



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: April 03, 2019

TIME: 10:05 AM

WSR 19-08-087

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR ; 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).

Proposal is exempt under RCW .

**Title of rule and other identifying information:** (describe subject) WAC 246-808-990 Chiropractic fees and renewal cycle, 246-830-990 Massage fees and renewal cycle, 246-841-990 Nursing assistant-Fees and renewal cycle, 246-940-990 Certified animal massage therapist-Fees and renewal cycle. Proposing to increase application fees and active renewal fees, and update late renewal penalties for all chiropractors, chiropractic X-ray technicians, massage therapists, nursing assistants, and animal massage therapists.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
5/7/2019	1:00 p.m.	Department of Health Town Center 2, Room #158 111 Israel Road SE Tumwater, WA 98501	

**Date of intended adoption:** 05/17/2019 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Nancy Elliott

Address: Department of Health  
PO Box 47850  
Olympia, WA 98504-7850

Email: <https://fortress.wa.gov/doh/policyreview>

Fax: None

Other: None

By (date) 05/07/2019

**Assistance for persons with disabilities:**

Contact Nancy Elliott

Phone: 360-236-4878

Fax: None

TTY: (360) 833-6388 or 711

Email: [nancy.elliott@doh.wa.gov](mailto:nancy.elliott@doh.wa.gov)

Other: None

By (date) 04/24/2019

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Current fees are not generating sufficient revenue to keep the chiropractic, massage, nursing assistant, and animal massage programs self-supporting. The fund balances for these programs have fallen below the desired levels and are projected to descend into a deficit of -\$2.0 million for chiropractic, -\$4.8 million for massage, -\$4.4 million for nursing assistants, and -\$129,500 for animal massage by 2025. The Department of Health (department), in coordination with the Chiropractic Quality Assurance Commission and Board of Massage as appropriate, has set a fund balance for these programs, while allowing for a reserve for unanticipated expenditures like costly disciplinary cases. Professions need to maintain a reserve that is based on level of

risk including revenue stability, disciplinary trends, and size of the profession, in order to cover unanticipated costs. In addition to funding adequate reserves, the proposed fee increases are projected to bring licensing revenues in alignment with the actual costs of regulating these professions and maintain a positive program fund balance within six years. The department is also proposing adjustments to bring the late renewal penalty in line with agency standards for health professions.

Department of Health policy and Office of Financial Management guidelines that require professions to have a sufficient reserve to cover unexpected costs, were also used.

**Reasons supporting proposal:** RCW 43.70.250 requires the cost of each licensing program to be fully borne by the profession's members and licensing fees to be based on the licensing program's costs. To date, animal massage licensee growth rate is slower than predicted; there has been a large increase in chiropractic program staffing and discipline; the massage program has seen a high increase in disciplinary cost; and the nursing assistants program is experiencing high credentialing and disciplinary costs. Without the proposed fee increases, these programs cannot remain self-supporting. These program budgets are not currently maintaining the necessary fund balances, which are projected to fall into a large deficit starting June 2019 through 2025.

In addition, the State Auditor's Office (SAO) published their performance audit report, "Aligning Healthcare Professional Fees with Licensing Costs," in November 2018, to examine if the department aligns the fees it charges to healthcare professions with the costs of licensing. In response, the department is developing processes to review fees more consistently and enhance transparency of fund balances and fee setting.

**Statutory authority for adoption:** RCW 43.70.250 and RCW 43.70.280

**Statute being implemented:** RCW 43.70.250 and RCW 43.70.280

**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  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Nancy Elliott	111 Israel Road SE, Tumwater, WA 98501	360-236-4878
Implementation:	Nancy Elliott	111 Israel Road SE, Tumwater, WA 98501	360-236-4878
Enforcement:	Nancy Elliott	111 Israel Road SE, Tumwater, WA 98501	360-236-4878

**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:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

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 .

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If 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 analysis showing how costs were calculated.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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:

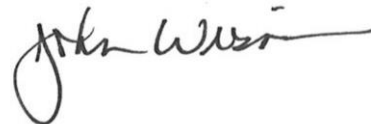
Email:

Other:

**Date:** 4/3/2019

**Signature:**

**Name:** John Wiesman, DrPH, MPH



**Title:** Secretary of Health

AMENDATORY SECTION (Amending WSR 17-11-058, filed 5/16/17, effective 7/1/17)

**WAC 246-940-990 Certified animal massage therapist—Fees and renewal cycle.** (1) Certification must be renewed every year on or before the animal massage therapist's birthday as provided in chapter 246-12 WAC, Part 2.

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

<b>Title of Fee</b>	<b>Fee</b>
Application for large animal certification	<del>\$(250.00)</del> 440.00
Application for small animal certification	<del>((250.00))</del> 440.00
Renewal of certification for large animal certification	<del>((190.00))</del> 335.00
Renewal of certification for small animal certification	<del>((190.00))</del> 335.00
Late renewal penalty fee per certification	<del>((95.00))</del> 170.00
Expired credential reissuance fee per certification	95.00
Duplicate credential per certification	30.00
Verification of credential per certification	30.00

AMENDATORY SECTION (Amending WSR 16-15-013, filed 7/8/16, effective 10/1/16)

**WAC 246-830-990 Massage 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:

<b>Title of Fee</b>	<b>Fee</b>
<b>Original application</b>	
Application and initial license	((125.00))
	<u>\$210.00</u>
UW online access fee (HEAL-WA)	16.00
<b>Active license renewal</b>	
Renewal	((90.00))
	<u>150.00</u>
Late renewal penalty	((50.00))
	<u>75.00</u>
Expired license reissuance	50.00
UW online access fee (HEAL-WA)	16.00
<b>Inactive license renewal</b>	
Inactive license renewal	50.00
Expired inactive license reissuance	50.00
UW online access fee (HEAL-WA)	16.00
<b>Verification of license</b>	10.00
<b>Duplicate license</b>	10.00
<b>Intraoral massage endorsement</b>	25.00

AMENDATORY SECTION (Amending WSR 16-15-013, filed 7/8/16, effective 10/1/16)

**WAC 246-841-990 Nursing assistant—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.

(2) The following nonrefundable fees will be charged for registration credentials:

<b>Title of Fee</b>	<b>Fee</b>
Application - Registration	<del>\$((65.00))</del> <u>85.00</u>
Renewal of registration	<del>((70.00))</del> <u>95.00</u>
Duplicate registration	10.00
Registration late penalty	50.00
Expired registration reissuance	52.00

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

<b>Title of Fee</b>	<b>Fee</b>
Application for certification	<del>\$((65.00))</del> <u>85.00</u>
Certification renewal	<del>((70.00))</del> <u>95.00</u>
Duplicate certification	10.00
Certification late penalty	50.00
Expired certification reissuance	52.00

(4) The following nonrefundable fees will be charged for medication assistant endorsement credentials:

<b>Title of Fee</b>	<b>Fee</b>
Application for endorsement	\$25.00
Endorsement renewal	10.00

AMENDATORY SECTION (Amending WSR 17-08-061, filed 3/31/17, effective 8/1/17)

**WAC 246-808-990 Chiropractic fees and renewal cycle.** (1) Licenses and registrations must be renewed on the practitioner's birthday every year as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for chiropractic licensure:

<b>Title of Fee</b>	<b>Fee</b>
<b>Original application</b>	
Application	\$((330.00))
	<u>625.00</u>
Jurisprudence examination and reexamination	100.00
UW online access fee (HEAL-WA)	16.00
<b>Temporary practice permit</b>	
90-day permit	105.00
<b>Preceptorship - Initial and renewal</b>	155.00
<b>Active license renewal</b>	
Renewal	((380.00))
	<u>550.00</u>
Late renewal penalty	((190.00))
	<u>225.00</u>
Expired license reissuance	302.00
UW online access fee (HEAL-WA)	16.00
<b>Inactive license renewal</b>	
Renewal	257.00
Expired license reissuance	157.00
<b>Duplicate license</b>	30.00
<b>Verification of license</b>	30.00

(3) The following nonrefundable fees will be charged for chiropractic X-ray technician registration:

<b>Title of Fee</b>	<b>Fee</b>
Application	((47.00))
	<u>135.00</u>
Original registration	47.00
Renewal	((62.00))
	<u>90.00</u>
Late renewal penalty	((62.00))
	<u>50.00</u>
Expired registration reissuance	62.00
Duplicate registration	30.00
Verification of registration	30.00