



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: August 01, 2023

TIME: 1:11 PM

WSR 23-16-128

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 22-23-003; 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) Health equity continuing education for Certified Counselors and Certified Advisers under chapter 246-810 WAC, Counselors.

The Department of Health (department) is proposing to amend WAC 246-810-027 and 246-810-0298 and create new section WAC 246-810-0299 to establish health equity continuing education (CE) requirements and implement Engrossed Substitute Senate Bill (ESSB) 5229 (chapter 276, Laws of 2021).

Additionally, proposed amendments to WAC 246-810-027 and 246-810-0298 will clarify and streamline rule language without changing its effect.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 13, 2023	12:30 pm	The public hearing will be virtual, without a physical meeting space. Register in advance for this webinar: https://us02web.zoom.us/join/register/WN_IKWoAdhRS-2R_1ETAHvsCw	
		After registering, you will receive a confirmation email containing information about joining the webinar.	

Date of intended adoption: 9/20/23 (Note: This is NOT the effective date)

Submit written comments to:

Name: Ted Dale
Address: Office of Health Professions
PO Box 47850
Olympia, WA 98504
Email: <https://fortress.wa.gov/doh/policyreview>
Fax: N/A

Assistance for persons with disabilities:

Contact: Ted Dale
Phone: 360-236-2991
Fax: N/A
TTY: 711

Other: www.doh.wa.gov

By (date) 9/13/23

Email: ted.dale@doh.wa.gov

Other: www.doh.wa.gov

By (date) 8/30/23

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

RCW 43.70.613(3)(b) directs the rule-making authority for each health profession licensed under Title 18 RCW that is subject to continuing education to adopt rules requiring a licensee to complete health equity continuing education training at least once every four years. The statute also directs the department to create model rules establishing the minimum standards for health equity CE programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167. Any rules developed for the department must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The department is proposing to amend WAC 246-810-027 and create new section WAC 246-810-0299 to implement ESSB 5229. The department is proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for certified counselors and certified advisers to comply with RCW 43.70.613.

The proposed rule adds two hours of health equity education, as required in the model rules, to be completed as part of the current continuing education requirements every four years. The proposed rule does not change total CE hours but requires two hours in health equity CE every four years, which is absorbed into the existing number of CE hours required. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession.

Additionally, the department is proposing amendments to clarify and streamline WACs 246-810-027 and 246-810-0298. These proposed amendments will remove unnecessary or outdated details about the required suicide prevention trainings.

Reasons supporting proposal:

The goal of health equity CE is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of health equity trainings includes implicit bias trainings to identify strategies to reduce bias during assessment and diagnosis in an effort to address structural factors, such as bias, racism, and poverty, that manifest as health inequities.

Two hours of training allows individuals to gain a foundation in health equity that can have an immediate positive impact on the professional's interaction with those receiving care. Health equity training enables health care professionals to care effectively for patients from diverse cultures, groups, and communities, varying race, ethnicity, gender identity, sexuality, religion, age, ability, socioeconomic status, and other categories of identity. The two hours of health equity CE credits may be earned as part of the health professional's existing CE requirements, therefore not requiring completion of additional CE hours.

Statutory authority for adoption: RCW 43.70.613 and 18.19.050

Statute being implemented: RCW 43.70.613, ESSB 5229 (chapter 276, Laws of 2021)

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes 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) Department of Health

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Ted Dale	111 Israel Road, S.E., Tumwater, WA 98501	(360) 236-2991
Implementation:	Ted Dale	111 Israel Road, S.E., Tumwater, WA 98501	(360) 236-2991
Enforcement:	Ted Dale	111 Israel Road, S.E., Tumwater, WA 98501	(360) 236-2991

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: Ted Dale

Address: Office of Health Professions
PO Box 47850
Olympia, WA 98504

Phone: (360) 236-2991

Fax: N/A

TTY: 711

Email: ted.dale@doh.wa.gov

Other:

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: Requirements apply to behavioral health care providers, not businesses.

(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: 7/28/2023

Name: Kristen Peterson, JD for Umair A. Shah MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:

