following nonrefundable fees shall be charged by the health professions quality assurance division of the department of health. Persons who hold an RN and an LPN license shall be charged separate fees for each license. Persons who are licensed as an advanced registered nurse practitioner in more than one specialty will be charged a fee for each specialty:

RN/LPN fees:

Title of Fee	Fee
RN application (initial or endorsement)	\$ ((65.00)) <u>67.00</u>
LPN application (initial or endorsement)	((85.00)) <u>87.00</u>
RN license renewal	((50.00)) <u>76.00</u>
LPN license renewal	((65.00)) <u>91.00</u>
Late renewal penalty	50.00
Expired license reissuance	70.00
Inactive renewal	40.00
Expired inactive license reissuance	40.00
Inactive late renewal penalty	30.00
Duplicate license	20.00
Verification of licensure/education (written)	25.00
Nursing center surcharge	5.00
RN UW library fee	20.00

Advanced registered nurse fees:

Title of Fee	Fee
ARNP application with or without prescriptive authority (per specialty)	\$ ((85.00)) <u>92.00</u>
ARNP renewal with or without prescriptive authority (per specialty)	((65.00)) <u>96.00</u>
ARNP late renewal penalty (per specialty)	50.00
ARNP duplicate license (per specialty)	20.00
ARNP written verification of license (per specialty)	25.00

Nurse technologist fees:

Title of Fee	Fee
Application fee registration	\$ ((130.00)) <u>92.00</u>
Renewal of registration	((90.00)) <u>91.00</u>
Duplicate registration	15.00
Registration late renewal penalty	50.00

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

WAC 246-841-990 Nursing assistant--Fees and renewal cycle.

(1) Certificates and 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 registrations:

Title of Fee	Fee
Application - registration	\$(30.00) <u>48.00</u>
Renewal of registration	((40.00)) <u>53.00</u>
Duplicate registration	10.00
Registration late penalty	((40.00)) <u>53.00</u>
Expired registration reissuance	((40.00)) <u>52.00</u>

(3) The following nonrefundable fees will be charged for certifications:

Title of Fee	Fee
Application for certification	((30.00)) <u>48.00</u>
Certification renewal	((40.00)) <u>53.00</u>
Duplicate certification	10.00
Certification late penalty	((40.00)) <u>53.00</u>
Expired certification reissuance	((40.00)) <u>52.00</u>

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

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. 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	\$175.00
Out-of-state seminar	100.00
License renewal	((+50.00)) <u>199.00</u>
Late renewal penalty	((75.00)) <u>100.00</u>
Expired license reissuance	75.00
Inactive license renewal	75.00
Duplicate license	15.00
Certification of license	25.00
UW library fee	25.00

AMENDATORY SECTION (Amending WSR 10-10-043, filed 4/27/10, effective 5/28/10)

WAC 246-926-990 Radiologist assistants; diagnostic, therapeutic, and nuclear medicine 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.

Title of Fee	Fee
(2) The following nonrefundable fees will be charged for certified diagnostic, therapeutic, and nuclear medicine radiologic technologists:	
Application	\$150.00
Renewal	((70.00)) <u>105.00</u>
Late renewal penalty	50.00
Expired certificate reissuance	80.00
Certification of registration or certificate	15.00
Duplicate registration or certificate	15.00
(3) The following nonrefundable fees will be charged for registered X-ray technicians:	
Application	((75.00)) <u>105.00</u>
Renewal	((75.00)) <u>103.00</u>
Late renewal penalty	50.00
Expired reissuance	50.00
Certification of registration or certificate	15.00
Duplicate registration or certificate	15.00
(4) The following nonrefundable fees will be charged for certified radiologist assistants:	
Application	150.00
Renewal	150.00
Late renewal penalty	75.00
Expired reissuance	75.00
Certification of registration or certificate	15.00
Duplicate registration or certificate	15.00

AMENDATORY SECTION (Amending WSR 08-16-008, filed 7/24/08, effective 7/25/08)

WAC 246-927-990 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:

Title of Fee	Fee
Application	\$205.00
Renewal	((+155.00)) <u>230.00</u>
Late renewal penalty	((77.50)) <u>116.00</u>
Expired registration reissuance	90.00
Duplicate registration	15.00
Certification of certificate	25.00

AMENDATORY SECTION (Amending WSR 08-16-008, filed 7/24/08, effective 7/25/08)

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	\$(150.00) <u>210.00</u>
Temporary practice permit	50.00
Duplicate license	15.00
Verification of licensure	15.00
Renewal	((110.00)) <u>165.00</u>
Late renewal penalty	((55.00)) <u>110.00</u>
Expired license reissuance	65.00