



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 27, 2023

TIME: 2:44 PM

WSR 23-16-070

Agency: Department of Health - Pharmacy Quality Assurance Commission

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-01-113 ; 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 pharmacists and pharmacy technicians, WAC 246-945-178 and 246-945-220. The Pharmacy Quality Assurance Commission (commission) is proposing amendments to WAC 246-945-178 and 246-945-220 to establish health equity continuing education (CE) requirements to implement Engrossed Substitute Senate Bill (ESSB) 5229 (chapter 276, Laws of 2021).

Hearing location(s):

Date:

Time:

Location: (be specific)

Comment:

10/19/2023

10:30 a.m.

Physical location:
Labor & Industries Building
7273 Linderson Way SW
Tumwater, WA 98501

Virtual:
Please download and import the following iCalendar (.ics) fields to your calendar system.

Daily:
https://us02web.zoom.us/webinar/tZwvcu-orjooGdL0ucE3WWkJLsRorLzko_bx/ics?icsToken=98tyKuGgrD4sGtSUshqBRpw-AI_4M_TziH5BjadxzArmJnNkVQj_cGvFwPaBTCtPf

Topic: PQAC Business Meeting 2023

To access the meeting on October 19, 2023 at 9 a.m., go to <https://zoom.us/join> or <https://us02web.zoom.us/j/88256001236> and use the Webinar ID 861 1495 8466

	<p>The access options include one tap mobile: US: +12532158782,,86114958466# or +16699009128,,86114958466#</p> <p>Or Telephone: Dial(for higher quality, dial a number based on your current location): US: +1 253 215 8782 or +1 669 900 9128 or +1 346 248 7799 or +1 669 444 9171 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592 or +1 312 626 6799 Webinar ID: 861 1495 8466</p> <p>International numbers available: https://us02web.zoom.us/j/86114958466</p>	
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Date of intended adoption: 10/19/2023 (Note: This is **NOT** the effective date)

<p>Submit written comments to:</p> <p>Name: Joshua Munroe Address: PO Box 47852 Olympia, WA 98504-7852 Email: https://fortress.wa.gov/doh/policyreview Fax: 360-236-2901 Other: N/A By (date) 10/5/2023</p>	<p>Assistance for persons with disabilities:</p> <p>Contact Joshua Munroe Phone: 360-502-5058 Fax: 360-236-2901 TTY: 711 Email: PharmacyRules@doh.wa.gov Other: N/A By (date) 10/12/2023</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 commission must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The commission is proposing amending WAC 246-945-178 and 246-945-220 to implement ESSB 5229. The commission is proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for pharmacists and pharmacy technicians to comply with RCW 43.70.613.

The proposed rule adds one hour of health equity education every two years, coinciding with the license renewal cycles for both pharmacists and pharmacy technicians. This satisfies the minimum requirements established in the model rules, which states that two hours of health equity CE must 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.

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 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 manifests as health inequities.

Health equity CE 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 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, 18.64.005, and 18.64A.020

Statute being implemented: ESSB 5229 (chapter 276, Laws of 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) Pharmacy Quality Assurance Commission

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Joshua Munroe	111 Israel Rd SE, Tumwater, WA 98501	360-502-5058
Implementation:	Joshua Munroe	111 Israel Rd SE, Tumwater, WA 98501	360-502-5058
Enforcement:	Marlee O'Neill	111 Israel Rd SE, Tumwater, WA 98501	360-480-9108

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: Joshua Munroe

Address: PO Box 47852 Olympia, WA 98504-7852

Phone: 360-502-5058

Fax: 360-236-2901

TTY: 711

Email: PharmacyRules@doh.wa.gov

Other: N/A

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: 7/27/2023

Name: Kenneth Kenyon, PharmD, MBA

Title: Pharmacy Quality Assurance Commission Chair

Signature:

Place signature here



AMENDATORY SECTION (Amending WSR 21-04-145, filed 2/3/21, effective 12/1/21)

WAC 246-945-178 Pharmacist continuing education. (1) As part of the process to renew a pharmacist license, a pharmacist shall complete ~~((CPE))~~ continuing education in compliance with this section.

(2) A pharmacist shall complete the equivalent of ~~((3.0 of CPE hours (equal to thirty contact hours) administered by an ACPE accredited provider each license renewal cycle))~~ 30 hours of continuing education each license renewal cycle. The 30 hours of continuing education must be delivered by a continuing education provider accredited by ACPE, except as provided for in subsections (4) and (5) of this section.

(3) A pharmacist shall register with a program designated by the commission for tracking completed CPE hours.

(4) A pharmacist shall complete a one-time training in suicide screening and referral by the end of the first full renewal cycle after initial licensure. The training must meet the following requirements:

(a) Be at least three hours long;

(b) Be from the ~~((department of health's))~~ department's model list of approved suicide prevention training programs, and include content related to imminent harm via lethal means; and

(c) The hours spent completing the training in this subsection may count toward meeting CPE requirements.

(5) ~~((CPE))~~ A pharmacist shall complete at least one hour of health equity training as described in WAC 246-12-830 each license renewal cycle.

(a) Health equity training may be provided by a continuing education provider accredited by ACPE or by a health equity training program contained on the department's list of approved health equity training programs.

(b) The hours spent completing health equity training will count toward meeting continuing education requirements.

(6) Continuing education hours cannot be carried over to the next renewal cycle.

AMENDATORY SECTION (Amending WSR 21-04-145, filed 2/3/21, effective 12/1/21)

WAC 246-945-220 Pharmacy technician—Continuing education. (1) As part of the process to renew a pharmacy technician license, a pharmacy technician shall complete continuing ~~((pharmacy))~~ education ~~((CPE))~~ in compliance with this section.

(2) A pharmacy technician shall complete ~~((2.0 CPE))~~ 20 hours ~~((equal to twenty contact hours) administered by an ACPE accredited program each certification renewal period.~~

~~(3))~~ of continuing education each certification renewal cycle. The 20 hours of continuing education must be presented by a continuing education provider accredited by ACPE, except as provided in subsection (3) of this section.

(3) A pharmacy technician shall complete at least one hour of health equity training as described in WAC 246-12-830 each certification renewal period.

(a) Health equity training may be provided by a continuing education provider accredited by ACPE or by a health equity training program contained on the department's list of approved health equity training programs.

(b) The hours spent completing health equity training will count toward meeting continuing education requirements.

(4) A pharmacy technician shall register with a program designated by the commission for tracking completed CPE hours.

(~~(4) CPE~~) (5) Continuing education hours cannot be carried over to the next renewal cycle.