



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 11, 2024

TIME: 8:30 AM

WSR 24-03-055

Agency: Department of Health – Washington State Board of Nursing

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: Temporary practice permit effective dates for licensed practical nurses (LPN) and registered nurses (RN). The Washington State Board of Nursing (board) is adopting amendments to WAC 246-840-095, reducing the length of time a temporary practice permit is effective and updating criteria to issue a temporary practice permit in order to align the internal board process with rule language and implement Second Substitute House Bill (2SHB) 1009 (chapter 165, Laws of 2023).

The board is adopting amendments to reduce the length of time a temporary practice permit is active from 180 days after the temporary practice permit is issued to 60 days to align WAC 246-840-095 with the current practice of the board and promote completion of the licensure process. The amendments also reduce the extension of the temporary practice permit from 180 days to 30 days.

The amendments exclude military spouses in accordance with 2SHB 1009, which requires the board to issue a temporary practice permit, which is active for no less than 180 days, to a person who meets the criteria of RCW 18.340.020, within 30 days of receiving a completed application.

Citation of rules affected by this order:

New: None

Repealed: None

Amended: WAC 246-840-095

Suspended: None

Statutory authority for adoption: RCW 18.79.010, 18.79.110, 18.79.160, 18.79.200, 18.340.020, 18.130.064 and 18.130.075

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-21-071 on October 12, 2023.

Describe any changes other than editing from proposed to adopted version:

Non-substantive technical changes were made to the proposed rule language that clarify the applicant must initiate the national fingerprint background check, either with physical fingerprint cards or digitally through LiveScan, within 30 days of applying to the board. The national fingerprint background check can be completed through either of these methods. Other technical changes were also made to remain consistent with how the board refers to the fingerprint-based national background check throughout the rule.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Address: PO Box 47864 Olympia, WA 98504-7864

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Other:

**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>1</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 on 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>1</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>1</u>	Repealed	<u>0</u>

Date Adopted: November 29, 2023

Name: Alison Bradywood DNP, MN/MPH, RN, NEA-BC

Title: Executive Director, Washington State Board of Nursing

Signature:

WAC 246-840-095 Temporary practice permits. The ~~((nursing care quality assurance commission (NCQAC))~~) Washington state board of nursing (board) conducts background checks on applicants to assure safe patient care. Completion of a fingerprint-based national background check may cause a delay in licensing.

(1) The ~~((NCQAC))~~ board may issue a temporary practice permit to an applicant who holds an unrestricted, active license in another state which has substantially equivalent licensing standards to those in Washington. The applicant must not be subject to denial of a license or issuance of a conditional or restricted license.

(2) A temporary practice permit serves as a license to practice nursing during the time period specified on the permit.

(3) A temporary practice permit expires when:

(a) A license is granted;

(b) A notice of decision on application is mailed to the applicant, unless the notice of decision on application specifically extends the duration of the temporary practice permit; or

(c) ~~((One hundred eighty))~~ Sixty days after the temporary practice permit is issued, or 180 days for military spouse applicants.

If, at the expiration of the original temporary practice permit, the department of health (department) has not received information from the fingerprint-based national background check, the ~~((NCQAC))~~ board may renew the temporary practice permit for an additional ~~((one hundred eighty))~~ 30 days.

(4) To receive a temporary practice permit, the applicant must:

(a) Submit to the board an application and the necessary application fee(s) ~~((and documentation))~~ for the license.

(b) ~~((Submit a completed national background check fingerprint card, if required.~~

~~(e))~~ Meet all other requirements and qualifications for the license, except for the results from a fingerprint-based national background check, if required.

~~((d))~~ (c) Provide to the board verification of holding an unrestricted nursing license from another state that has substantially equivalent licensing standards to those in Washington.

~~((e) Submit a separate application for a temporary practice permit.)~~ (5) The applicant shall initiate the fingerprint-based national background check process with the department within 30 days of applying to the board, or the permanent license application may be closed as incomplete. The temporary practice permit shall not be extended in accordance with subsection (3)(c) of this section unless the applicant's fingerprints have been received by the department and a fingerprint-based national background check is in process.