



# PROPOSED RULE MAKING

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

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STATE OF WASHINGTON  
FILED

DATE: January 18, 2024

TIME: 3:58 PM

WSR 24-03-103

**Agency:** Department of Health - Board of Nursing

**Original Notice**

**Supplemental Notice to WSR**

**Continuance of WSR**

**Preproposal Statement of Inquiry was filed as WSR 23-11-143; 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:** (describe subject) Initial licensure via an out-of-state traditional nursing education program approved by another U.S. nursing board and applicants applying via interstate endorsement. The Washington State Board of Nursing (board) is proposing amendments to WAC 246-840-030 and WAC 246-840-090 to clarify specific licensing requirements for out-of-state Registered Nurse (RN) and Licensed Practical Nurse (LPN) applicants.

**Hearing location(s):**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b> (be specific)	<b>Comment:</b>
March 8, 2024	1:15 PM	<b>Physical location:</b> Department of Health Town Center 2, RM 166/167 111 Israel Rd S.E. Tumwater, WA 98501  <b>Virtual:</b> Please follow this link to register for the virtual hearing which will give you instructions to either join the meeting on a device, or to call in to the meeting on the phone:  <a href="https://us02web.zoom.us/join/register/tZwodOyrrTsoHNEiRA6XBdlyqCc4Yzstsa5A">https://us02web.zoom.us/join/register/tZwodOyrrTsoHNEiRA6XBdlyqCc4Yzstsa5A</a>  After registering you will receive a confirmation email containing information about joining the webinar.	The public hearing will be hybrid. Participants can attend at the physical location or virtually by registering on Zoom.

**Date of intended adoption:** March 8, 2024 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Bonnie King  
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 Bonnie King  
Phone: (564) 669-9721  
Fax: (360) 236-4738  
TTY: 711

Other: N/A  
By (date) February 27, 2024

Email: [WABONRules@doh.wa.gov](mailto:WABONRules@doh.wa.gov)  
Other: N/A  
By (date) February 27, 2024

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

The board is proposing amendments to WAC 246-840-030 and WAC 246-840-090 to clarify specific licensing requirements for RN and LPN applicants. The proposal amends licensing requirements for RN and LPN applicants applying for initial licensure via an out-of-state traditional nursing education program approved by another U.S. nursing board, and applicants applying via interstate endorsement.

The current rules state that a nurse who has graduated from another state's approved nursing program or from a substantially equivalent program may be licensed. The board is aware that certain nursing programs in Florida and elsewhere have programs fraudulently granting diplomas. The board is proposing amendments to clarify that the Washington State Board of Nursing determines if another state's board-approved nursing program substantially meets Washington State requirements. Other clarifying amendments are also proposed for readability without changing the existing requirements.

On May 5, 2023, the board filed emergency rules to amend WAC 246-840-030 and 246-840-090 as WSR 23-11-015. The emergency rules were extended on September 1, 2023 as WSR 23-18-064 and later on December 29, 2023 as WSR 24-02-059. Emergency rules are intended to be in place until permanent rules are adopted.

The amendments clarify that RN and LPN applicants applying by interstate endorsement or for initial licensure educated in a traditional nursing education program approved by another U.S. nursing board must successfully complete a nursing education program in another U.S. state, which is approved by the nursing board in that state and substantially meets requirements for nursing education approved in Washington state as determined by the Washington State Board of Nursing.

This rule making proposal, if adopted, will reflect standards currently adopted in the emergency rules.

**Reasons supporting proposal:** The board must protect the people of Washington by only licensing qualified, properly trained nurses. The board is proposing to amend these rules to ensure that only programs that meet Washington state standards are accepted. The intent of the proposed rule is to ensure that they cannot be interpreted to mean a fraudulent nursing program or program not meeting Washington state standards as approved by another state must be accepted as qualifying RNs and LPNs for licensure in Washington state.

**Statutory authority for adoption:** RCW 18.79.010, 18.79.110, 18.80.020

**Statute being implemented:** RCW 18.79.010

**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 Board of Nursing

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Bonnie King	111 Israel Road SE, Tumwater, WA 98504	564-669-9721
Implementation:	Amber Zawislak	111 Israel Road SE, Tumwater, WA 98504	360-236-4785
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: Bonnie King  
Address: PO Box 47864 Olympia, WA 98504-7864  
Phone: 564-669-9721  
Fax: 360-236-4738  
TTY: 711  
Email: [WABONRules@doh.wa.gov](mailto:WABONRules@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:

- |   |   |
|---|---|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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:

**(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](#)): **See exemptions identified above.**

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:** 1/18/2024

**Name:** Alison Bradywood, DNP, MPH, RN, NHA, NEA-BC

**Title:** Executive Director, Washington State Board of Nursing

**Signature:**

A handwritten signature in black ink, appearing to be 'AB', written in a cursive style.

**WAC 246-840-030 Initial licensure for registered nurses and practical nurses—Out-of-state traditional nursing education program approved by another United States nursing board.** (1) Registered ~~((nursing))~~ nurse and practical ~~((nursing))~~ nurse applicants educated in a traditional nursing education program approved by another United States nursing board and applying for initial licensure ~~((must))~~ shall:

~~((1))~~ (a) Successfully complete a ~~((board-approved))~~ nursing education program in another U.S. state, which:

(i) Is approved by the nursing board in that state; and

(ii) Substantially meets requirements for nursing education approved in Washington state. The board retains authority to evaluate and determine the sufficiency of academic preparation for all applicants.

~~((Applicants from a board approved registered nurse program who are applying for a practical nurse license:~~

~~((a) Complete all course work required of board approved practical nurse programs as listed in WAC 246-840-575(2). Required courses not included in the registered nurse program may be accepted if the courses were obtained through a commission approved program.~~

~~((b) Be deemed as capable to safely practice within the scope of practice of a practical nurse by the nurse administrator of the applicant's nursing education program.~~

~~((2))~~ (b) Successfully pass the ~~((commission))~~ board-approved licensure examination as provided in WAC 246-840-050.

~~((3))~~ (c) Submit the following documents:

~~((a))~~ (i) A completed licensure application with the required fee as defined in WAC 246-840-990.

~~((b))~~ (ii) An official transcript sent directly from the applicant's nursing education program to the ~~((commission))~~ board. The transcript must include course names and credits accepted from other programs. The transcript must show:

~~((i))~~ (A) The applicant has graduated from an approved nursing program or has successfully completed the prelicensure portion of an approved graduate-entry registered nursing program; or

~~((ii))~~ (B) That the applicant has completed all course work required in a ~~((commission))~~ board-approved practical nurse program as listed in WAC ~~((246-840-575(2))~~ 246-840-539.

~~((c) Applicants))~~ (iii) An applicant from a board-approved registered nurse program who ~~((are))~~ is applying for a practical nurse license ~~((must))~~ shall also submit an attestation sent from the nurse administrator of the applicant's nursing education program indicating that the applicant is capable to safely practice within the scope of practice of a practical nurse.

(2) An applicant from an out-of-state board-approved registered nurse program who is applying for a practical nurse license shall:

(a) Complete all course work required of board-approved practical nurse programs as listed in WAC 246-840-539. Required courses not included in the registered nurse program may be accepted if the courses were obtained through a board-approved program.

(b) Be deemed as capable to safely practice within the scope of practice of a practical nurse by the nurse administrator of the applicant's nursing education program.

AMENDATORY SECTION (Amending WSR 21-04-016, filed 1/22/21, effective 2/22/21)

**WAC 246-840-090 Licensure for nurses by interstate endorsement.**

Registered nurse and practical nurse applicants for interstate endorsement may be issued a license without examination provided the applicant meets the following requirements:

(1) The applicant graduated and holds a degree from:

(a) A ~~((commission or))~~ state board-approved program preparing candidates for licensure as a nurse, which substantially meets requirements for nursing education approved in Washington state, as determined by the board; or

(b) A nursing program that is equivalent to ~~((commission))~~ board-approved nursing education in Washington state at the time of graduation as determined by the ~~((commission))~~ board.

(2) The applicant holds a current active nursing license in another state or territory, or holds an inactive or expired license in another state or territory and successfully completes a ~~((commission))~~ board-approved refresher course.

(a) An applicant whose license was inactive or expired must be issued a limited education authorization by the ~~((commission))~~ board to enroll in the clinical portion of the refresher course.

(b) The limited education authorization is valid only while working under the direct supervision of a preceptor and is not valid for employment as a registered nurse.

(3) The applicant was originally licensed to practice as a nurse in another state or territory after passing the National Council Licensure Examination (NCLEX).

(4) ~~((Applicants))~~ An applicant graduating from a nursing program ~~((s))~~ outside the U.S. ~~((must))~~ shall demonstrate English proficiency by:

(a) Passing a ~~((commission))~~ board-approved English proficiency test if the nursing education is not in one of the following countries: Canada (except for Quebec), United Kingdom, Ireland, Australia, New Zealand, American Samoa, Guam, Northern Mariana Islands, and U.S. Virgin Islands (~~, or complete one thousand~~); or

(b) Completing 1,000 hours of employment as a licensed nurse in another state (~~, or provide~~). The 1,000 hours of employment must be in the same licensed role as the nurse is applying for licensure in Washington state. Proof of employment must be submitted to the board; or

(c) Providing evidence directly from the ~~((school))~~ program of earning a high school diploma or college degree from a United States institution.

~~((The one thousand hours of employment must be in the same licensed role as the nurse is applying for licensure in Washington state. Proof of employment must be submitted to the commission.))~~

(5) For RNs: If the applicant is a graduate of a nontraditional nursing education program and:

(a) Was licensed as a practical/vocational nurse prior to licensure as a registered nurse, the applicant (~~((must submit evidence of two hundred hours of preceptorship in the role of a registered nurse as defined in WAC 246-840-035, or at least one thousand hours of practice as a registered nurse without discipline of the registered nurse license by any other state or territory))~~) shall meet the requirements defined in WAC 246-840-048.

(b) Was not licensed as a practical/vocational nurse prior to licensure as a registered nurse, the applicant (~~((must))~~) shall submit evidence of at least (~~((one thousand))~~) 1,000 hours of practice as a registered nurse without discipline of the registered nurse license by any other state or territory.

(6) All applicants must submit the following documents:

(a) A completed licensure application with the required fee as defined in WAC 246-840-990.

(b) An official transcript sent directly from the applicant's nursing education program to the (~~((commission))~~) board if the education cannot be verified from the original board of nursing, or (~~((commission))~~) board-approved evaluation agency.

(i) The transcript must contain adequate documentation demonstrating that the applicant graduated from an approved nursing program or successfully completed the prelicensure portion of an approved graduate-entry registered nursing program.

(ii) The transcripts (~~((shall))~~) must include course names and credits accepted from other programs.

(c) Verification of an original registered or practical nurse license from the state or territory of original licensure. The verification must identify that issuance of the original licensure included passing the NCLEX.

(d) For an applicant(~~((s))~~) educated outside the United States and in territories or countries not listed in subsection (4)(a) of this section, successful results of a (~~((commission))~~) board-approved English proficiency exam, or, evidence of (~~((one thousand))~~) 1,000 hours worked as a nurse.

(e) For RNs: If the applicant is a graduate of a nontraditional program in nursing and:

(i) Was licensed as a practical/vocational nurse prior to licensure as a registered nurse, the applicant (~~((must))~~) shall submit (~~((documentation of two hundred hours of preceptorship in the role of a registered nurse as defined in WAC 246-840-035 or at least one thousand hours of practice as a registered nurse without discipline of the registered nurse license by any other state or territory))~~) the requirements outlined in WAC 246-840-048.

(ii) Was not licensed as a practical/vocational nurse prior to licensure as a registered nurse, the applicant (~~((must))~~) shall submit documentation of at least (~~((one thousand))~~) 1,000 hours of practice as a registered nurse without discipline of the registered nurse license by any other state or territory.