



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 22, 2023

TIME: 12:36 PM

WSR 23-17-150

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-08-014 ; 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 the athletic trainer profession, WAC 246-916-060. The Department of Health (department) is proposing an amendment in rule 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:

September 26, 2023

11:00 AM

The Department of Health will provide a virtual only hearing.

Please register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_F1CXDc_4TvWypsA4y-QmXg

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

Date of intended adoption: October 3, 2023 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Allyson McIver, Program Manager

Address: PO Box 47877, Olympia WA 98504-7877

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

Fax:

Other:

By (date) September 26, 2023

Assistance for persons with disabilities:

Contact: Allyson McIver, Program Manager

Phone: 360-236-2878

Fax: 360-236-2901

TTY: 711

Email: allyson.mciver@doh.wa.gov

Other:

By (date) September 19, 2023

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

The department is proposing an amendment to WAC 246-916-060 to implement ESSB 5229. The proposal will adopt and meet the health equity model rules, WAC 246-12-800 through 246-12-830, for the athletic trainer profession to comply with RCW 43.70.613. The proposed rules add one hour of health equity education to be completed as part of the current continuing education requirements every two years. This meets the two hours of health equity education to be completed every four years required in the model rules. No additional topics are being added to the model rules requirements.

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.

The department believes in the importance of health equity training and that meeting the requirement of one hour every two years (equaling two hours every four years) allows individuals to develop a strong foundation in health equity with a more 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.

Statutory authority for adoption: RCW 18.250.020, 18.130.040, 43.70.040, and 43.70.613.

Statute being implemented: RCW 43.70.613

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: Allyson Mclver, Program Manager	111 Israel Rd SE, Tumwater, WA 98501	360-236-2878
Implementation: Allyson Mclver, Program Manager	111 Israel Rd SE, Tumwater, WA 98501	360-236-2878
Enforcement: Allyson Mclver, Program Manager	111 Israel Rd SE, Tumwater, WA 98501	360-236-2878

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: Allyson Mclver, Program Manager
Address: PO Box 47877, Olympia WA 98504-7877
Phone: 360-236-2878
Fax: 360-236-2901
TTY:

Email: allyson.mciver@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)(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: August 22, 2023

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

Title: Chief of Policy for Secretary of Health

Signature:

A handwritten signature in black ink, reading "Kristin Peterson". The signature is written in a cursive style with a large initial "K" and a long, sweeping underline.

WAC 246-916-060 Continuing education. The goal of continuing education is to promote continued competence, development of current knowledge and skills, and enhancement of professional skills and judgment. Continuing education activities must focus on increasing knowledge, skills, and abilities related to the practice of athletic training.

(1) A licensed athletic trainer shall complete a minimum of ~~((fifty))~~ 50 hours of continuing education every two years. At least ~~((ten))~~ 10 of those hours must include evidence-based practice as outlined in subsection ~~((+3))~~ (4) of this section. The remaining hours may be in categories listed in subsection ~~((+4))~~ (5) of this section.

(2) A licensed athletic trainer must complete one hour of health equity continuing education every two years. The goal of health equity continuing education is to equip health care workers with the skills to recognize and address health inequities in their daily work.

The minimum standards include instruction on skills to address the structural factors, such as bias, racism, and poverty, that manifest as health inequities. These skills include individual level and system-level intervention, and self-reflection to assess how the licensee's social position can influence their relationship with patients and their communities. These skills enable a health care professional to care effectively for patients from diverse cultures, groups, and communities, varying in race, ethnicity, gender identity, sexuality, religion, age, ability, socioeconomic status, and other categories of identity.

(a) This training must be completed by the end of the first full continuing education reporting period after January 1, 2024, or during the first full continuing education reporting period after initial licensure, whichever is later.

(b) Training must include content as listed in WAC 246-12-830 and RCW 43.70.613.

(c) The hours spent completing the training in health equity under this section will count toward meeting applicable continuing education requirements for athletic trainer license renewal.

(3) A licensed athletic trainer may alternatively meet the requirement of ~~((fifty))~~ 50 hours of continuing education if they hold a current certification from the board of certification for the athletic trainer (BOC). The required documentation is proof of certification during the two-year period.

~~((+3))~~ (4) At least ~~((ten))~~ 10 hours of evidence-based practice must be obtained during the two-year reporting period through any of the following activities:

(a) Complete BOC approved workshops, seminars, conferences, webinars, or home study courses. The required documentation for this activity is a certificate of completion.

(b) Graduate from a Commission on Accreditation of Athletic Training Education (CAATE) accredited post-professional athletic training graduate program. A maximum of ~~((ten))~~ 10 hours may be applied in the two-year period. The required documentation for this activity is an official transcript indicating graduation within the two-year period.

(c) Graduate from a PhD, EdD, DSc program if dissertation has a narrow focus of athletic training. A maximum of ~~((ten))~~ 10 hours may

be applied in the two-year period. The required documentation for this activity is an official transcript indicating graduation within the reporting period and a copy of the dissertation.

(d) Present a BOC approved evidence-based practice program. A maximum of (~~ten~~) 10 hours per evidence-based practice topic may be applied in the two-year period. The required documentation for this activity is a letter of acknowledgment that includes the date, title, and intended audience from the conference coordinator.

(e) Complete a CAATE accredited athletic trainer residency or fellowship. A maximum of (~~twenty~~) 20 hours per year may be applied in the two-year period. The required documentation for this activity is a letter from the residency or fellowship director.

(f) Any other evidence-based practice activity as approved by the secretary.

(~~(4)~~) (5) Remaining hours may be obtained through any of the following activities:

(a) BOC approved workshops, seminars, conferences, webinars, or home study courses. The required documentation for this activity is a certificate of completion.

(b) Professional activities.

(i) Speaker at a conference or seminar for health care providers. A maximum of (~~ten~~) 10 hours may be applied per topic in the two-year period. The required documentation for this activity is a letter of acknowledgment that includes the date, title, and intended audience from the conference coordinator.

(ii) Panelist at a conference or seminar for health care providers. A maximum of five hours may be applied per topic in the two-year period. The required documentation for this activity is a letter of acknowledgment that includes the date, title, and intended audience from the conference coordinator.

(iii) Primary author of an article in a nonrefereed journal. A maximum of five hours may be applied per article in the two-year period. The required documentation for this activity is a copy of the article.

(iv) Author of an article in a refereed journal. A maximum of (~~fifteen~~) 15 hours may be applied per article in the two-year period for primary authors. A maximum of (~~ten~~) 10 hours may be applied per article in the two-year period for secondary authors. The required documentation for this activity is a copy of the article.

(v) Author of an abstract in a refereed journal. A maximum of (~~ten~~) 10 hours may be applied per abstract in the two-year period for primary authors. A maximum of five hours may be applied per abstract in the two-year period for secondary authors. The required documentation for this activity is a copy of the abstract.

(vi) Author of a published textbook. A maximum of (~~forty~~) 40 hours may be applied per book in the two-year reporting period for primary authors. A maximum of (~~twenty~~) 20 hours may be applied per book in the two-year reporting period for secondary authors. The required documentation for this activity is a copy of the title page with the publication date.

(vii) Contributing author of a published textbook. A maximum of (~~ten~~) 10 hours may be applied per book in the two-year period. The required documentation for this activity is a copy of the title page with the publication date and list of contributors.

(viii) Author of a peer-reviewed or refereed poster presentation. A maximum of (~~ten~~) 10 hours may be applied per presentation in the two-year period for primary authors. A maximum of five hours may be

applied per presentation in the two-year period for secondary authors. The required documentation for this activity is a letter of acknowledgment that includes the date and title of the presentation from the conference coordinator.

(ix) Primary author of published multimedia material, including CD, audio, or video. A maximum of (~~ten~~) 10 hours may be applied per publication in the two-year period. The required documentation for this activity is a copy of the publication.

(x) Participating member of clinical research study team. A maximum of (~~ten~~) 10 hours may be applied in the two-year period. The required documentation for this activity is a letter from the principal investigator or a copy of the institutional review board approval with investigators listed.

(xi) Primary author of a home study course. A maximum of (~~ten~~) 10 hours may be applied per course in the two-year reporting period. The required documentation for this activity is a letter of approval.

(xii) Reviewer of a refereed publication. A maximum of five hours may be applied per review, with a limit of (~~twenty~~) 20 hours applied per two-year period. The required documentation for this activity is a disposition letter.

(xiii) Exam item writer for BOC exam or other health care professional exams. A maximum of five hours may be applied per year of active item writing. The required documentation for this activity is a letter of acknowledgment from the exam company.

(c) Post certification college or university course work. A maximum of (~~ten~~) 10 continuing education hours per credit hour may be applied during the two-year period. The required documentation for this activity is an official transcript from an accredited college or university.

(d) Activities by non-BOC approved providers.

(i) Workshops, seminars, conferences, webinars that are directly related to athletic training. The required documentation for this activity is verification of attendance.

(ii) Videos, DVDs, audiotapes, multimedia, webinars, home study courses. Each activity must have an examination. The required documentation for this activity is documentation verifying completion.

(~~(+5)~~) (6) A licensed athletic trainer shall comply with the requirements of (~~chapter 246-12 WAC, Part 7~~) WAC 246-12-170 through 246-12-240.