



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 03, 2023

TIME: 10:52 AM

WSR 23-23-034

Agency: Department of Health

Effective date of rule:

Permanent Rules

- ☐ 31 days after filing.
- ☒ Other (specify) January 1, 2024 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: Health equity continuing education for substance use disorder professionals under chapter 246-811 WAC, Substance Use Disorder Professionals and Substance Use Disorder Professional Trainees.

The Department of Health (department) adopts amendments to WAC 246-811-220, 246-811-240, and 246-811-280 and adopts a new rule 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), codified as RCW 43.70.613. The adopted rules do not change the total CE hours. They require two hours in health equity CE every four years, which is absorbed into the existing number of required CE hours. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession. Additionally, the department adopts minor amendments to update and clarify rule language in WACs 246-811-220 and 246-811-280.

RCW 43.70.613(3)(b) directed 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 directed 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.

Citation of rules affected by this order:

New: WAC 246-811-290
Repealed: None
Amended: WACs 246-811-220, 246-811-240, 246-811-280
Suspended: None

Statutory authority for adoption: RCW 18.205.060, RCW 43.70.613

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-17-129 on August 21, 2023 (date).
Describe any changes other than editing from proposed to adopted version:

The department has not made any changes.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Other: None

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>1</u>	Amended	<u>1</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>1</u>	Amended	<u>3</u>	Repealed	<u>0</u>

Date Adopted: 10/3/2023

Name: Todd Mountin for Umair A. Shah, MD, MPH

Title: Deputy 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.