



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 06, 2023

TIME: 5:17 PM

WSR 23-12-091

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 22-24-002 ; 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) Genetic Counselor Health Equity Continuing Education. The Department of Health (department) is proposing amending WAC 246-825-110, continuing education (CE), to implement Engrossed Substitute Senate Bill 5229 (chapter 276, Laws 2021) adding health equity CE to licensure requirements for genetic counselors. The department is also proposing technical changes or changes to improve clarity.

Hearing location(s):

Date:
July 17, 2023

Time:
12:30pm

Location: (be specific)
The Department of Health will be holding a virtual only hearing.

During this time the Department of Health will be conducting three rule hearings. The department will be accepting verbal comments for the following professions regarding health equity continuing education:

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_JHDA-rojTf2iekDOHH3Mhw

WAC 246-824-075 Dispensing Opticians
WAC 246-825-110 Genetic Counselors
WAC 246-850-140 Orthotics and Prosthetics

After registering, you will receive a confirmation email containing information about joining the webinar.

Date of intended adoption: 7/24/2023 (Note: This is NOT the effective date)

Submit written comments to:

Name: Kim-Boi Shadduck, Program Manager,
Genetic Counselors

Address: Department of Health
PO Box 47852
Olympia, WA 98504-7852

Email: <https://fortress.wa.gov/doh/policyreview>

Fax: 360-236-2901

Other:

By (date) 7/17/2023

Assistance for persons with disabilities:

Contact Kim-Boi Shadduck

Phone: 360-236-2912

Fax:

TTY: 711

Email: kimboi.shadduck@doh.wa.gov

Other:

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

The department is amending WAC 246-825-110 to include two hours of CE in health equity within the total of 75 CE hours required for by genetic counselors every three years. The proposed rules adopt the model health equity CE rules established by the department by adding the required two hours in health equity CE to the existing number of CE hours required for genetic counselors without changing the existing total number of required CE hours.

Reasons supporting proposal: Engrossed Substitute Senate Bill 5229 (ESSB 5229) (Chapter 276, Laws 2021), codified as RCW 43.70.613, directs the rule-making authority for each health profession licensed under Title 18 RCW, subject to CE, to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The statute also directs the department to establish model rules creating minimum standards for health equity CE training programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167. The proposed rules developed for genetic counselors in WAC 246-825-110 exceeds standards in the model rules found at WAC 246-12-800 through 246-12-830 by requiring the two hours every three years to match the current CE interval of the profession. By allowing genetic counselors as part of their existing CE requirements and aligning it with the existing three-year CE interval makes it less burdensome on the profession.

Statutory authority for adoption: RCW 18.290.020, RCW 43.70.613, RCW 43.70.040, RCW 18.130.040

Statute being implemented: Engrossed Substitute Senate Bill 5229 (ESSB 5229) (Chapter 276, Laws 2021), codified as 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

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|---|-------------------------------------|--------------|
| Drafting: Kim-Boi Shadduck, Program Manager | 111 Israel Rd SE Tumwater, WA 98501 | 360-236-2912 |
| Implementation: Kim-Boi Shadduck, Program Manager | 111 Israel Rd SE Tumwater, WA 98501 | 360-236-2912 |
| Enforcement: Kim-Boi Shadduck, Program Manager | 111 Israel Rd SE Tumwater, WA 98501 | 360-236-2912 |

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: Kim-Boi Shadduck, Program Manager

Address: Department of Health
 PO Box 47852-7852
 Olympia, WA 98507

Phone: 360-236-2912

Fax: 360-236-2901

TTY: 711

Email: kimboi.shadduck@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)(c)

(Incorporation by reference)

[RCW 34.05.310](#) (4)(d)

(Correct or clarify language)

[RCW 34.05.310](#) (4)(e)

(Dictated by statute)

[RCW 34.05.310](#) (4)(f)

(Set or adjust fees)

[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: Todd Mountin, PMP for Umair A. Shah, MD, MPH

Title: Deputy Chief of Policy for Secretary of Health

Signature:

A handwritten signature in black ink, appearing to read "Todd Mountin". The signature is written in a cursive style with a large initial "T" and "M".