



CONCISE EXPLANATORY STATEMENT
Summary of Public Comments on Rules for fee changes for
Registered Nurses (RNs), Licensed Practical Nurses (LPNs), and
Advanced Registered Nurse Practitioners (ARNPs)
under WAC 246-840-990.
July 2022

The Department of Health (department), in consultation with the Nursing Care Quality Assurance Commission (commission), amended WAC 246-840-990 to implement fee changes for RNs, LPNs, and ARNPs. RCW 43.70.250 requires that the costs of licensing each profession be fully borne by members of that profession. The Office of Financial Management (OFM) requires agencies to maintain a reasonable working capital reserve in state accounts to cover fluctuations in cash flow. The fee increases are necessary to cover the cost of a database solution to replace an outdated licensing system, for staffing to continue nurse license processing within legislated timelines, and staffing to address increased workload associated with nursing assistants and the long-term care crisis. After the June 13, 2022, public hearing, new year-end fiscal information was reviewed. Total revenue in the last year was higher than originally forecast. The department, in consultation with the commission, determined that fees for RNs should be decreased from \$25 to \$15 based on the adjusted projections. The language of the adopted rule differs from the proposed rule in that the RN fee is now \$114.

The application and renewal fee will increase for RNs by \$15 (instead of \$25) from \$99 to \$114. The application and renewal fee will increase for LPNs by \$5 from \$64 to \$69. RNs and LPNs pay a renewal fee each year. The application and renewal fee for ARNPs will increase by \$5 from \$125 to \$130. ARNPs pay a renewal every two years, but ARNPs must also pay the RN renewal fee each year. A fee change for nursing technicians (nursing students working up to their level of education) will not occur at this time because there are far fewer in the profession and raising fees for them would cause an undue burden financially.

A \$16 surcharge for an online evidence-based library for health professionals in Washington State provided by the University of Washington (HEAL-WA) and a surcharge of \$5 to support the Washington Center for Nursing did not increase. These surcharges are added to the fees shown above and impact the total fees for applications and renewals. These surcharges are mandated by the Washington State Legislature.

A technical change was made to WAC 246-840-990(5) to clearly identify rules in another WAC chapter with which the commission must comply.

No language, only numerical changes were made from the proposed rule to the adopted version.

Summary of Written and Oral Comments Received and Department/Commission Response

The department, in consultation with the commission, provides the following responses to the public’s comments.

Comment/recommended change to proposed rule	Department/Commission Response
<p>The department received approximately twenty-six (26) comments expressing fees for nursing professions should not be increased.</p>	<p>RCW 43.70.250 requires that the costs of licensing each profession be fully borne by members of that profession. Rulemaking is needed to ensure fees cover the costs of licensing the professions. A fee change is necessary to cover the cost of a database solution to replace an outdated licensing system, for staffing to continue nurse license processing within legislated timelines, and staffing to address increased workload associated with nursing assistants and the long-term care crisis.</p>
<p>Approximately twenty-three (23) comments discuss that increasing fees will create a financial burden for nurses.</p>	<p>The department and the commission understand fee increases may cause a financial burden for nurses but is obligated by RCW 43.70.250 to ensure fees cover the cost of licensing nurses.</p>
<p>Approximately twenty-one (21) comments discuss that the nursing professions have gone through a stressful and difficult period throughout the pandemic and the timing of this fee increase is poor.</p>	<p>The department and the commission recognize timing for fee increases is unfortunate given the stress caused since 2020 by the pandemic. The timing for fee increases was driven by legislative mandates to reduce nurse license processing time to seven days, to address the workload associated with nursing assistants and the long-term care crisis, and to pay for a replacement to an outdated licensing system.</p>
<p>Approximately eleven (11) comments discuss that a fee increase will only increase the number of nurses leaving Washington State or retiring.</p>	<p>In 2020, the commission issued a total of 10,037 licenses by interstate endorsement for ARNPs, RNs, and LPNs combined. In comparison, the commission issued a total of 15,840 combined interstate endorsements in 2021. This was a 57.8% increase in licenses issued by endorsement. The commission is unable to predict, but the demand for nurses in Washington State has resulted in increases in interstate endorsement applications over the last several years. The commission application trends have not shown a recent decrease.</p>
<p>Approximately nine (9) comments discuss that fees for nursing professions are higher in Washington State than in other states where nurses are licensed.</p>	<p>According to 2020 annualized nationwide data for licensing fees, 18 states have higher licensing fees for LPNs, six states have higher</p>

Comment/recommended change to proposed rule	Department/Commission Response
	fees for RNs, and 16 states have higher fees for ARNPs.
Approximately six (6) comments discuss that the department consider joining the Nursing Licensure Compact to lower licensing fee costs.	The commission has been in favor of joining the Nursing Licensure Compact for over 20 years, but the Washington State Legislature has not passed the necessary legislation.
Approximately five (5) comments discuss that costs of continuing education requirements are high and the fee increase will create a burden for nurses.	The department and the commission recognize the possible burden fee increases may cause. The fee increases were driven by legislative mandates to reduce nurse license processing time to seven days, to address the workload associated with nursing assistants and the long-term care crisis, and to pay for a replacement to an outdated licensing system.
Approximately four (4) commenters asked for a comprehensive breakdown of how the proposed fee increase is being allocated so they could understand how fees will be used.	<p>Reduction of nurse licensing from 14 to seven days as mandated by the Washington State Legislature in 2021 will cost approximately \$1 million beginning fiscal year 2022 to hire ten full-time employees.</p> <p>Addressing the long-term care nursing staff shortage crisis will cost approximately \$750,000/year beginning fiscal year 2023. It will:</p> <ul style="list-style-type: none"> • Transform nursing assistant training and testing capacity; • Implement training and testing modalities, an apprenticeship pathway into nursing, and necessary rule changes; and • Support expansion of a qualified nursing workforce. <p>Replacing a licensing and enforcement system that the department is pursuing for all professions will cost \$7.5 million over four years for nursing’s portion of the cost. Nurses are the state’s largest number of healthcare providers. It will:</p> <ul style="list-style-type: none"> • Provide licensees and employers greater access to data; • Provide electronic access to facility inspection and/or investigation reports; • Allow consumers visibility to provider specializations and practice locations;

Comment/recommended change to proposed rule	Department/Commission Response
	<ul style="list-style-type: none"> • Enable patients and others who file complaints against practitioners and facilities to check complaint status.
Approximately four (4) comments discussed removing the HEALWA fee from the cost of license renewal.	<p>Surcharges on nurse licensure fees are mandated by the Washington State Legislature and cannot be removed without the legislature’s approval. A \$16 surcharge pays for an online evidence-based library for health professionals in Washington State provided by the University of Washington (HEAL-WA). A surcharge of \$5 supports the Washington Center for Nursing.</p>
One (1) commenter asked if there would be a scale based on hours worked or type of license e.g. retired active/inactive? What is the proposed rate?	<p>Licensing fees are not based on a scale of hours worked but are based on the type of license. The fees for retired active and inactive license renewals do not change. The remain at \$65 a year for RNs and LPNs if paid on time. ARNP retired active and inactive license renewal fees remain at \$40 a year if paid on time.</p> <p>Fees which change follow: The application and renewal fee will increase for RNs by \$15 from \$99 to \$114. The application and renewal fee will increase for LPNs by \$5 from \$64 to \$69. RNs and LPNs pay a renewal fee each year. The application and renewal fee for ARNPs will increase by \$5 from \$125 to \$130. ARNPs pay a renewal every two years, but ARNPs must also pay the RN renewal fee each year. There are additional legislated surcharge fees for RNs and LPNs of \$16 for HEAL-WA and \$5 for the Washington Center for Nursing.</p>
One (1) person testified at the June 13, 2022, public hearing in support of the fee increases.	The individual was thanked for her testimony during the hearing.

Please direct any questions regarding this rule adoption to hsqafeerules@doh.wa.gov.