



# 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: June 06, 2023

TIME: 8:44 PM

WSR 23-12-095

**Agency:** Department of Health – Board of Massage

**Original Notice**

**Supplemental Notice to WSR**

**Continuance of WSR**

**Preproposal Statement of Inquiry was filed as WSR 23-01-132 ; 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:** WAC 246-830-475 Continuing education requirements. The Board of Massage (board) in coordination with the Department of Health (department) is proposing amendments to WAC 246-830-475 to establish health equity continuing education (CE) requirements to implement Engrossed Substitute Senate Bill 5229 (ESSB 5229).

**Hearing location(s):**

<b>Date:</b>	<b>Time:</b>	<b>Location: (be specific)</b>	<b>Comment:</b>
07/14/2023	9:00 a.m.	Lacey Community Center 6729 Pacific Ave SE Lacey, WA 98503  You must register in advance for the virtual portion of the hearing:  <a href="https://us02web.zoom.us/webinar/register/WN_DQKnDshwQfqOXti-viyJ52g#/registration">https://us02web.zoom.us/webinar/register/WN_DQKnDshwQfqOXti-viyJ52g#/registration</a>  After registering, you will receive a confirmation email containing information about joining the webinar.	The public hearing will be hybrid. Participants can attend in-person at the physical location or virtually by registering via Zoom.

**Date of intended adoption:** 07/14/2023 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Megan Maxey  
Address: Department of Health  
PO Box 47852  
Olympia, WA 98504-7852  
Email: megan.maxey@doh.wa.gov  
Fax: 360-236-2901  
Other: <https://fortress.wa.gov/doh/policyreview/>  
By 07/07/2023

**Assistance for persons with disabilities:**

Contact: Megan Maxey  
Phone: 360-236-4945  
  
Fax: 360-236-2901  
TTY: 711  
Email: megan.maxey@doh.wa.gov  
Other:  
By (date) June 30, 2023

**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 of Health (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 massage practitioners must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The board and department are proposing an amendment to WAC 246-830-475 to implement ESSB 5229. The board and department are proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for massage therapy to comply with RCW 43.70.613.

The proposed rule adds four hours of health equity education to be completed as part of the current continuing education requirements every two years. The proposed rule does not change total CE hours but requires four hours in health equity CE every two 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.

**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 training to identify strategies to reduce bias during assessment and diagnosis in an effort to address structural factors, such as bias, racism, and poverty, that manifests as health inequities.

Four 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 four 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. The decision to require four hours rather than two was based on the number of hours the board and department believe a massage practitioner needs to gain a basic understanding of health equity to provide safe and equitable healthcare treatment to a diverse population.

**Statutory authority for adoption:** RCW 43.70.613 and RCW 18.108.025

**Statute being implemented:** RCW 43.70.613

**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 and Board of Massage

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Megan Maxey	111 Israel Road SE, Tumwater, WA 98501	360-236-4945
Implementation:	Megan Maxey	111 Israel Road SE, Tumwater, WA 98501	360-236-4945
Enforcement:	Megan Maxey	111 Israel Road SE, Tumwater, WA 98501	360-236-4945

**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: Megan Maxey  
Address: Department of Health  
PO Box 47852  
Olympia, WA 98504-7852  
Phone: 360-236-4945  
Fax: 360-236-2901  
TTY: 711  
Email: [megan.maxey@doh.wa.gov](mailto:megan.maxey@doh.wa.gov)  
Other: [message.therapy@doh.wa.gov](mailto:message.therapy@doh.wa.gov)

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:

**(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:** June 6, 2023

**Name:** Heidi Williams, LMT | Todd Mountin, PMP

**Title:** Board of Massage Chairperson | DOH Deputy Chief of Policy

**Signature:**

Handwritten signatures of Heidi Williams and Todd Mountin in blue ink.

**WAC 246-830-475 Continuing education requirements.** (1) To renew a license, a massage therapist must complete (~~twenty-four~~) 24 hours of continuing education every two years, as provided in (~~chapter 246-12-WAC, Part 7~~) WAC 246-12-170 through 246-12-240. Continuing education must be provided by an individual who has at least three years of professional experience in the subject area being taught. Massage therapists have a duty to ensure the continuing education they complete meets the requirements in this section.

(2) The following categories of continuing education are mandatory:

(a) A minimum of eight hours must be in person and directly supervised involving the participation of the direct application of massage therapy as defined in RCW 18.108.010; and

(b) A minimum of four hours must be in professional ethics, client or patient communication, professional roles and boundaries, or Washington state massage laws and rules. Two of the four hours may be met by attending board of massage meetings in person. A maximum of one hour is allowed per board meeting; and

(c) A minimum of four hours must be in health equity continuing education training as described in WAC 246-12-800 through 246-12-830; and

(d) Maintenance of certification in American Heart Association CPR or equivalent. A maximum of four hours is allowed per reporting period.

(3) For the purposes of this chapter, the remaining hours of continuing education are defined as any of the following activities reasonably related to massage therapy knowledge, skills, and business practices:

(a) Documented attendance at a local, state, national, or international continuing education class, program or conference;

(b) First aid certification or emergency related courses;

(c) Self-study through the use of multimedia devices or the study of books, research materials, or other publications.

The required documentation for this activity is a one page, single spaced, (~~twelve~~) 12 point font synopsis of what was learned written by the licensee. The time spent writing the synopsis is not reportable. Two hours of credit is allowed per report, and no more than two separate reports may be submitted per reporting period;

(d) Teaching a course for the first time;

(e) Business and management courses;

(f) Distance learning. Distance learning includes, but is not limited to, correspondence course, multimedia or webinar, print, audio or video broadcasting, audio or video teleconferencing, computer aided instruction, e-learning or on-line-learning, or computer broadcasting or webcasting; or

(g) Active service on boards or participation in professional or government organizations specifically related to the practice of massage.

(4) A massage therapist must provide acceptable documentation of continuing education upon request or audit. Acceptable forms of documentation include, but are not limited to:

(a) Transcripts;

- (b) A letter from the course instructor or the organization providing the continuing education;
- (c) Certificate of attendance or completion; or
- (d) Other formal documentation that includes the following:
  - (i) Participant's name;
  - (ii) Course title;
  - (iii) Course description;
  - (iv) Date or dates of course;
  - (v) Number of hours;
  - (vi) Indication of being an in-person course, self-study as referenced in subsection (3)(c) of this section, or distance learning as referenced in subsection (3)(f) of this section;
  - (vii) Instructor's name or sponsor organization name or names;
  - (viii) Instructor or sponsor contact information; and
  - (ix) Signature of the program sponsor or course instructor. The self-study allowed in subsection (3)(c) of this section is exempt from this requirement.
- (5) Massage therapists who maintain an active status Washington state massage license must meet all continuing education requirements regardless of whether they reside or practice in Washington state.