



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: August 21, 2023

TIME: 11:14 AM

WSR 23-17-129

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 22-23-002; 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)

Health equity continuing education for substance use disorder professionals (SUDP) under chapter 246-811 WAC, Substance Use Disorder Professionals and Substance Use Disorder Professionals Trainees.

The Department of Health (department) is proposing to amend WAC 246-811-220, 246-811-240, and 246-811-280 and to create new section WAC 246-811-290 to establish health equity continuing education (CE) requirements and implement Engrossed Substitute Senate Bill (ESSB) 5229 (chapter 276, Laws of 2021).

Additionally, the department is proposing amendments to clarify and streamline the rules without changing their effect.

Hearing location(s):

Date: Time: Location: (be specific) Comment:

Date:	Time:	Location: (be specific)	Comment:
10/3/23	1:00 pm	A virtual public hearing, without a physical meeting space, will be held. Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_rdw_8mGjQXKP79z2V_u0Sg After registering, you will receive a confirmation email containing information about joining the webinar.	

Date of intended adoption: 10/16/23 (Note: This is NOT the effective date)

Submit written comments to:

Name: Ted Dale
Address: Office of Health Professions, PO Box 47850,
Olympia, WA 98504
Email: <https://fortress.wa.gov/doh/policyreview>
Fax: N/A

Assistance for persons with disabilities:

Contact: Ted Dale
Phone: 360-236-2991
Fax: N/A
TTY: 711

Other: www.doh.wa.gov
By 10/3/23

Email: ted.dale@doh.wa.gov
Other: www.doh.wa.gov
By 9/19/23

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 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 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 department must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The department is proposing to amend WAC 246-811-240 and create new section WAC 246-811-290 to implement ESSB 5229. The department is proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for SUDPs 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 CE 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.

Additionally, the department is proposing amendments to update, clarify, and streamline WACs 246-811-220, 246-811-240, and 246-811-280.

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 manifest 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.

Other amendments are necessary to removed outdated language and clarify intent.

Statutory authority for adoption: RCW 43.70.613 and 18.205.060

Statute being implemented: RCW 43.70.613, ESSB 5229 (chapter 276, Laws of 2021)

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: 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:	Ted Dale	111 Israel Road, S.E., Tumwater, WA 98501	(360) 236-2991
Implementation:	Ted Dale	111 Israel Road, S.E., Tumwater, WA 98501	(360) 236-2991
Enforcement:	Ted Dale	111 Israel Road, S.E., Tumwater, WA 98501	(360) 236-2991

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: Ted Dale
Address: Office of Health Professions
PO Box 47850
Olympia, WA 98504
Phone: 360-236-2991
Fax: N/A
TTY: 711
Email: ted.dale@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:

- | | |
|---|---|
| <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 checked="" 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: Removes out of date references. Requirements apply to health care providers, not businesses.

(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: August 21, 2023

Name: Kristin Peterson, JD for Umair A. Shah MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:



AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-811-220 Continuing competency program requirements. A substance use disorder professional, regardless of method of certification, must complete:

- (1) An enhancement plan as described in WAC 246-811-200(7);
- (2) Twenty-eight hours of continuing education as described in WAC 246-811-240; and
- (3) Twelve hours of other professional development activities as described in WAC ((~~246-811-047 and 246-811-200(2)~~) 246-811-200(7) and 246-811-260.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-811-240 Number of continuing education hours required.

(1) A certified substance use disorder professional must complete ((~~twenty-eight~~) 28 hours of continuing education (CE) every two years.

(a) At least ((~~fourteen~~) 14 hours must be completed in one or more of the topic areas as described in WAC 246-811-030 ((~~2~~) (3)(a) through (w).

(b) At least four hours must be in professional ethics and law.

(c) The additional ((~~ten~~) 10 hours shall be in areas relating to the various phases of their professional career.

(d) The training in suicide assessment listed in subsection (2) of this section shall count towards meeting the CE requirements.

(e) The health equity training listed in WAC 246-811-290 shall count towards meeting the CE requirements.

(2) ((~~Beginning January 1, 2014, at least~~) Once every six years a certified substance use disorder professional must complete at least three hours of training in suicide assessment, including screening and referral, as specified in WAC 246-811-280.

(a) Except as provided in (b) of this subsection, the first training must be completed during the first full CE reporting period after ((~~January 1, 2014, or the first full CE period after~~) initial certification((~~, whichever occurs later~~)).

(b) An individual applying for initial certification as a substance use disorder professional ((~~on or after January 1, 2014,~~) may delay completion of the first required training for six years after initial certification if ((~~he or she~~) they can demonstrate completion of a three-hour training in suicide assessment, including screening and referral that:

(i) Was completed no more than six years prior to the application for initial certification; and

(ii) Meets the qualifications listed in WAC 246-811-280(1).

(3) After January 1, 2024, substance use disorder professionals are required to complete two hours of health equity training every four years as specified in WAC 246-811-290.

(4) Nothing in this section is intended to expand or limit the existing scope of practice of a certified substance use disorder pro-

fessional or certified substance use disorder professional trainee credentialed under chapter 18.205 RCW.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-811-280 Suicide assessment training standards. (1) A substance use disorder professional must complete a training in suicide assessment, including screening and referral. The training must be provided by a single provider and must be at least three hours in length, which may be provided in one or more sessions.

~~((a) Until July 1, 2017, the training must be approved by the American Foundation for Suicide Prevention; the Suicide Prevention Resource Center; an industry-recognized organization or an institution of higher learning listed in WAC 246-811-200; or an association which approves training programs based on observation and experiment or best available practices.~~

~~(b) Beginning July 1, 2017,)) The training must be on the department's model list for training programs in suicide assessment, treatment, and management which was developed in accordance with RCW 43.70.442. ((The model list is developed in accordance with rules adopted by the department that establish minimum standards for training programs. The establishment of the model list does not affect the validity of training completed prior to July 1, 2017.))~~

(2) A certified substance use disorder professional who is a state or local government employee is exempt from the requirements of this section if ~~((he or she))~~ they receive~~((s))~~ a total of at least three hours of training in suicide assessment, including screening and referral from ~~((his or her))~~ their employer every six years. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.

(3) A certified substance use disorder professional who is an employee of a community mental health agency licensed under chapter 71.24 RCW or a substance use disorder program certified under chapter 70.96A RCW is exempt from the requirements of this section if ~~((he or she))~~ they receive~~((s))~~ a total of at least three hours of training in suicide assessment, including screening and referral from ~~((his or her))~~ their employer every six years. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.

NEW SECTION

WAC 246-811-290 Health equity training standards. (1) Beginning January 1, 2024, a substance use disorder professional must complete training in health equity as part of their continuing competency program. The substance use disorder professional must complete at least two hours of health equity training every four years. The training may be in-person or virtual but must meet the course requirements in WAC

246-12-830, including strategies to reduce implicit bias and assess the provider's ability to apply health equity concepts into practice.

(2) The hours spent completing training in health equity education count towards the 28 total hours of continuing education.