



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: September 05, 2023

TIME: 2:54 PM

WSR 23-18-084

Agency: Examining Board of Psychology

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 22-23-019 ; 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 (CE) for psychologists under Chapter 246-924 WAC, Psychologists. The Examining Board of Psychology (board) proposes amending WAC 246-924-230 to establish health equity CE requirements to implement Engrossed Substitute Senate Bill (ESSB) 5229 (Chapter 276, Laws of 2021).

Additionally, the board is proposing amendments to WACs 246-924-240, 246-924-250, 246-924-255, 246-924-300, and 246-924-330. These amendments improve clarity and remove outdated language.

Hearing location(s):

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

10/13/23 2:00 pm The board will hold a virtual public hearing without a physical meeting space.

Microsoft Teams meeting:

Click here to join on your computer or mobile app:
<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1>

Meeting ID: 244 111 655 260
Passcode: BjjFtA

Or call in (audio only):

+1 564-999-2000, 496883862#
United States, Olympia
(833) 322-1218, 496883862#
United States (Toll-free)
Phone Conference ID: 496 883 862#

Date of intended adoption: 10/13/23 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Assistance for persons with disabilities:

Name: Zachary Patnode	Contact: Zachary Patnode
Address: Office of Health Professions, PO Box 47850, Olympia, WA 98504	Phone: 360-490-2587
Email: https://fortress.wa.gov/doh/policyreview	Fax: N/A
Fax: N/A	TTY: 711
Other: www.doh.wa.gov	Email: psychology@doh.wa.gov
By: 10/13/23	Other:
	By: 9/29/23

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

The board is proposing an amendment to WAC 246-924-230 to implement ESSB 5229. The board proposes adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for licensed psychologists 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 three years. Health equity CE is required every three years, instead of every four years as established in the model rules, in order to align with licensed psychologists' three-year CE cycle. The proposed rule does not change the total of 60 CE hours but requires two hours in health equity CE every three 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.

Additional changes improve clarity in the chapter and remove obsolete language, including provisions that allow the board to permit CE from another jurisdiction to fulfill Washington's CE requirements and allow the board to waive CE requirements for a retired psychologist who wishes to maintain active licensure.

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 includes implicit bias training 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 professionals 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 more 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.

Regarding the amendments to clarify the rules and remove outdated provisions, the board proposes removing language that allows the board to permit CE from another jurisdiction to fulfill Washington's CE requirements and allows the board to waive CE requirements for a retired psychologist who wishes to maintain active licensure. Both of these provisions are confusing, rarely used, and lead to ambiguity in licensure standards. Removing these provisions will increase clarity, set clear standards for licensure, and protect patient safety.

Statutory authority for adoption: RCW 43.70.613, RCW 18.83.050, RCW 18.83.090

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) Examining Board of Psychology

Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Zachary Patnode	111 Israel Road, S.E., Tumwater, WA 98501	360-490-2587
Implementation:	Zachary Patnode	111 Israel Road, S.E., Tumwater, WA 98501	360-490-2587
Enforcement:	Zachary Patnode	111 Israel Road, S.E., Tumwater, WA 98501	360-490-2587

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: Zachary Patnode
Address: Office of Health Professions
PO Box 47850
Olympia, WA 98504
Phone: 360-490-2587
Fax: N/A
TTY: 711
Email: psychology@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 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: The proposed rules affect individual professional licenses, 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.*

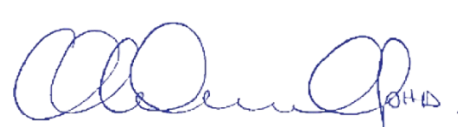
If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

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:

<p>Date: 8/30/23</p> <p>Name: Cedar O'Donnell, PhD</p> <p>Title: Chair, Examining Board of Psychology</p>	<p>Signature:</p> 
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AMENDATORY SECTION (Amending WSR 14-01-071, filed 12/16/13, effective 1/1/14)

WAC 246-924-230 Continuing education requirements. (1) To renew a license, a licensed psychologist ~~((must))~~ shall complete ~~((a minimum of sixty))~~ at least 60 hours of continuing education (CE) every three years, including a minimum of:

(a) ~~((A minimum of))~~ Four hours ~~((must be))~~ in ethics. Areas to be covered, depending on the ~~((licensee's))~~ psychologist's primary area(s) of function are practice, consultation, research, teaching, or supervision.

(b) ~~((Beginning January 1, 2014, once every six years, a minimum of))~~ Two hours in health equity. Qualifying trainings must meet the standards in WAC 246-12-830.

(c) ~~Six hours ((must be training covering suicide assessment, treatment, and management as specified in WAC 246-924-255. These hours count toward the total sixty hours of CE.~~

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

~~(ii) A psychologist applying for initial licensure on or after January 1, 2014, may delay completion of the first training for six years after initial licensure, if he or she can demonstrate successful completion of six-hour training in suicide assessment, treatment, and management that:~~

~~(A) Was completed no more than six years prior to the application for initial licensure; and~~

~~(B) Meets the qualifications listed in WAC 246-924-255(1)) in suicide prevention, every six years. Qualifying trainings must meet the standards in WAC 246-924-255 and be listed on the department's model list.~~

(2) Faculty providing CE offerings shall meet the training and the full qualifications of their respective professions. All faculty shall have demonstrated an expertise in the areas in which they are instructing.

(3) The Washington state examining board of psychology may require any ~~((licensee))~~ licensed psychologist to submit documentation to demonstrate compliance with the ~~((sixty))~~ 60 hours of CE.

AMENDATORY SECTION (Amending WSR 14-01-071, filed 12/16/13, effective 1/1/14)

WAC 246-924-240 ((Definitions of categories of creditable)) Approved continuing education activities. (1) All continuing education (CE) activities must be directly relevant to maintaining or increasing professional or scientific competence in psychology.

(2) Courses or workshops primarily designed to increase practice income or office efficiency, are specifically noneligible for CE credit.

(3) ~~((Program sponsors or institutes will not receive prior or current board approval for CE status or category.))~~ The board does not review individual courses for preapproval.

(4) Courses, seminars, workshops, and postdoctoral institutes offered or sponsored by the following qualify for CE credit for a licensed psychologist:

(a) Educational institutions chartered by a state and recognized (accredited) by a regional association of schools, colleges and universities as providing graduate level course offerings. Documentation must be recorded on an official transcript or certificate of completion;

(b) The American Psychological Association;

(c) Regional or state psychological associations or their sub-chapters;

(d) Psychology internship training centers;

(e) Other professionally or scientifically recognized behavioral science organizations; and

(f) The Washington state examining board of psychology.

(5) A licensed psychologist may earn credit toward the CE requirement through teaching an approved CE program. The CE credit earned may not exceed (~~thirty~~) 30 hours every three years. Credit for teaching an approved CE program may be earned on the following basis:

(a) One credit hour for each (~~sixty~~) 60 minutes actually spent teaching the program for the first event. Credit may be conferred for teaching similar subject matter only if the psychologist has actually spent an equal or greater amount of preparation time updating the subject matter to be taught on a later occasion.

(b) One credit hour for each (~~sixty~~) 60 minutes actually spent participating in a panel presentation.

~~((6) A licensed psychologist may earn CE credit by attending an approved training in suicide assessment, treatment, and management.))~~

AMENDATORY SECTION (Amending WSR 99-14-075, filed 7/6/99, effective 8/6/99)

WAC 246-924-250 Continuing education—Special considerations.

~~((In lieu (total or partial) of sixty hours of CE))~~ (1) Expired license. In accordance with WAC 246-12-040, a psychologist whose credential has been expired for three years or more must document completion of 40 hours of continuing education (CE), including four hours of ethics. This CE must have been obtained within the two years prior to reinstatement.

(2) The board may consider awarding total or partial CE credit ((hour approval and acceptance of)) for other programs as they are developed and implemented, such as:

~~((1))~~ (a) Compliance with a CE program developed by the American Psychological Association which provides either a recognition award or certificate (, may be evaluated and considered for partial or total fulfillment of the CE credit hour requirements of the board.

~~(2) Psychologists licensed in the state of Washington but practicing in a different state or country which has a mandatory or voluntary CE program may submit to the board evidence of completion of that other state's or country's CE requirements for evaluation and partial or total credit hour approval.~~

~~(3) Psychologists licensed in the state of Washington but practicing in a state, U.S. territory or foreign country without CE requirements, or who are not legally required to meet those CE requirements, may submit evidence of their CE activities pursued outside of Washington state directly to the board for evaluation and approval based on conformity to the board's CE requirements.~~

~~(4) The board may also accept evidence of diplomate award by the American Board of Professional Psychology (ABPP) and American Board of Psychological Hypnosis (ABPH) in lieu of sixty hours of CE for that three year period in which the diplomate was awarded.~~

~~(5) Credit hours may be earned for other specialty board or diploma certifications if and when such are established.~~

~~(6) In accordance with WAC 246-12-040 (2)(c)(ix), psychologists who have allowed their credential to expire for three years or more must document completion of forty hours of CE, of which four hours must be in ethics. This CE must have been obtained within the two most recent years immediately prior to reinstatement);~~

~~(b) A diplomate award by the American Board of Professional Psychology (ABPP) or American Board of Psychological Hypnosis (ABPH); and~~

~~(c) Credit hours for other specialty board or diploma certifications if and when they are established.~~

AMENDATORY SECTION (Amending WSR 21-09-031, filed 4/12/21, effective 5/13/21)

WAC 246-924-255 Suicide ((intervention)) prevention training standards. (1) Each licensed psychologist ((must)) shall, at least once every six years, complete a six-hour training in suicide ((assessment, treatment, and management.

~~(2) An approved training in suicide assessment, treatment, and management must:~~

~~(a) Cover training in suicide assessment, including screening and referral, suicide treatment, and suicide management;~~

~~(b) Be provided by a single provider and must be at least six hours in length, which may be provided in one or more sessions; and~~

~~(c) Be on the department's model list developed in accordance with RCW 43.70.442. Nothing in this section invalidates trainings completed according to this chapter before July 1, 2017.~~

~~(3-)) prevention that meets the standards of chapter 246-12 WAC and is included on the department's model list.~~

~~(a) A psychologist's first training must be in suicide assessment, treatment, and management.~~

~~(b) Beginning July 1, 2021, a psychologist must complete a qualifying advanced training or training in treatment modalities shown to be effective in working with people who are suicidal.~~

~~(i) If a qualifying training is not reasonably available, the psychologist may substitute a six-hour training that meets the requirements of (a) of this subsection.~~

~~(ii) If a psychologist has already completed their second training prior to July 1, 2021, the psychologist's next training must comply with (b) of this subsection.~~

~~(2) A licensed psychologist who is a state or local government employee is exempt from the requirements of subsection ((+2-)) (1) of this section if the psychologist receives ((a total of)) at least six~~

hours of training in suicide assessment, treatment, and management from their employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or ~~((may be spread among))~~ in shorter training sessions ~~((at the employer's discretion))~~.

~~((4))~~ (3) A licensed psychologist who is an employee of a community mental health agency or substance use disorder treatment program licensed under chapter 71.24 RCW ~~((or a chemical dependency program certified under chapter 70.96A RCW))~~ is exempt from the requirements of subsection ~~((2))~~ (1)(a) of this section if the psychologist receives ~~((a total of))~~ at least six hours of training in suicide assessment, treatment, and management from an employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or ~~((may be spread among))~~ in shorter training sessions ~~((at the employer's discretion))~~.

~~((5))~~ (4) A licensed psychologist who obtained training under subsection ~~((3 or 4))~~ (2) or (3) of this section may obtain continuing education credit for that training subject to documentation as defined in WAC 246-924-300.

~~((6))~~ Beginning July 1, 2021, a licensed psychologist's second training must be a qualifying advanced training or training in treatment modalities shown to be effective in working with people who are suicidal, developed under RCW 43.70.442 and listed on the department's model list.

~~(7)~~ If a licensed psychologist has already completed the psychologist's second training prior to July 1, 2021, the psychologist's next training must comply with subsection ~~(6)~~ of this section.

~~(8)~~ The requirements listed in subsection ~~(6)~~ of this section do not apply if the licensee demonstrates that the training required is not reasonably available.)

AMENDATORY SECTION (Amending WSR 99-14-075, filed 7/6/99, effective 8/6/99)

WAC 246-924-300 Definition of acceptable documentation and proof of ~~((CE)) continuing education.~~ ~~((Licensees))~~ (1) Licensed psychologists are responsible for acquiring and maintaining all acceptable documentation of their continuing education (CE) activities.

(2) Acceptable documentation shall include transcripts, letters from course instructors, or certificate of completion or other formal certification. In all cases other than transcripts, the documentation must show the participant's name, the activity title, number of CE credit hours, date(s) of activity, faculty's name(s) and degree and the signature of verifying individual (program sponsor).

AMENDATORY SECTION (Amending WSR 99-14-075, filed 7/6/99, effective 8/6/99)

WAC 246-924-330 Continuing education—Exemptions. ~~((In the event a licensee fails to meet requirements, because of illness, retirement (with no further provision of psychological services to con-~~

sumers), failure to renew, or other extenuating circumstances, each case will be considered by the board on an individual basis. When))
(1) Extension. A licensed psychologist may use the extension request form to request additional time to meet their continuing education (CE) requirements in order to renew their license and in other extenuating circumstances. Based on the circumstances ((justify it)), the board may grant a time extension((. The board may, in its discretion)) and, if appropriate, limit in part or in whole the provision of consumer psychological services ((to the consumers)) until the CE requirements are met.

((In the case of retirement or illness,)) (2) Waiver. A licensed psychologist may use the waiver request form to request the board waive their CE requirements indefinitely due to illness.

(a) The board may grant indefinite waiver of CE as a requirement for relicensure, provided ((an affidavit is received indicating)) the waiver request form indicates the psychologist is not providing consumer psychological services ((to consumers)).

(b) If ((such)) the psychologist's illness ((or retirement)) status ((is changed or)) changes or the psychologist resumes providing consumer psychological services ((are resumed, it is incumbent upon the licensee to)), the psychologist must immediately notify the board and ((to)) resume meeting CE requirements for relicensure. CE credit hours will be prorated for the portion of that three year period involving resumption of ((such)) services.