



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: August 01, 2023

TIME: 11:24 AM

WSR 23-16-120

Agency: Department of Health – Board of Optometry

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR 23-15-107
- Preproposal Statement of Inquiry was filed as WSR 23-01-076; 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 optometrists. The Board of Optometry (board) is proposing new section, WAC 246-851-225, to establish health equity continuing education (CE) to implement Engrossed Substitute Senate Bill 5229 (chapter 276, Laws 2021).

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
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09/08/2023	9:00am	<p>In Person: Labor & Industries 7273 Linderson Way S.W., Room S119 Tumwater, WA 98501</p> <p>Link to Virtual Meeting: https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODQ3NzA2NDEtNDI5Yi00ZTYyLThiODctMmVkMDU3ZmE2OTkx%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22b0a413cc-861e-438f-ad33-52df6d9a4283%22%7dMicrosoft Teams meeting Join on your computer, mobile app or room device Join the meeting Meeting ID: 286 469 743 295 Passcode: BLEXQT Download Teams Join on the Web Or call in (audio only) +1 564-999-2000,,893212425# United States, Olympia 833) 322-1218,,893212425# United States (Toll-free) Phone Conference ID: 893 212 425# Find a local number Reset PIN</p>	
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Date of intended adoption: 9/8/2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Assistance for persons with disabilities:

Name: Kristina Bell, Program Manager	Contact _Kristina Bell, Program Manager
Address: Department of Health PO Box 47852 Olympia, WA 98504-7852	Phone: 360-236-4841
Email: https://fortress.wa.gov/doh/policyreview	Fax: 360-236-2901
Fax: 360-236-2901	TTY: 711
Other:	Email: Kristina.bell@doh.wa.gov
By (date) 08/30/2023	Other:
	By (date) 09/01/2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this filing is to correct the physical location of the public hearing and correct the time of day.

Reasons supporting proposal: N/A

Statutory authority for adoption: N/A

Statute being implemented: N/A

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Type of proponent: Private Public Governmental
Name of proponent: (person or organization)

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: N/A		

Implementation: N/A

Enforcement: N/A

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:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 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:

- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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: 07/31/23

Name: William Prothero, OD

Title: Board of Optometry Chairperson

Signature:

A handwritten signature in black ink that reads "William Prothero OD". The signature is written in a cursive style with a large, looped initial 'W'.