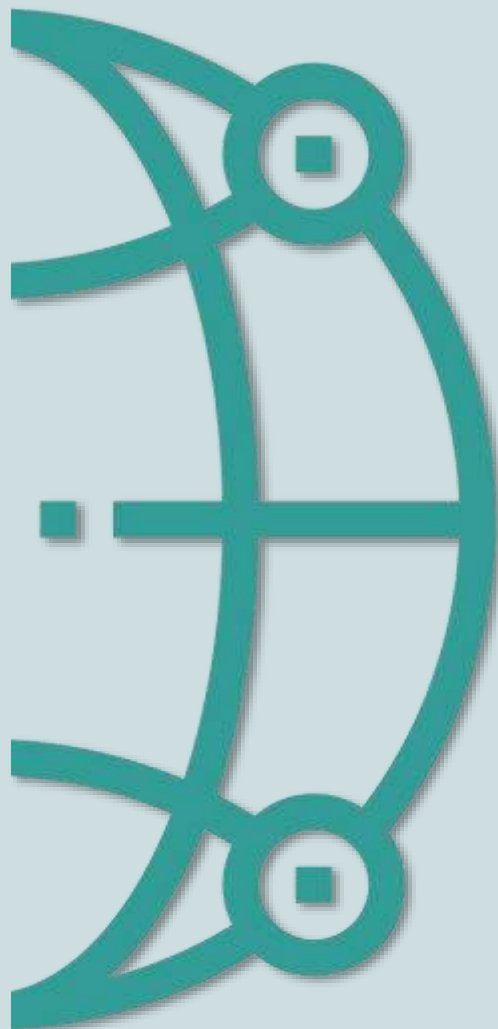


Significant Legislative Rule Analysis

Amending WAC 246-808-201, Creating New WAC 246-808-203, 246-808-205, 246-808-207, 246-808-209, 246-808-211 and repealing WAC 246-808-215
Rules Concerning
Chiropractic X-ray
Technicians



August 2023



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SECTION 1

A brief description of the proposed rule including the current situation/rule, followed by the history of the issue and why the proposed rule is needed.

Brief description of the proposed rule including the current situation/rule.

The Chiropractic Quality Assurance Commission (commission) is considering revisions to chapter 246-808 WAC pertaining to chiropractic X-ray technicians. As part of these revisions the commission is proposing:

- Housekeeping throughout the sections.
- Providing definitions for “classroom hour” as well as “in-person”. WAC 246-808-203
- Clarifying that a chiropractor may employ another chiropractor to operate x-ray equipment. WAC 246-808-205(1)
- Increasing the number of initial training hours from 48 hours of in-person training to 72 hours of classroom instruction, 30 of which must be completed in-person. WAC 246-808-205(2)(c)
- Expanding the examination to be both a written and practical proficiency examination, rather than just written, and reducing the passing grade to 70% from the existing requirement of 75%. WAC 246-808-205(2)(d)
- Exempting the 72-hour course requirement and examination if the applicant has completed chiropractic college within the past five years since they have exceeded the educational requirements for the credential. WAC 246-808-205(3)
- Removing physiology from the course content requirements and adding that the training course include reference to the requirements in WAC 246-808-565,¹ which are the commission rules related to radiographic standards. WAC 246-808-207
- Expanding who can provide training. WAC 246-808-207(c)
- Clarifying when the first continuing education (CE) period is due. WAC 246-808-209
- Adopting the health equity CE model rules from WAC 246-12-800 through 246-12-830, for chiropractic X-ray technicians to comply with RCW 43.70.631, requiring two hours every four years without increasing the total number of required CE hours. WAC 246-808-209(3)
- Providing clarity about what is required to renew an expired chiropractic x-ray technician. WAC 246-808-211
- Proposing additional training requirements for chiropractic X-ray technicians who have allowed their credential to expire for five years or longer. WAC 246-808-211

¹ [WAC 246-808-565](#)

History of the rule:

The commission has been regulating chiropractic X-ray technicians since 1996, and only minimal changes have been made to the requirements for this profession. The commission initially began revisiting these rules under WSR 16-21-080 on October 18, 2016 and held various rules review workshops from 2016-2019. The rules process was briefly halted by the Coronavirus Disease 2019 (COVID-19) public health emergency.

The commission began revisiting these rules and created the Chiropractic X-ray Technician Committee which met October 10, 2021, December 9, 2021, and February 2, 2022 and presented draft rule language to the commission on March 10, 2022.

The commission determined to re-file a new CR 101 on March 24, 2023, as WSR-23-08-021 to incorporate new legislation and direction. Draft rule language was presented to the commission for review on May 18, 2023, and July 13, 2023. The commission also held a public meeting on June 8, 2023, to specifically focus on this rule set.

Why are the proposed rules needed?

The commission is proposing revisions to these rules for several reasons:

- The rule has not been updated since 1998. The current rules as drafted do not provide enough information related to renewal of an expired credential and need to be re-drafted to meet current rule drafting requirements.
- The commission believes it is important to revisit the course requirements for a chiropractic X-ray technician credentialing, including the number of hours of training required and how the course is delivered. On November 12, 2020, due to the potential threat posed by COVID-19, the commission determined in a Policy Statement that all course requirements could be completed virtually². After much evaluation and discussion, the commission has determined that part (42 hours) of the course could be delivered using virtual instruction, and 30 hours must be delivered “in-person” and the commission has proposed definitions for both terms.
- Since the chiropractic X-ray technician was created, there have only been two instructors approved by the commission. Both are in the general Seattle area. Allowing more virtual hours will allow students across the state additional access to training courses.
- The commission believes expanding the qualifications of the course instructors will allow additional instructors to be approved, while maintaining the integrity of the training.

² Chiropractic X-Ray Technicians and Classroom Hours
<https://doh.wa.gov/sites/default/files/legacy/Documents/2300/2021/TempGuideChiroX-rayTechsClassroomHours.pdf?uid=647128e3acf7c>

- The existing rule did not specify that a chiropractor may also employ another chiropractor to operate x-ray equipment though x-rays are within the scope of practice.
- The commission does not believe that requiring physiology is required for chiropractic x-ray technicians³ as stated in the existing rule. It does not relate to the x-rays taken by chiropractic X-ray technicians.
- The commission believes it is important that chiropractic X-ray technicians learn radiographic standards as required by WAC 246-808-565.
- The chiropractic X-ray technician is a hands-on profession. Adding the practical proficiency examination is an additional way to ensure safe x-rays and increase patient safety. Likewise, clarifying if an applicant fails the examination a third or subsequent time, they are required to take an additional 16-hour course before taking the examination again assures safety.
- The education a chiropractor obtains while in chiropractic school is far greater than the requirements necessary to obtain the chiropractic X-ray technician credential. This is to acknowledge that chiropractors are qualified to operate X-ray equipment without further registration or training. On February 11, 2016, the commission issued an interim policy on license renewal continuing education attestation requirements for chiropractors and chiropractic X-ray technicians⁴. Putting language into rules is the most clear and consistent way to enforce the CE requirements. Similar language has already been added into the Chiropractic CE Rules (WAC 246-808-150)
- The health equity CE model rules, WAC 246-12-800 through WAC 246-12-830, adopted in November 2022 create four new sections of rule, and implement RCW 43.70.613. The health equity CE model rules require completion of two hours of health equity CE every four years for all health professionals credentialed under RCW 18.130.040 with a CE requirement which applies to chiropractic X-ray technicians. The health equity CE model rules also require that the two CE hours include implicit bias training to identify strategies to reduce bias during assessment and diagnosis. Rulemaking authorities for each profession may create standards that meet or exceed the minimum standards in the model rules.
- There is very little information about renewing a chiropractic x-ray technician when the credential has expired in existing rule. The proposed rules refer a provider to chapter 246-12 WAC for additional clarification and provide clarity within the commission rules without imposing additional requirements on the providers.
- If a chiropractic X-ray technician has been out of practice (expired) for five years or more, it is important for them to take the initial course again. The potential impacts of inadequate

³ Physiology is a branch of biology that deals with the functions and activities of life or living matter (such as organs, tissues, or cells) and the physical and chemical phenomena involved. [Physiology Definition & Meaning - Merriam-Webster](https://www.merriam-webster.com/dictionary/physiology)
<https://www.merriam-webster.com/dictionary/physiology>.

⁴ <https://doh.wa.gov/sites/default/files/legacy/Documents/2300/2-11-16.pdf?uid=643dc01d705f6>

radiographic training are of concern. Adding the practical proficiency examination is an additional way to ensure safe x-rays and increase patient safety.

SECTION 2

Significant Analysis Requirement

As defined in RCW 34.05.328, portions of the proposed rules, WAC 246-808-205, 246-808-207, 246-808-209, and 246-808-211 require a significant analysis because they establish substantive provisions pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction. The analysis can be found in SECTION 5 of this analysis.

The following SA Table 1. identifies rule sections or portions of rule sections that have been determined exempt from significant analysis based on the exemptions provided in RCW 34.05.328(5) (b) and (c).

SA Table 1. Summary of Sections not requiring Significant Analysis

WAC Section and Title	Description of Proposed Changes	Rationale for Exemption Determination
WAC 246-808-201 Purpose	The proposed change corrects a typographical error within the rule text. The term criterion is updated to criteria.	RCW 34.05.328(5)(b)(iv) the proposed rule changes only correct typographical errors or clarify language without changing its effect.
WAC 246-808-203 Definitions	The proposed rule adds a definition section, including definitions for “classroom hour” and “in-person learning”	RCW 34.05.328(5)(c)(ii) definitions are interpretive rules and are not considered significant legislative rules.

SECTION 3

Goals and objectives of the statute that the rule implements.

Chapter 18.25 RCW, including RCW 18.25.002

The general goals and objectives of the statute are to police the profession by establishing a commission of experts to help protect the public through rules that outline educational and practice standards for Washington State licensed chiropractors, as well as on-going competency and disciplinary measures.

RCW 18.25.189

This statute allows the commission to establish criteria and regulate the chiropractic x-ray technicians.

RCW 43.70.613 as created by Engrossed Substitute Senate Bill 5229 (ESSB) 5229 (chapter 276, Laws of 2021).

By January 1, 2024, RCW 43.70.613(1) requires each health profession credentialed under RCW 18.130.040 with a CE requirement to adopt rules requiring completion of health equity CE training at least once every four years. RCW 43.70.613(3) also directs the department to establish model rules creating minimum standards for health equity CE training programs. All rules adopted by each health profession must meet or exceed the minimum standards established in the model rules.

Pursuant to RCW 18.130.040 and RCW 18.25.070 the requirement to adopt health equity CE requirements applies to chiropractic X-ray technicians. The goal of health equity CE training is to equip health care professionals with skills to recognize and reduce health inequities in their daily work. The content of the health equity trainings include instruction on skills to address structural factors, such as bias, racism, and poverty, which manifest as health inequities.

The proposed rule implements the statute's objectives by establishing health equity CE requirements that meet or exceed the model rules. The proposed rules do not change total hours, they adopt the model health equity CE rules by adding the required two hours in health equity CE every four years to the existing number of CE hours required for chiropractic X-ray technicians without changing the existing total number of required CE hours.

SECTION 4

Explanation of why the rule is needed to achieve the goals and objectives of the statute, including alternatives to rulemaking and consequences of not adopting the proposed rule.

Chapter 18.25 RCW, RCW 18.25.002 and 18.25.189

The proposed rule achieves the goals and objectives of RCW 18.25.002 and 18.25.189 by:

1. Helping ensure the health and well-being of the people of this state are of paramount importance by setting clear credentialing standards and clear renewal requirements; and
2. Establishing clear requirements for reinstating an expired chiropractic X-ray technician credential by:
 - a. Ensuring chiropractic X-ray technicians have the current skill set and knowledge required to practice safely and not hurt patients.
 - b. Clarifying the existing requirements to reactive an expired chiropractic X-ray technician credential when the credential has been expired for more than one year, but less than five.
 - c. Having a chiropractic X-ray technician retake the 72-hour course and complete the examination if their credential has expired for five years or more because the health and well-being of the people of this state are of paramount importance to the commission.
 - d. Maintaining the existing CE requirement to reactivate an expired chiropractic X-ray technician credential but include the requirements in WAC 246-808-205 for clarity.

RCW 43.70.613 as created by ESSB 5229.

The proposed rule amendment achieves the authorizing statute's goals and objectives by providing credentialing requirements, course requirements, renewal requirements, reissuance requirements, and health equity CE requirements that are clear, concise, and necessary to ensure patient safety. The proposed rule represents the commission's commitment to achieve its statutorily defined goals and objections identified in chapter 18.25 RCW.

The commission and interested individuals agreed that rulemaking is appropriate to promote clear and consistent guidance to persons seeking and maintaining a chiropractic X-ray technician credential. Rulemaking provides applicants with articulately described education, licensing, and CE accountability requirements.

If the rule is not adopted, there will be confusion regarding the licensing and educational standards that apply to RCW 18.25.180 to make sure that those that deliver chiropractic X-ray technician services have been properly trained in healthy equity skills to address structural factors, such as bias, racism, and poverty, that manifest as health inequities. Additionally, a concisely written rule assures a level of confidence and safety that patients and families can rely on when receiving services from qualified implicit bias trained chiropractic X-ray technicians.

WASHINGTON STATE DEPARTMENT OF HEALTH

SECTION 5

Analysis of the probable costs and benefits (both qualitative and quantitative) of the proposed rule being implemented, including the determination that the probable benefits are greater than the probable costs.

New WAC 246-808-205 Registration of chiropractic X-ray technicians

Description: The commission has moved language from WAC 246-808-215 (1), (2), and (3) to this new section and is proposing amendments to the language.

- **WAC 246-808-205(1)** moves language from WAC 246-808-215(1) and amends it by adding chiropractors to the list of people who can operate X-ray equipment for clarity. This is exempt from analysis according to RCW 34.05.328 (5)(b)(iv) because the proposed rules clarify the rule without changing the effect.
- **WAC 246-808-205(2)(a) and (b)** moves language from WAC 246-808-215(2) and amends it to clarify how an applicant uses department forms and adds a cross reference to the fee section. This is exempt from analysis according to RCW 34.05.328 (5)(c)(i) because rules about submitting an application are procedural rules and are not considered significant legislative rules.
- **WAC 246-809-205(2)(c)** moves language from WAC 246-808-215(2)(a) and amends the number of hours completed and how the course hours can be completed. The proposed rules increase the number of hours of education required to obtain a chiropractic X-ray technician credential from 48 to 72 hours.
 - During the COVID19 emergency the commission began allowing virtual course hours and is now proposing in rule a required 72 hours of training (as opposed to 48 hours in current rule) which is an increase of 24 hours. In addition, the proposed rule adds that 30 of the 72 required hours has to be completed in-person while the remainder of the hours (up to 42 hours can be completed online) using online tools and resources. This is an in-person reduction of hours from 48 to 42 hours, reducing by 6 hours.
- **WAC 246-808-205(2)(d)** moves language from WAC 246-808-215(2)(b) and amends the type of examination, to add a practical exam. The proposed amendments also clarify situations where an applicant must re-take the exam.
- **WAC 246-809-205(3)** moves language about exceptions from WAC 246-808-215(3) and amends it. The commission is proposing the following exemptions from the 72-hour course and examination believing that it is important to provide multiple ways to qualify as a chiropractic X-ray technician:

- An applicant who holds an active registration, license or certificate from a national certifying agency or other governmental licensing agency whose standards are equal to or exceed the standards of these rules.
- A person who has graduated from an accredited and commission approved chiropractic school or college within five years prior to submitting their application to the commission.

Costs: The commission is proposing an amendment that requires 72 hours of course training (as opposed to 48 hours in current rule) which is an increase of 24 hours. In practice, the training course is currently presented by two approved instructors over four weekends in-person, on both Saturday and Sunday. However, with the changes the commission has made to the proposed rule the providers of the course will begin offering the course over two weekends in-person, on both Saturday and Sunday, with the additional hours completed online. Additional costs due to the proposed changes are detailed in the following sections: person time, lodging and meals, course registration, and instructor cost to amend training.

Cost of person time:

The commission and department estimate the maximum hourly rate for a chiropractic X-ray technician at \$24.⁵ SA Table 2 provides an estimated cost for additional person time to attend an approved training course.

SA Table 2. Cost of additional person time to attend an approved training course.

Rule Version	Hours	Difference in Hours	Cost of difference in hours
Current	48	NA	NA
Proposed	72	+24	24 hours x \$24* = \$576

*Using the estimated average hourly salary rate of \$24

Not included in the proposed time above (SA Table 2) is travel time. The commission and department anticipate that travel time for a course participant one-way to be at maximum 7 hours. At most, currently an estimate for travel time would be 8 one-way trips (over 4 weekends) = 8 trips * 7 hours = 56 hours. Under the proposed amendments the course would shift to an estimate for travel time for 4 one-way trips (over 2 weekends) = 4 trips * 7 hours =

⁵ Internal Communication, August 2023.

28 hours. This potentially reduces travel times in half, resulting in a potential maximum cost savings in travel time of \$672 ⁶ with a range of savings from avoided travel from \$0 to \$672.

Costs of lodging and meals:

Currently, this course is presented over four weekends for a Saturday and Sunday. This leads to overnight stays for those taking the course and not residing in the Seattle area. Using the FY 2023 Per Diem rate for Seattle, WA as published by the U.S. General Services Administration the current cost to attend training is estimated at:

- 8 nights lodging at \$232/night⁷ = \$1,856
- Meal reimbursements \$79/day⁸ = \$632
- Total = \$2,488

If the required “in-person” training is completed over two weekends, it will potentially cut these costs in half, potentially saving \$1,244 in lodging and meal costs and mileage costs associated with physically attending the course:

- 4 nights lodging at \$232/night⁹ = \$928
- Meal reimbursements \$79/day¹⁰ = \$316
- Total = \$1,244
- Potential savings from proposed rule: \$1,244

The costs above do not include any expenses related to mileage, as potential chiropractic X-ray technicians currently travel from across the state to attend, which is not impacted by this proposed rule change. The current mileage reimbursement is \$0.655/mile, however the number of total miles traveled per clinician (multiplier) is unable to be estimated.

Cost for attendees to attend in-person course:

There are currently two approved providers of 48 hour in-person chiropractic x-ray technician training:

⁶ Calculation = ((56 hours x \$24) – (28 hours x \$24)) = (\$1,344) – (\$672) = \$672

⁷ https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&fiscal_year=2023&state=WA&city=seattle&zip=

⁸ https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&fiscal_year=2023&state=WA&city=seattle&zip=

⁹ IBID 9.

¹⁰ IBID 10.

- One program lists the cost of the existing in-person 48-hour course as \$595, if pre-registered by a specific date; after such date the course cost increases to \$645.¹¹
- The other course lists the cost of the existing in-person 48-hour course as \$645, if pre-registered by a specific date; after such date the course cost increases to \$695.¹²

The commission received estimates projecting the cost of attending the revised course between \$1,150 and \$1,500.¹³ The estimated additional cost for applicants to attend training under the proposed rule could range between \$555 and \$905.

Cost for instructors:

Costs of updating training - These costs are analyzed below (in section 5, New WAC 246-808-207 Course requirements and approval).

Physical Space – Due to the reduction of in-person hours the commission and department estimate that there could be a potential cost savings or opportunity cost savings from the reduction of in-person hours due to not needing an in-person space for instruction.

Software Costs - The commission and department do not anticipate any additional costs for online tools and resources because existing programs have been delivering instruction in the short term due to the COVID-19 public health emergency. However, the commission and department recognize that there is an ongoing cost to maintain existing software to deliver online instruction (e.g., Zoom is \$199/year). While other software may be used by instructors the commission and department anticipate that software is currently already being used, and not an added costs to instructors.

Cost for allowing new exceptions for registration:

The commission and department do not anticipate any new costs associated with allowing the proposed new exceptions to registration. These changes would not require the providers in these categories from having to take this course and all costs associated with the course.

Other cost considerations:

While the commission is proposing an increase in total hours from the current 48 hours to the proposed 72 hours, the commission and department anticipate that limiting the course to only

¹¹ <https://www.drjmillier.com/Xray%20Tech%20Introductory%20Training.html>

¹² <https://drvray.com/>

¹³ Internal Communication, August 2023.

30 hours in-person may help mitigate cost increases to the applicant by decreasing the cost of travel time and expenses.

The commission and department anticipate any additional costs incurred to add a practical component to the examination would be included in the cost of the course.

Benefits: Currently, both approved course instructors are located in the greater Seattle area. Decreasing the “in-person” portion of the training from 48 hours to 30 hours prevents additional economic burden on providers, especially those that practice outside the immediate Seattle area. With remote learning, trainees from across the state can have high-quality classroom instruction even when they have the responsibility of caring for children. Having to travel to Seattle may impose a burden on trainees who would need overnight childcare for 2 to 4 weekends to obtain this certification. Allowing the online portion of the course to 30 hours decreases the impact on potential chiropractic X-ray technicians, their families, and their employers.

The commission and department believe that including a practical portion of the examination is necessary for public protection. Adding the practical proficiency examination is an additional way to ensure safe x-rays and increase patient safety. The completion of a practical examination would help to ensure the competence of the chiropractic X-ray technician. Without this proposed change, the potential costs of inadequate radiographic training are of concern. These include repeat exposures that expose the patient to more radiation and take more time on the part of the staff. Improper treatment or delayed treatment of a patient is another risk. And finally, there is the risk of malpractice for pathology missed on poor x-rays.

The commission and department believe the benefits of allowing new exemptions for certification provide new pathways for certification from individuals that already meet and exceed the requirements of the chiropractic X-ray technician. By allowing these exemptions to apply to the rules, it could potentially decrease barriers to certification and increase the number of X-ray technicians.

New WAC 246-808-207 Course requirements and approval

Description: The proposed new rule moves language from **WAC 246-808-215(4)** and amends it in the following ways:

- Removes language stating that a course could be approved by submitting information to the commission no later than 90 days prior to the first day of instruction.
- Removes the requirement under (5)(4)(a)(iv) that the course requires physiology.

- Adds that any educational programs approved include reference to WAC 246-808-565 Radiographic Standards.¹⁴
- Expands who can provide the course to include:
 - A Diplomate of the American Chiropractic Board of Radiology (DACBAR).
 - A chiropractor who has been licensed for five years, with at least five years in practice that includes the taking of x-rays.

Costs: The commission and the department anticipate there are additional costs for existing course providers to update course materials. The commission and department estimate the total time to implement the course changes (for one training and examination) in compliance with the proposed rule will take between 10 and 85 hours at the estimated hourly instructor salary ranging between \$250 - \$300 resulting in an estimated one-time cost ranging between \$2,500 to \$25,500.¹⁵

The commission and department do not anticipate any additional costs to businesses due to the rule expanding who can provide the course as this will not add additional costs for those who currently provide the course but instead sets standards for potential new instructors. The commission and department do acknowledge potential impacts to current businesses who provide these services however the commission and department do not have any reason to believe that the proposed rules will impose any additional impact to business in comparison to existing rules.

Benefits: Clarifying the course requirements and updating the subjects necessary will allow instructors more time to focus on the course content that is necessary for chiropractic X-ray technicians. Expanding who can teach the course will also help ensure there are instructors who qualify to teach the course. The proposed changes support program success in meeting standards. Assuring quality training for chiropractic X-ray technicians results in quality care for the public.

New WAC 246-808-209 Continuing Education for chiropractic X -ray technicians

¹⁴ [WAC 246-808-565: https://app.leg.wa.gov/WAC/default.aspx?cite=246-808-565](https://app.leg.wa.gov/WAC/default.aspx?cite=246-808-565)

¹⁵ Estimates produced in consultation.

Description: The proposed new rule moves language from WAC 246-808-215(5) and amends it in the following ways:

- **WAC 246-808-209(1)** The proposed new rule moves and amends language from WAC 246-808-215(5). The draft rule incorporates a previous policy statement¹⁶ from the commission. The changes do not impact credential holders, as the requirements are already imposed this way. This is exempt from analysis according to RCW 34.05.328 (5)(b)(iv) because the proposed rules clarify the rule without changing the effect.
- **WAC 246-808-209(2)** The proposed new rule moves and amends language from WAC 246-808-215(5) by adding a cross reference to rules in WAC 246-12-170 through 246-12-240, clarifying when verification of CE is due, and fixes some cross references. This is exempt from analysis according to RCW 34.05.328 (5)(b)(iv) because the proposed rules clarify the rule without changing the effect.
- **WAC 246-808-209(3)** The proposed new rule adds health equity continuing education requirements for chiropractic X-ray technicians. The proposed rule adopts the model health equity CE rules by adding the required two hours in health equity CE every four years to the existing number of CE hours required for chiropractic X-ray technicians without changing the existing total number of required CE hours. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession.

Costs: There are no anticipated additional costs with the proposed rule. No additional CE hours are required to comply with the new health equity CE requirement. In fact, there could potentially be a cost-savings to the provider. ESSB 5229 requires the department to make a free online training available by July 1, 2023, to satisfy the health equity CE requirement. Chiropractic X-ray technicians will be able to obtain the new health equity CE by taking the free online training. If this free online health equity CE training replaces another CE training that required a fee, then the provider could see a cost savings.

Benefits: 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

¹⁶ Interim policy on license renewal continuing education attestation requirements of chiropractors and chiropractic X-ray technicians, February 11, 2016. Accessible at: <https://doh.wa.gov/sites/default/files/legacy/Documents/2300/2-11-16.pdf?uid=643dc01d705f6>

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.

New WAC 246-808-211 Expired credential—Requirements for reactivating a chiropractic X-ray technician

Description: The proposed new rule language is amended in the following ways:

- **WAC 246-808-211(1), (2), and (3)** The proposed new rule copies requirements from chapter 246-12 WAC relating to reactivating an expired credential, including WAC 246-12-040. This does not impose any new requirements on chiropractic X-ray technicians. This is exempt from analysis according to RCW 34.05.328 (5)(b)(iv) because the proposed rules clarify the rule without changing the effect.
- **WAC 246-808-211(4)** The proposed new rule does impose new qualifications if the provider has allowed their credential to expire for five years or longer. The proposed rules require that the X-ray technician must meet the 72-hours course requirement in WAC 246-808-207 and pass the examination described in WAC 246-808-207 if a chiropractic X-ray technician credential is expired for five years or more.

Costs: The costs associated with this requirement would be the time and cost to retake the course and exam for any technician that has a credential that is expired for five or more years and wants to be registered. Costs to take the course and exam are analyzed in **New WAC 246-808-205 Registration of chiropractic X-ray technicians** above.

Benefits: Requiring the course and examination after five years of expired status would help to ensure public safety. A provider who has not been practicing for five years could have missed some significant practice or technology changes. It is important they be retrained to protect patient safety.

Summary of all Cost(s) and Benefit(s)

SA Table 3. Summary of Section 5 probable cost(s) and benefit(s)

WAC Section and Title	Probable Cost(s)	Probable Benefit(s)
WAC 246-808-205 Registration of chiropractic X-ray technicians	<p>Person time: Estimated at a maximum additional \$576 for instruction time. With a range of maximum cost savings from avoided travel from \$0 to \$672.</p> <p>Lodging and meals: Potential cost savings of \$1,244 in lodging and meals and \$0.655/mile, with number of total miles unknown.</p> <p>Course registration for participants: Estimated at an additional cost to register ranging between \$555 and \$905.</p> <p>Cost to Instructor: Time to update training is analyzed in section WAC 246-808-207. Potential cost savings or opportunity cost savings from reduction in physical space due to proposed additional online hours. No additional probable costs for software but potential ongoing expenses.</p> <p>Adding online course hours: Costs analyzed in section WAC 246-808-207.</p>	Ensure that basic competencies can be met and help to protect the public.

	Adding new exceptions to certification: No probable costs.	
WAC 246-808-207 Course requirements and approval	Cost to Instructor: Time to update training estimated one-time cost of \$2,500 to \$25,500. Potential cost savings or opportunity cost savings from reduction in physical space due to proposed additional online hours analyzed in section WAC 246-808-205.	Supports program success in meeting standards. Assuring quality training for chiropractic X-ray technicians results in quality care for the public.
WAC 246-808-209 Continuing Education for chiropractic X-ray technicians	No probable costs.	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.
WAC 246-808-211 Expired Credential – Requirements for reactivating a chiropractic X-ray Technician.	Costs to take course: Analyzed in section WAC 246-808-205.	Ensures competency and protects the public.

Determination

Probable Benefits greater than Probable Costs

It was determined that the probable benefits of the proposed rule are greater than the probable costs of the proposed rule.

SECTION 6

List of alternative versions of the rule that were considered including the reason why the proposed rule is the least burdensome alternative for those that are required to comply and that will achieve the goals and objectives of the proposed rule.

The commission looked at many changes to the educational requirements:

During the COVID-19 public health emergency, the commission issued an interpretive/policy statement stating it would not find programs deficient if “classroom instruction” was provided virtually¹⁷. This policy statement has been in place since November 12, 2020, and is valid until November 17, 2023. While the commission believes a portion of the training must be in-person, they support part of the training being completed using a virtual aspect, though historically the entire course has been taught in person.

The commission looked at several resources when determining the number of hours of course content that could be taught online:

*Distance Education and Pedagogy for Radiologic Science Programs*¹⁸ Historically, medical imaging programs have consisted of traditional learning styles including face-to face didactic instruction with firsthand learning in simulation laboratories. Many medical imaging and radiation therapy programs are transitioning to distance learning and simulated laboratories for a variety of reasons. The Joint Review Committee on Education in Radiologic Technology (JRCERT) encourages innovation in education, including the delivery of distance education.

COVID-19 Impact on undergraduate teaching(page 519)¹⁹ The agility and flexibility of the online delivery represents a more contemporary approach to learning and teaching that affords the benefits of real time face to face teaching but also the power to create equity in learning opportunities, overcome learning barriers for students less comfortable to engage in the physical class environment, and the potential to craft a more culturally safe learning environment.

The two existing training providers both provided comments throughout the rules process. As these have been the sole providers of education, the commission relied heavily on the information they provided.

¹⁷ Interpretive/Policy Statement Chiropractic X-ray Technicians and Classroom Hours.
<https://doh.wa.gov/sites/default/files/legacy/Documents/2300/2021/TempGuideChiroX-rayTechsClassroomHours.pdf?uid=643dc43b3a4ba>

¹⁸ Available via subscription: <https://pubmed.ncbi.nlm.nih.gov/33903275/>

¹⁹COVID-19 Impact on undergraduate teaching
<https://www.sciencedirect.com/science/article/pii/S1939865420302976?via%3Dihub> Page 519

In a letter to the commission dated June 9, 2021, one training provider shared,

There is a great deal of material to cover in 48 hours. Many of the students who are sent on these courses have little-to-no post-secondary education, and over half the members of every class have absolutely no knowledge or experience about x-ray or any of the associated equipment. Their preexisting knowledge base regarding anything that would lead to an understanding of *x-ray physics* or *radiation protection* or even *anatomy and physiology* is extremely low. They have to be started at the very beginning and brought along slowly to begin to realize how to recognize and produce a quality x-ray and to also recognize if that x-ray is *not* good, along with what action to take. In addition, radiation safety is its own vast subject that has to be fit into those 48 hours. There are also administrative things that need to be covered (laws, consents, transferring images, retention of images, etc), and patient management issues. If we devoted even half of the 48 hours to patient positioning, it would mean glossing over these vital topics.

Based on this feedback as well as additional review of X-ray technician programs, the commission believes it is important to increase the total number of hours of education required. The chiropractic X-ray technician credential is not used consistently throughout the country, which made looking at other states requirements challenging. The commission reviewed course information from the Portland School of Radiography²⁰, which offers multiple courses related to x-rays. The CORE program is 52 hours, the extremity program is 60 hours, the chest program is 12 hours, and the spine program is 30 hours. Based on this information, the Commission believes the total training requirement should be increased to 72 hours.

One proposal suggested that the course be left at 48 hours and that 12 of the 48 hours to be completed in person. The commission does not believe that 12 hours of “in-person” learning is adequate to ensure safe x-rays.

The commission also looked at allowing all the course to be completed online but determined that teaching the course all online is not adequate to assess if a student knows how to use a caliber or body positioning to reduce and minimize patient exposure.

The commission took into consideration how best to include the additional two hours of CE every four years, considering whether to increase existing hours, and determined that incorporating the hours into existing requirements would be the least burdensome. The proposed rules developed in WAC 246-808-150 matches standards in the model rules found at WAC 246-12-800 through 246-12-830. Allowing chiropractors to take the health equity courses as part of their existing CE requirements and aligning it with the existing four-year CE interval makes it least burdensome on the profession.

²⁰ The Portland School of Radiography website: <https://www.portlandschoolofradiography.com/classes>

SECTION 7

Determination that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The proposed rule does not require those to whom it applies to take an action that violates the requirements of federal or state law.

SECTION 8

Determination that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The proposed rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

SECTION 9

Determination if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The proposed rule does not differ from any federal regulation or statute applicable to the same activity or subject matter.

SECTION 10

Demonstration that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

The proposed rule does not differ from any federal regulation or state applicable to the same activity or subject matter.