



**Nursing Care Quality Assurance Commission (NCQAC)  
Rule Hearing Agenda  
Friday, January 27, 2023  
12:00 PM**

**Zoom registration:**

[https://us02web.zoom.us/meeting/register/tZUkcuGsqDoqE90Yn1EvHQ0r\\_Hv8T47CqXJc](https://us02web.zoom.us/meeting/register/tZUkcuGsqDoqE90Yn1EvHQ0r_Hv8T47CqXJc)

**Commission Members:**

Yvonne Strader, RN, BSN, BSPA, MHA, Chair  
Helen Myrick, Public Member, Vice-Chair  
Adam Canary, LPN, Secretary/Treasurer  
Jonathan Alvarado ARNP, CRNA  
Quiana Daniels, GCertHealthSc, BS, LPN  
Ella B. Guilford, MSN, M.Ed., BSN, RN  
Judy Loveless-Morris, PhD, Public Member  
Joan Madayag, LPN  
Ajay Mendoza, CNM  
Dawn Morrell, RN, BSN, CCRN  
MaiKia Moua, RN, BSN, MPH  
Sharon Ness, RN  
Emerisse Shen, RN, ARNP  
Kimberly Tucker PhD, RN, CNE

**Assistant Attorney General:**

Sierra McWilliams, Assistant Attorney General

**Staff:**

Paula R. Meyer, MSN, RN, FRE, Executive Director  
Chris Archuleta, Director, Operations  
Shad Bell, Assistant Director, Operations  
Mary Sue Gorski, PhD, RN, Director, Advanced Practice,  
Research and Policy  
Karl Hoehn, JD, FRE, Assistant Director, Discipline – Legal  
Jessilyn Dagum, Policy Analyst

If you have questions regarding the agenda, please call the Nursing Care Quality Assurance Commission (NCQAC) office at 360-236-4713. If you have limited English language expertise, call 360-236-4713 before January 20, 2023.

This hearing is accessible to persons with disabilities. Special aids and services can be made available upon advance request. Advance request for special aids and services must be made no later than January 20, 2023. If you need assistance with special needs and services, please leave a message with your request at 1-800-525-0127 or, if calling from outside Washington State, call 360-236-4052. TDD may also be accessed by calling the TDD relay service at 711. If you need assistance due to a speech disability, Speech-to-Speech provides human voicers for people with difficulty being understood. The Washington State Speech to Speech toll free access number is 1-877-833-6341.

This hearing will be digitally recorded and part of an officially rulemaking file. All recordings are public record. For a copy of the actual recording, please contact the Public Disclosure Records Center (PDRC) at [PDRC@doh.wa.gov](mailto:PDRC@doh.wa.gov).

Please mute your connection to minimize background noise during the meeting.

Smoking and vaping are prohibited at this meeting.

**I. 12:00 PM – 1:00 PM Rule Hearing: ARNP Inactive and Expired Rules – DISCUSSION/ACTION**

The purpose of this hearing is to solicit comments for the proposed rules filed with the Code Reviser's Office on December 20, 2022, and in the Washington State Register as WSR# 23-01-134. The NCQAC proposes amendments to inactive and expired licensure requirements for Advanced Registered Nurse Practitioners (ARNPs) in response to the coronavirus disease 2019 (COVID-19) pandemic and the critical demand for healthcare professionals. This will move emergency rules to permanent status.

**II. 1:00 PM Closing**



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 20, 2022

TIME: 5:53 PM

WSR 23-01-134

**Agency:** Department of Health - Nursing Care Quality Assurance Commission

**Original Notice**

**Supplemental Notice to WSR**

**Continuance of WSR**

**Preproposal Statement of Inquiry was filed as WSR 22-12-090; 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); or**

**Proposal is exempt under RCW**

**Title of rule and other identifying information:** WAC 246-840-365 Inactive and reactivating an ARNP license and 246-840-367 Expired license. The Nursing Care Quality Assurance Commission (commission) is proposing amendments to inactive and expired licensure requirements for Advanced Registered Nurse Practitioners (ARNP) in response to the coronavirus disease 2019 (COVID-19) pandemic and the critical demand for healthcare professionals.

**Hearing location(s):**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>	<b>Comment:</b>
1/27/2023	12:00 PM	<p>In order to help mitigate the transmission of coronavirus disease 2019 (COVID-19), the Department of Health will not provide a physical location. A virtual public hearing, without physical meeting space, will be held instead.</p> <p>We invite you to participate in our public rules hearing using your computer, tablet, or smartphone.</p> <p>Please register at:  <a href="https://us02web.zoom.us/j/90Yn1EvHQ0r_Hv8T47CqXJc">https://us02web.zoom.us/j/90Yn1EvHQ0r_Hv8T47CqXJc</a></p> <p>After registering you will receive a confirmation email containing information about joining the webinar.</p>	

**Date of intended adoption:** 1/27/2023 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Jessilyn Dagum  
Address: PO Box 47864, Olympia, WA 98504-7864  
Email: <https://fortress.wa.gov/doh/policyreview>  
Fax: 360-236-4738

**Assistance for persons with disabilities:**

Contact: Jessilyn Dagum  
Phone: 360-236-3538  
Fax: 360-236-4738  
TTY: 711

Other: N/A  
By (date): 1/13/23

Email: [NCQAC.Rules@doh.wa.gov](mailto:NCQAC.Rules@doh.wa.gov)  
Other: N/A  
By (date): 1/13/23

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed amendments to WAC 246-840-365 and 246-840-367 are currently enacted under emergency rule and the commission has approved these amendments for permanent rulemaking.

Changes in WAC 246-840-365 and WAC 246-840-367 are needed to remove non-evidence-based licensure requirements to license renewal for Advanced Registered Nurse Practitioners (ARNP) returning to active practice from inactive or expired status. The proposed rules also provide consistency with other revisions made previously to WAC 246-840-360 and 246-840-342 which also reduced licensure barriers for ARNP renewal and out-of-state endorsement. The proposed changes for this rulemaking requirements include:

- For those holding an inactive ARNP license, eliminates the requirement to complete two hundred fifty hours of advanced clinical practice for each designation within the past two years, or if the ARNP has not satisfied the advanced clinical practice requirements, eliminates the requirement to complete at least two hundred fifty hours of supervised advanced clinical practice hours and the need to obtain an interim permit to complete the practice hours.
- For ARNPs whose license has been expired for less than two years, the proposed rule removes the requirement that ARNPs who do not meet required advanced clinical practice requirements must complete two hundred fifty hours of supervised advanced clinical practice for every two years the ARNP has been out of practice and the need to obtain an interim permit to complete the practice hours.
- Housekeeping amendments that remove general citations to chapter 246-12 WAC and replace this with more clearly identify the specific requirements.

The commission proposes amending these rules to make permanent changes to current rules identified as a barrier to the provision of services both in emergency response and during regular operations. While permanent rulemaking is ongoing, the commission will continue to renew and update (as necessary) emergency rules applicable to ARNPs.

The commission is proposing the amendments to make permanent changes to current rules to reduce barriers to the provision of services both in emergency response and during regular operations.

**Reasons supporting proposal:**

The proposed changes to WAC 246-840-365 and 246-840-367 reduce barriers to licensure and are consistent with prior revisions made to WAC 246-840-360 and 246-840-342 which removed licensure requirements for ARNP renewal and out-of-state endorsement that did not have any evidence of better practice outcomes.

**Statutory authority for adoption:** RCW 18.79.010, 18.79.110 and RCW 18.79.250

**Statute being implemented:** None

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Type of proponent:**  Private  Public  Governmental

**Name of proponent:** (person or organization) Washington State Nursing Care Quality Assurance Commission

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Jessilyn Dagum	111 Israel Road SE Tumwater, WA 98504	360-236-3538
Implementation:	Jessilyn Dagum	111 Israel Road SE Tumwater, WA 98504	360-236-3538
Enforcement:	Catherine Woodard	111 Israel Road SE Tumwater, WA 98504	360-236-4757

**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: Jessilyn Dagum  
Address: PO Box 47864, Olympia, WA 98504-7864  
Phone: 360-236-3538  
Fax: 360-236-4738  
TTY: 711  
Email: NCQAC.Rules@doh.wa.gov  
Other: N/A

No: Please explain:

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW

Explanation of how the above exemption(s) applies to the proposed rule: The proposed rule amendments only affect provider license requirements.

**(2) Scope of exemptions:** *Check one.*

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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:** December 20, 2022

**Name:** Paula R. Meyer, MSN, RN, FRE

**Title:** Executive Director, Nursing Care Quality Assurance Commission

**Signature:**



AMENDATORY SECTION (Amending WSR 19-08-031, filed 3/27/19, effective 4/27/19)

**WAC 246-840-365 Inactive and reactivating an ARNP license.** To apply for an inactive ARNP license, an ARNP shall comply with WAC 246-12-090 or 246-12-540, if military related.

(1) An ARNP may apply for an inactive license if he or she holds an active Washington state ARNP license without sanctions or restrictions.

(2) To return to active status the ARNP:

(a) Shall meet the requirements (~~identified in chapter 246-12 WAC, Part 4~~) for an inactive credential for nonmilitary practitioners identified under WAC 246-12-090 through 246-12-110;

(b) Must hold an active RN license under chapter 18.79 RCW without sanctions or restrictions;

(c) Shall submit the fee as identified under WAC 246-840-990;

(d) Shall submit evidence of current certification by the commission approved certifying body identified in WAC 246-840-302(1); and

(e) Shall submit evidence of (~~thirty~~) 30 contact hours of continuing education for each designation within the past two years (~~and~~

~~(f) Shall submit evidence of two hundred fifty hours of advanced clinical practice for each designation within the last two years.~~

~~(3) An ARNP applicant who does not have the required practice requirements, shall complete two hundred fifty hours of supervised advanced clinical practice for every two years the applicant may have been out of practice, not to exceed one thousand hours.~~

~~(4) The ARNP applicant needing to complete supervised advanced clinical practice shall obtain an ARNP interim permit consistent with the requirements for supervised practice defined in WAC 246-840-340 (4) and (5)).~~

~~((5))~~ (3) To regain prescriptive authority after inactive status, the applicant must meet the prescriptive authority requirements identified in WAC 246-840-410.

AMENDATORY SECTION (Amending WSR 19-08-031, filed 3/27/19, effective 4/27/19)

**WAC 246-840-367 Expired license.** When an ARNP license is not renewed, it is placed in expired status and the nurse must not practice as an ARNP.

(1) To return to active status when the license has been expired for less than two years, the nurse shall:

(a) Meet the requirements (~~of chapter 246-12 WAC, Part 2~~) for initial and renewal credentialing of practitioners as identified under WAC 246-12-020 through 246-12-051;

(b) Meet ARNP renewal requirements identified in WAC 246-840-360; and

(c) Meet the prescriptive authority requirements identified in WAC 246-840-450, if renewing prescriptive authority.

(2) (~~Applicants who do not meet the required advanced clinical practice requirements must complete two hundred fifty hours of super-~~

~~vised advanced clinical practice for every two years the applicant may have been out of practice, not to exceed one thousand hours.~~

~~(3) The ARNP applicant needing to complete supervised advanced clinical practice shall obtain an ARNP interim permit consistent with the requirements for supervised practice defined in WAC 246-840-340 (4) and (5).~~

~~(4)) If the ARNP license has expired for two years or more, the applicant shall:~~

~~(a) Meet the requirements ((of chapter 246-12 WAC, Part 2)) for initial and renewal credentialing of practitioners as identified under WAC 246-12-020 through 246-12-051;~~

~~(b) Submit evidence of current certification by the commission approved certifying body identified in WAC 246-840-302(3);~~

~~(c) Submit evidence of ((thirty)) 30 contact hours of continuing education for each designation within the prior two years; and~~

~~(d) ((Submit evidence of two hundred fifty hours of advanced clinical practice completed within the prior two years; and~~

~~(e) Submit evidence of an additional thirty contact hours in pharmacology if requesting prescriptive authority, which may be granted once the ARNP license is returned to active status.~~

~~(5) If the applicant does not meet the required advanced clinical practice hours, the applicant shall obtain an ARNP interim permit consistent with the requirements for supervised advanced clinical practice as defined in WAC 246-840-340 (4) and (5).) Meet the prescriptive authority requirements identified in WAC 246-840-410 if requesting prescriptive authority, which may be granted once the ARNP license is returned to active status.~~



## WELCOME!

You can read and comment on all Department of Health proposed rules (CR-102 notices) during the official comment period. Some draft rules may be posted here also. When you comment on a rule through this website your comments become part of the public record. Your comments help in the decision to adopt the rule as proposed or to revise the proposal if appropriate. Everyone who comments on a proposed rule will get a copy of the Department's official response to the comments.

## Instructions

Use the table below to find the rule you would like to review, then just click on the title to read the document. You may comment by clicking on "add your comment." To see how others have responded click on "view all comments". If the chart is empty, there are no rules open for public comment.

## Please Note:

You cannot attach documents or internet links at the "add your comment" link. Send those materials by clicking the "program contact" person or link. This opens an e-mail where you can send comments, attachments, links or questions. Thank you.

*Some files on this page require MS Word or Adobe Acrobat free readers.  
[Click here to download a reader.](#)*

Document Title	Program	Program Contact for questions or problems	Add Your Comment	Comment Deadline	View All Comments
<a href="#">ARNP inactive and expired licensure requirements. Revisions to WAC 246-840-365, Inactive and reactivation an ARNP license, and WAC 246-840-367, Expired license.</a> The Nursing Care Quality Assurance Commission is proposing amendments to inactive and expired licensure requirements for Advanced Registered Nurse Practitioners (ARNP) in response to the coronavirus disease 2019 (COVID-19) pandemic and the critical demand for healthcare professionals.	NCQAC - NURS CARE QUALITY COM	<a href="#">Jessilyn M Dagum</a>	<a href="#">Add Comment</a>	1/13/2023	No Comments
<a href="#">ARNP inactive and expired licensure requirements. Revision to WAC 246-840-365, Inactive and reactivation an ARNP license, and WAC 246-840-367, Expired license.</a> Significant Legislative Analysis (SA)	NCQAC - NURS CARE QUALITY COM	<a href="#">Jessilyn M Dagum</a>	<a href="#">Add Comment</a>	1/13/2023	No Comments
<a href="#">Fee amendments for multiple health professions including, WAC 246-803-990, 246-809-990, 246-810-990, 246-815-990, 246-817-990, 246-817-99005, 246-828-990, 246-845-990, 246-915-990, 246-915-99005, 246-930-990, and 246-980-990.</a> Amendments to fee rates are being proposed by the Department of Health for the following professions; Acupuncturist or acupuncture and Eastern Medicine Practitioner, Licensed mental health counselor, Licensed advanced social worker and licensed independent clinical social worker, Certified counselor, Certified adviser, Registered agency affiliated counselor (excluding interns), Dental hygienist, Dentist, Registered dental assistant, Certified dental anesthesia assistant, Licensed expanded function dental auxiliary, Audiologist, Speech-Language pathologist, Hearing aid specialist, Speech-Language pathology assistant, Nursing pool operator, Physical therapist, Physical therapist assistant, Sex offender treatment provider, Affiliate treatment provider certificate, and Home care aide. Additional technical updates are proposed to ensure clarity and consistency.	HSQA - ASST. SECRETARY OFFICE	<a href="#">Heather M Cantrell</a>	<a href="#">Add Comment</a>	1/23/2023	<a href="#">10 Comments</a>

## Getting Involved

If you would like to be added to the program's interested parties list, click on the program contact name in the rules comments chart to e-mail your request.