



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: July 18, 2023

TIME: 7:50 AM

WSR 23-15-083

Agency: Chiropractic Quality Assurance Commission

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 22-22-088 ; 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: Health equity continuing education for chiropractors in WAC 246-808-150. The Chiropractic Quality Assurance Commission is proposing amendments to the current rule to establish health equity continuing education (CE) requirements to implement Engrossed Substitute Senate Bill 5229 (ESSB 5229), and other housekeeping changes.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 14, 2023	9:20 AM	<p>The Chiropractic Quality Assurance Commission will provide a virtual and a physical location for this hearing.</p> <p>Physical location: Department of Labor & Industries 7273 Linderson Way SW Tumwater, WA 98501</p> <p>Virtual: This meeting will be accessible virtually using Microsoft Teams.</p> <p>Join on your computer, mobile app or room device:</p> <p>https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F%2Fmeetup-join%2F19%253ameeting_NmU5ZTI4NjMtYjJjMC00ZGZiLTk3NzctNzFjYjc4YTYzNWUy%2540thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252211d0e217-264e-400a-</p>	This meeting will be held as a hybrid meeting option.

	<p>8ba0-57dcc127d72d%2522%252c%2522Oid%2522%253a%2522842fd80d-c544-49c8-bc06-392ac3b3c17b%2522%257d&data=05%7C01%7Cbetty.moe%40doh.wa.gov%7Cf8c9d952792a466997ea08db5c17dcf3%7C11d0e217264e400a8ba057d cc127d72d%7C0%7C0%7C638205029779058862%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVC16Mn0%3D%7C3000%7C%7C%7C&sdata=JGRyt1qq8R0pkthharSxUcjLwrGegPSa8EkCDxzX0U8%3D&reserved=0</p> <p>Meeting ID: 278 840 993 215 Passcode: hoLV9W Download Teams Join on the web</p> <p>Or call in (audio only) +1 564-999-2000,,228461156# United States, Olympia Phone Conference ID: 228 461 156#</p>	
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Date of intended adoption: September 14, 2023

<p>Submit written comments to: Name: Betty J. Moe, Regulatory Analyst Address: PO Box 47858, Olympia, WA 98504-7858 Email: Betty.Moe@doh.wa.gov Fax: None Other: cqac@doh.wa.gov By (date): September 7, 2023</p>	<p>Assistance for persons with disabilities: Contact: Betty J. Moe Phone: (360) 236-2868 Fax: None. TTY: 711 Email: cqac@doh.wa.gov Other: By (date) <u>August 31, 2023</u></p>
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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 the Chiropractic Quality Assurance Commission must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The Chiropractic Quality Assurance Commission (Commission) is proposing amendments to, WAC 246-808-150, to implement ESSB 5229. The Commission is proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for chiropractors 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.

In addition to the adoption of the model rules. Housekeeping has been completed throughout the rule. These updates were necessary for consistency throughout the rule section. As part of the housekeeping changes, the proposed rule language adds "live-remote webinars" to the list of multimedia chiropractic education programs. This list is not a comprehensive list; this language was added for clarity, without changing the requirements of the rule.

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 include instruction on skills to address structural factors, such as bias, racism, and poverty, that manifests 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, RCW 18.25.070

Statute being implemented: RCW 43.70.613, RCW 18.25.070

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) Chiropractic Quality Assurance Commission

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Betty J. Moe	111 Israel Road SE, Tumwater, WA 98501	360-236-2868
Implementation:	Betty J. Moe	111 Israel Road SE, Tumwater, WA 98501	360-236-2868
Enforcement:	Betty J. Moe	111 Israel Road SE, Tumwater, WA 98501	360-236-2868

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: Betty J. Moe
- Address: PO Box 47858, Olympia, WA 98504-7858
- Phone: 360-236-2868

Fax: None
TTY: 711
Email: Betty.Moe@doh.wa.gov
Other: CQAC@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: 07/07/2023

Name: Robert Nicoloff

Title: Executive Director

Signature:

A handwritten signature in black ink, appearing to read "Robert Nicoloff", written in a cursive style.

WAC 246-808-150 Commission approved continuing education. (1) A chiropractor must demonstrate completion of ~~((twenty-five))~~ 25 hours of continuing education each annual renewal cycle as required by RCW 18.25.070 and ~~((chapter 246-12 WAC, Part 7))~~ WAC 246-12-170 through 246-12-240. The required continuing education must be obtained during the period between renewals.

(2) A chiropractor must attest to completion of the continuing education requirement upon renewal. If the first renewal period is less than one full year from the date of licensure, no continuing education will be due for the first renewal period.

(3) A chiropractor in active status who resides and practices outside Washington must meet all the requirements.

(4) A chiropractor is not required to obtain prior approval of any continuing education.

(5) The commission approves the following subject material within the scope of practice for continuing chiropractic education credit:

(a) Diagnosis and treatment of the spine or extremity articulations within the scope of practice;

(b) X-ray/diagnostic imaging;

(c) Adjustive technique;

(d) Detection of a subluxation;

(e) Physical examination;

(f) Hygiene;

(g) Symptomatology;

(h) Neurology;

(i) Pathology;

(j) Orthopedics;

(k) Patient/case management, documentation, coding;

(l) Impairment within the scope of practice;

(m) CPR (not to exceed a total of four hours);

(n) Dietary and nutrition advice;

(o) Chiropractic philosophy; and

(p) Governmental regulations relevant to chiropractic and public health (not to exceed a total of ~~((twelve))~~ 12 hours).

(6) Suicide screening and referral.

(a) As part of the continuing education requirements, a chiropractor must obtain a one-time, three-hour training in suicide screening and referral from a qualified suicide prevention training program. The training must be completed during the first full reporting period after initial licensure.

~~((a))~~ (b) A qualified training program is empirically supported training in suicide screening and referral that is at least three hours in length and may be provided in one or more sessions.

~~((b))~~ (c) The hours spent completing a training program in suicide screening and referral under this section count toward meeting any applicable continuing education requirements.

~~((c) Effective July 1, 2017,))~~ (d) In order to meet the suicide screening and referral training requirements, a chiropractor must obtain the three-hour training in suicide screening and referral from a qualified suicide prevention training program identified on the department of health's model list as required under RCW 43.70.442.

~~((d))~~ (e) Nothing in this subsection is intended to expand or limit the chiropractic scope of practice.

(7) Health equity requirements.

(a) Beginning January 1, 2024, as part of the continuing education requirements, a chiropractor must complete a minimum of two hours of training in health equity every four years in accordance with WAC 246-12-800 through 246-12-830.

(b) Hours spent completing health equity continuing education under this section count toward meeting the continuing education requirement(s) for chiropractors for renewal.

(8) Subject matter not approved for continuing education credit:

(a) Subject matter not directly relating to the chiropractic clinical scope of practice; and

(b) Conduct prohibited by Washington state statutes or rules governing chiropractic practice.

~~((8))~~ (9) A chiropractor may earn a maximum of ~~((twelve))~~ 12 hours for:

(a) Completing a multimedia chiropractic education program, which includes, but is not limited to, the internet, teleseminars, employer led training, live remote webinars, and audio or video presentations.

(b) Serving as teachers or lecturers in continuing education programs approved under subsection (5) of this section. A chiropractor may receive credit on the same basis as those attending the program.

~~((9))~~ (10) The commission may randomly audit license holders for compliance. A chiropractor must provide acceptable documentation of attendance upon commission request or audit. Acceptable forms of documentation include:

(a) Transcripts;

(b) Written documentation from the course instructors;

(c) Certificate of completion indicating the name of the course, date(s) of the course, and the number of credit hours completed; or

(d) Other formal documentation which includes:

(i) Participant's name;

(ii) Course title;

(iii) Course content;

(iv) Date(s) of course;

(v) Number of credit hours completed;

(vi) Instructor's name(s); and

(vii) Signature of the program sponsor or course instructor. Multimedia courses are exempt from the signature requirement.

~~((10))~~ (11) A sponsor offering a continuing chiropractic education program does not need prior commission approval for a formal continuing education program. The number of creditable hours may be determined by counting the contact hours of instruction. A credit hour for time actually spent in a course cannot be less than ~~((fifty))~~ 50 minutes as required in ~~((chapter 246-12 WAC, Part 7))~~ WAC 246-12-220.

~~((11))~~ (12) The commission may grant exemptions or time extensions on an individual basis~~((r))~~ if a licensee fails to meet continuing education requirements due to illness, retirement, or other extenuating circumstances.