

GUIDANCE: RETIRED PROVIDERS AND LICENSURE DURING COVID-19 CRISIS IN WASHINGTON

Information and guidance related to COVID-19 is changing rapidly. Please refer to the Physicians Insurance website for the most up-to-date information.

Updated Guidance Effective: June 7, 2022

The Washington Medical Commission developed a standardized application available here:

<https://wmc.wa.gov/sites/default/files/public/657132.pdf>

Draft date: March 30, 2020

1. Governor's Proclamation 20-32¹, Department of Health – Healthcare worker Licensing, Amending Proclamation 20-05.

On March 26, 2020, the Washington State governor issued proclamation 20-32, related to Healthcare Worker Licensing. The proclamation waives “Barriers to continued and uninterrupted healthcare practice, including continuing education and other training requirements and license renewal deadlines.” Among other topics, **the proclamation waives “Licensed health profession rules restricting the practice of retired active licensees.”**² Under the terms of the proclamation, the waivers are effective until midnight on April 25, 2020.

- Retired Active Credential: Mental health counselors, marriage and family therapists, and social workers³
 - Not required to report eighteen hours of continuing education including six hours in professional ethics and law every two years.

- Retired Active Credential: Licensed Practical Nurses⁴
 - Not required to complete forty-five hours of continuing nursing education every three years.
 - Not required to demonstrate they have practiced at least ninety-six hours every three years.

- Retired Active License: Osteopathic physicians and surgeons⁵

¹ <https://www.governor.wa.gov/sites/default/files/proclamations/20-32%20-%20COVID-19%20DOH%20Healthcare%20Worker%20Licensing%20%28tmp%29.pdf>

² See Governor's Proclamation 20-32 at A.4.

³ WAC 246-809-730(3).

⁴ WAC 246-840-125(4)(b) and (c).

⁵ WAC 246-853-235(2),(3)(a).

- Prohibition from receiving compensation for health care services eliminated.
- Not limited to practicing only in emergent circumstances “calling for immediate action.” (only “calling for immediate action” is waived).
- Retired Active License: Osteopathic physicians’ assistants⁶
 - Not required to have a delegation agreement.
 - Not prohibited from receiving compensation for health care services.
 - Not required to practice only in emergent circumstances “calling for immediate action” (only “calling for immediate action” is waived).
- Retired Pharmacists license⁷
 - Not prohibited from the practice of pharmacy.
 - Not required to comply with continuing education requirements.
- Retired Active License: Physician assistants⁸
 - Not required to have a delegation agreement.
 - Not prohibited from receiving compensation for health care services.
 - Not required to practice only in emergent circumstances “calling for immediate action” (only “calling for immediate action” is waived).
- Retired Active License: Physicians⁹
 - Not prohibited from receiving compensation for health care services.
 - Not required to report one hundred hours of continuing medical education at every renewal.

One caution related to PAs: even though they do not have to obtain a pre-approved delegation agreement, they still must be under the supervision of a physician. There has been little guidance on what this actually means for clinical practice.

2. Original Guidance (March 24, 2020).

2.1 Washington Medical Commission Emergency Rulemaking.

*In an email sent out to stakeholders on March 24, 2020, the Washington Medical Commission (WMC) announced it will consider emergency rulemaking related to **Retired Active licensees**. A special meeting will be held on Wednesday, March 25 at 3:00 p.m. to discuss this rulemaking. The announcement further provided that the meeting is accessible in person at the DOH campus in Tumwater, via GoToMeeting, as well as by phone.*

⁶ WAC 246-854-112(2), (3), (4)(a).

⁷ WAC 246-863-080(2).

⁸ WAC 246-918-175(2), (3), (4)(a).

⁹ WAC 246-919-480.

Commissioners and Commission staff will participate via GoToMeeting only and the WMC encourages stakeholders and other interested parties to do the same. The agenda and proposed draft language are available on the WMC's [Rules in Progress site](#), on the WMC [Event Calendar](#). You will find the Emergency Rules Draft language at the [Rules and Regulations in Progress page](#), along with other relevant information, including the meeting agenda.

2.2 [Retired Practitioners in General.](#)

To obtain a retired active license a practitioner must¹⁰:

2.2.1. *Submit a letter notifying DOH of intent to practice only on an intermittent or emergency basis.*

2.2.2. *Meet the following criteria:*

- *Hold an active Washington state credential;*
- *Be in good standing; and either*
 - *Will practice no more than ninety days each year in Washington state; or*
 - *Will practice only in emergency circumstances such as earthquakes, floods, times of declared war or other states of emergency.*

2.3 [Physician Assistants.](#)

A physician assistant with a retired active license must have a delegation agreement approved by the commission in order to practice except when serving as a "covered volunteer emergency worker" and engaged in authorized emergency management activities.¹¹

- *Covered volunteer emergency worker means an emergency worker¹² who (i) is not receiving or expecting compensation as an emergency worker from the state or local government, or (ii) is not a state or local government employee unless on leave without pay status.*
- *Authorized emergency management activities¹³ now includes the COVID-19 crisis.*

A physician assistant with a retired active license may practice under the following conditions¹⁴:

- *In emergency circumstances calling for immediate action; or*
- *Intermittent circumstances on a part-time or full-time nonpermanent basis.*

¹⁰ WAC 246-12-120; see generally WAC 246-918 and 919, Part 5 for additional information regarding fees and practice settings; see also WAC 246-918-175 and WAC 246-919-480.

¹¹ WAC 246-918-175

¹² "Emergency worker" means any person who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities. RCW 38.52.010(11).

¹³ "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. RCW 38.52.010(8).

¹⁴ WAC 246-918-175(4).

A retired active license expires every two years on the license holder's birthday. Retired active credential renewal fees are accepted no sooner than ninety days prior to the expiration date.¹⁵

The following sections¹⁶ are those that the WMC proposes to waive beginning on February 29, 2020, based on the Governor's emergency Proclamation 20-05. The WMC proposes that the waivers will remain in effect until withdrawn by the commission or until the Governor issues a proclamation declaring the termination of the state of emergency declared by Proclamation 20-05, as amended by any subsequent amendatory proclamations, whichever is earlier:

- *A physician assistant with a retired active license may not receive compensation for health care services.*
- *A physician assistant with a retired active license shall report one hundred hours of continuing education at every renewal.*

- **Physicians.**

A physician with a retired active license may practice only in emergent or intermittent circumstances. The COVID-19 crisis meets that definition.

The following sections¹⁷ are those that the WMC proposes to waive beginning on February 29, 2020, based on the Governor's emergency Proclamation 20-05. The WMC proposes that the waivers will remain in effect until withdrawn by the commission or until the Governor issues a proclamation declaring the termination of the state of emergency declared by Proclamation 20-05, as amended by any subsequent amendatory proclamations, whichever is earlier:

- *A physician with a retired active license may not receive compensation for health care services;*
- *Physicians with a retired active license must renew every two years and must report one hundred hours of continuing medical education at every renewal.*

- **Providers out of Practice for Three Years or Longer.**

As for providers who have been out of practice for three years or longer, the Commission will generally need to see some kind of evidence that the provider has kept current with medical knowledge.¹⁸ In addition, the Commission may require an individual to pass the Special Purpose Examination (SPEX) given by the Federation of State Medical Boards.

¹⁵ WAC 246-918-175(5).

¹⁶ WAC 246-918-175(3) and (6).

¹⁷ WAC 246-919-480(2) and (4).

¹⁸ <https://wmc.wa.gov/resources/faq> (WMC FAQ page, Physician and Surgeon (MD)); WAC 246-919-370 (Special purpose examination).

The DOH has advised that online processing may not be available for practitioners seeking to reactivate a previous license. These requests will need to be completed as paper applications sent with the fee to:

Department of Health

P.O. Box 1099

Olympia, WA 98507-1099

<https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate>

○ **Emergency Volunteer Health Practitioners.**

Emergency Volunteer Health Practitioner Act – RCW 70.15 applies to volunteer health practitioners registered with a registration system¹⁹ under state law and who provide health or veterinary services in Washington State for a host entity while an emergency declaration is in effect. The Department of Health is supporting enrollment and activation of emergency volunteer health practitioners for the COVID-19 response.²⁰ See COVID-19 Guidance sheet regarding practitioners from other states.

<https://content.govdelivery.com/accounts/WAMC/bulletins/2809de0>

This information should be modified based on individual circumstances, professional judgment, and local resources. This document is provided for educational purposes and is not intended to establish guidelines or standards of care. Any recommendations contained within the document is not intended to be followed in all cases and does not provide any medical or legal advice.

Our risk management services and expertise helps members reduce their risk of exposure through customized and collaborative consultation, education, and targeted risk management offerings.

¹⁹ The registration system must comply with RCW 70.15.040

²⁰<https://www.doh.wa.gov/Emergencies/NovelCoronavirusOutbreak2020/HealthcareProviders/EmergencyVolunteerHealthPractitioners> (DOH, Emergency Volunteer Health practitioners – permissible while an emergency proclamation of the Governor is in effect)

