



# 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)** (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:** Amends WAC 246-12-010, defines who may place a health care credential in military status or inactive military related status; amends chapter 246-12 WAC, Part 4 by directing affected military and military related practitioners to chapter 246-12 WAC, Part 13; creates chapter 246-12 WAC, Part 13 to establish a process for confirming eligibility for military and inactive military related status, the process to maintain each, and how to return to active status.

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

Repealed: None

Amended: WAC 246-12-010, 246-12-090, 246-12-100 and 246-12-110

Suspended: None

**Statutory authority for adoption:** RCW 43.70.270(3)

**Other authority :**

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

Adopted under notice filed as WSR 13-23-039 on 11/14/2013 (date).

Describe any changes other than editing from proposed to adopted version: Chapter 246-12 WAC, Part 4: the phrase "for military and military related status" was added after each use of "except as provided in Part 13 of this chapter..." to clarify that these sections apply to credential holders that are not currently in military or military related status. Technical edits made to 246-12 WAC, Part 4 to correct hyphens. Housekeeping changes were made for consistency.

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:** 04/25/2014

**NAME (TYPE OR PRINT)**

Jessica Todorovich for John Wiesman, DrPH, MPH

**SIGNATURE**

for John Wiesman, DrPH, MPH

**TITLE**

Deputy Secretary for Secretary of Health

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** April 28, 2014

**TIME:** 9:40 AM

**WSR 14-10-025**

(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:**

<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>7</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>0</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>4</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>7</u>	Amended	<u>4</u>	Repealed	<u>0</u>

**PART 13**  
**MILITARY AND MILITARY-RELATED STATUS**

NEW SECTION

**WAC 246-12-500 Who can obtain a military status or military-related status credential.** (1) A practitioner who is a member of the United States Armed Forces, the United States Public Health Service Commissioned Corps, or the Merchant Marine of the United States may obtain a military status credential if his or her credential is valid and in force and effect.

(2) A practitioner who is the spouse or registered domestic partner of member of the United States Armed Forces or the United States Public Health Service Commissioned Corps who is deployed or stationed in a location outside of Washington state may request that his or her credential be placed in inactive military-related status if the credential is valid and in force and effect.

(3) A credential is valid and in force and effect if it is active and in good standing. "In good standing" means the credential is not currently subject to any sanction, terms, conditions or restrictions required by formal or informal discipline or an agreement to practice with conditions under chapter 18.130 RCW, the Uniform Disciplinary Act.

NEW SECTION

**WAC 246-12-510 How to obtain a military status credential.** (1) To obtain a military status credential the practitioner must submit a written request notifying the department of the intent to obtain a military status credential.

(2) A practitioner may obtain a military status credential if he or she:

(a) Holds an active Washington state credential that is valid and in force and effect; and

(b) Submits to the department an official copy of service orders verifying that he or she is a member of the armed forces or other services described in WAC 246-12-500(1).

(3) The practitioner may obtain a military status credential at any time the criteria in subsection (2) of this section are met. There is no fee due for military status. Portions of the current renewal fee will not be prorated or refunded.

(4) A military status credential remains in full force and effect so long as service continues and allows practice throughout the state of Washington unless sooner suspended or revoked by the regulatory entity.

## NEW SECTION

### **WAC 246-12-520 How to maintain a military status credential.**

(1) The expiration date for all credentials is the practitioner's birthday, except for faculty, postgraduate education, associate, or trainee credentials authorized by law.

(2) As long as a practitioner's military service continues, the practitioner is not required to renew his or her credential, but should maintain the credential in military status. To maintain a military status credential, the practitioner should submit to the department an official copy of service orders verifying that he or she is an active duty member of the United States Armed Forces, the United States Public Health Services Commissioned Corps, or the Merchant Marine of the United States.

(3) The department will mail courtesy maintenance notices to the practitioner's address on file using credential renewal cycles.

(4) A practitioner should return the courtesy maintenance notice to the department with an official copy of their service orders.

(5) Military status credential maintenance requests are accepted by the department no sooner than ninety days prior to the date the credential would expire if not in military status.

(6) Continuing education is not required while the credential is in military status.

## NEW SECTION

**WAC 246-12-530 How to return to active status from military status.** (1) To change the status of a credential from military status to active status, the practitioner must submit to the department:

(a) Written notification of the change in his or her service status;

(b) An official copy of the practitioner's discharge papers (DD214);

(c) The appropriate current active renewal fee;

(d) The current substance abuse monitoring surcharge, if required by the profession as part of the renewal fee.

(2) The practitioner must request the military status credential be changed from military status to active status within six months of honorable discharge by meeting the requirements of subsection (1) of this section.

(3) A practitioner who does not comply with subsection (2) of this section will be subject to late fees as required by WAC 246-12-040.

(4) Continuing education requirements will apply after the first post-discharge renewal.

## NEW SECTION

**WAC 246-12-540 How to obtain an inactive military-related status credential.** A person is military related if he or she is the spouse

or registered domestic partner of a service member in the United States Armed Forces or United States Public Health Services Commissioned Corps.

(1) To obtain an inactive military-related status credential the practitioner must:

(a) Submit a written request that the department place his or her credential in inactive military-related status;

(b) Hold an active Washington state credential that is valid and in force and effect;

(c) Submit to the department an official copy of service orders verifying that his or her spouse or registered domestic partner is a member of the service described in WAC 246-12-500(2) and has been deployed or stationed in a location outside of Washington state;

(d) Submit a copy of his or her marriage certificate or certificate of registered domestic partnership.

(2) There is no fee due for placing a credential in inactive military-related status. Portions of the current renewal fee will not be prorated or refunded.

(3) The practitioner may not practice in the state of Washington when his or her credential is in inactive military-related status.

#### NEW SECTION

**WAC 246-12-550 How to maintain an inactive military-related status credential.** The expiration date for all credentials is the practitioner's birthday, except for faculty, postgraduate education, associate, or trainee credentials authorized by law.

(1) The practitioner may maintain a credential in inactive military-related status for as long as his or her spouse or registered domestic partner continues to be stationed or deployed in a location outside of the state of Washington and he or she remains married to or in a registered domestic partnership with that person.

(2) To maintain an inactive military-related status credential, the practitioner should submit to the department an official copy of service orders verifying that his or her spouse or registered domestic partner continues to be deployed or stationed in a location outside of Washington state.

(3) The department will mail courtesy maintenance notices to the practitioner's address on file using credential renewal cycles.

(4) Inactive military-related status credential maintenance requests are accepted by the department no sooner than ninety days prior to the date the credential would expire if not in inactive military-related status.

(5) Continuing education is not required while the credential is in an inactive military-related status.

#### NEW SECTION

**WAC 246-12-560 How to return to active status from inactive military-related status.** (1) A practitioner in inactive military-re-

lated status can return his or her credential to active status at any time.

(2) To change a credential from an inactive military-related status to active status the practitioner must:

(a) Pay the appropriate current active renewal fee;

(b) Pay the current substance abuse monitoring surcharge, if required by the profession as part of renewal;

(c) Submit documentation of the service member's current service or discharge status.

(3) If the practitioner requests a change to active status after his or her spouse or registered domestic partner is discharged, he or she must submit an official copy of the discharge papers (DD214) showing that his or her spouse or registered domestic partner was honorably discharged within the previous six months.

(4) The credential must be changed from inactive military-related status to active status within six months of the military personnel's honorable discharge by meeting the requirements of subsections (2) and (3) of this section.

(5) A practitioner who does not comply with subsection (3) of this section will be subject to late fees as required by WAC 246-12-040.

(6) After returning a credential to active status, applicable continuing education requirements will apply during the following renewal.

**WAC 246-12-010 Definitions.** (1) "Business": A business is an adult family home provider owned by a corporation regulated under chapter 18.48 RCW; a pharmaceutical firm regulated under chapter 18.64 RCW; or a nursing pool regulated under chapter 18.52C RCW; or a health care assistant regulated under chapter 18.135 RCW.

(2) "Credential": A credential is a license, certification, or registration issued to a person to practice a regulated health care profession. Whether the credential is a license, certification or registration is determined by the law regulating the profession.

(3) "Declaration": A declaration is a statement signed by the practitioner on a form provided by the department of health for verifying continuing education, AIDS training, or other requirements. When required, declarations must be completed and signed to be effective verification to the department.

(4) "Disciplinary suspension": The regulatory entity places the credential in disciplinary suspension status when there is a finding of unprofessional conduct. Refer to the Uniform Disciplinary Act (RCW 18.130.160).

(5) "Local organization for emergency services or management": Has the same meaning as that found in RCW 38.52.010.

(6) "Mandated suspension": The department of health places the credential in mandated suspension status when a law requires suspension of a credential under certain circumstances. This suspension is nondiscretionary for the department of health. Examples of mandated suspension are default on a student loan and failure to pay child support. The practitioner may not practice while on mandated suspension. The credential must be returned to active status before the practitioner may practice. See Part 6 of this chapter.

(7) "Practitioner": A practitioner is an individual health care provider listed under the Uniform Disciplinary Act, RCW 18.130.040.

(8) "Regulatory entities": A "regulatory entity" is a board, commission, or the secretary of the department of health designated as the authority to regulate one or more professions or occupations in this state. Practitioner health care practice acts and the Uniform Disciplinary Act (UDA) designate whether it is a board, commission, or the secretary of the department of health which has the authority to adopt rules, discipline health care providers, and determine requirements for initial licensure and continuing education requirements.

The regulatory entity determines whether disciplinary action should be taken on a credential for unprofessional conduct. These actions may include revocation, suspension, practice limitations or conditions upon the practitioner.

(9) "Renewal": Every credential requires renewal. The renewal cycle is either one, two, or three years, depending on the profession.

(10) "Secretary": The secretary is the secretary of the department of health or his or her designee.

(11) "Status": All credentials are subject to the Uniform Disciplinary Act (UDA) regardless of status. A credential status may be in any one of the following:

(a) Most credentials are in **"active"** status. These practitioners are authorized to practice the profession. These practitioners need to renew the credential each renewal cycle. See Part 2 of this chapter.

(b) The department of health places the credential in **"expired"** status if the credential is not renewed on time. While in expired status, the practitioner is not authorized to practice. Practice on an expired status is a violation of law and subject to disciplinary action. See Part 2 of this chapter.

(c) A practitioner may place the credential in **"inactive"** status if authorized by the regulatory entity. This means the practitioner is not practicing the profession. See Part 4 of this chapter.

(d) A practitioner may place the credential in **"inactive military-related"** status if he or she is a spouse or registered domestic partner of a member of the United States Armed Forces or the United States Public Health Service Commissioned Corps and the service member is deployed or stationed in a location outside of Washington state.

(e) A practitioner may place the credential in **"military"** status if he or she is a member of the United States Armed Forces, the United States Public Health Service Commissioned Corps, or the Merchant Marine of the United States.

(f) A practitioner may place the credential in **"retired active"** status if authorized by the regulatory entity. This means the practitioner can practice only intermittently or in emergencies. See Part 5 of this chapter.



**PART 4**  
**INACTIVE CREDENTIAL FOR NONMILITARY PRACTITIONERS**

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-12-090 How to obtain an inactive credential for nonmilitary practitioners.** Except as provided in Part 13 of this chapter for military and military-related status, a practitioner may obtain an inactive credential if authorized by the regulatory entity. Refer to the profession rules to determine if this status is available.

~~(1) ((To obtain an inactive credential the practitioner must submit a letter notifying the department of health of the intent to obtain an inactive credential.~~

~~(2))~~ Except as provided in Part 13 of this chapter for military and military-related status, a practitioner may apply for an inactive credential if he or she meets the following criteria:

- (a) Holds an active Washington state credential;
- (b) Is in good standing; and
- (c) Will not practice in Washington.

(2) To obtain an inactive credential, the practitioner must notify the department of health in writing of the intent to obtain an inactive credential.

(3) The practitioner may obtain an inactive credential at any time the criteria in subsection ~~((2))~~ (1) of this section are met. The fee for the initial inactive credential will be due when the active credential expires. Portions of the current renewal fee will not be prorated or refunded for the remaining active renewal cycle.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-12-100 How to renew an inactive credential for nonmilitary practitioners.** (1) The expiration for all credentials is the practitioner's birthday. Except as provided in Part 13 of this chapter for military and military-related status, to renew an inactive credential, the practitioner must:

- (a) Pay the inactive credential renewal fee; and
- (b) Pay the substance abuse monitoring surcharge, if required by the profession.

(2) To determine the renewal cycle, refer to the individual laws and rules pertaining to your profession.

(3) Inactive credential renewal fees are accepted by the department no sooner than ninety days prior to the expiration date.

(4) Prior to the inactive credential expiration date, courtesy renewal notices are mailed to the address on file. Practitioners should return the renewal notice when renewing their credential. Failure to receive a courtesy renewal notice does not relieve or exempt the inactive credential renewal requirement.

**WAC 246-12-110 How to return to active status from inactive status for nonmilitary practitioners.** Except as provided in Part 13 of this chapter for military and military-related status, to change an inactive credential to an active credential status the practitioner must:

- (1) Notify the department in writing of the change;
- (2) Pay the appropriate current active renewal fee;
- (3) Pay the current substance abuse monitoring surcharge, if required by the profession((-));
- (4) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;
- (5) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;
- (6) Provide a written declaration that continuing education and competency requirements for the two most recent years have been met, if required for the profession;
- (7) Provide other written declarations or documentation, if required for the profession;
- (8) Satisfy other competency requirements of the regulatory entity; if required; and
- (9) If not previously provided, provide proof of AIDS education as required for the profession and in Part 8 of this chapter.