



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: January 18, 2024

TIME: 8:32 AM

WSR 24-03-095

Agency: Department of Health - Chiropractic Quality Assurance Commission

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) July 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: Chiropractic X-ray technician course requirements, continuing education, and expired status. The Chiropractic Quality Assurance Commission (commission) is adopting changes to chapter 246-808 WAC pertaining to chiropractic X-ray technicians. The adopted changes amend WAC 246-808-201, create new sections WAC 246-808-203, 246-808-205, 246-808-207, 246-808-209, 246-808-211, and repeal WAC 246-808-215. The adopted rules concerning chiropractic X-ray technicians include updates to course requirements, including who can be approved to instruct the course and set new requirements for obtaining, maintaining and returning from expired status. The commission is also adopting health equity continuing education requirements to reflect the changes in Engrossed Senate Bill 5229 (ESSB) 5229 (chapter 276, Laws of 2021).

Citation of rules affected by this order:

New: WAC 246-808-203, WAC 246-808-205, WAC 246-808-207, WAC 246-808-209, WAC 246-808-211

Repealed: WAC 246-808-215

Amended: WAC 246-808-201

Suspended: None

Statutory authority for adoption: RCW 18.25.180 and 43.70.613

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-20-026 on September 25, 2023 (date).

Describe any changes other than editing from proposed to adopted version:

- Repealed WAC 246-808-215. The requirements are replaced with the new rules.
- Editorial changes were made to WAC 246-808-207, Course requirements and approvals for consistency with the rule language.
 - WAC 246-808-207(c) A qualified instructor. A qualified instructor must verify that during the preceding five years their license has not been suspended, revoke, or otherwise conditioned or restricted and:
 - (i) Be a diplomate of the American Chiropractic Board of Radiology;
 - (ii) Be a A chiropractor who has been licensed for five years, with at least five years in practice that includes the taking of X-rays; or
 - (iii) Be a A-chiropractor who has on-campus or postgraduate faculty status in the field of radiology.

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

Name: Betty J. Moe

Address: Chiropractic Quality Assurance Commission, PO Box 47858, Olympia, WA 98504-7858

Phone: 360-236-2868

Fax: 360-23-2360
TTY: 711
Email: cqac@doh.wa.gov
Web site: www.doh.wa.gov
Other:

**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>0</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>
-----	----------	---------	----------	----------	----------

The number of sections adopted on the agency's own initiative:

New	<u>5</u>	Amended	<u>1</u>	Repealed	<u>1</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

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>5</u>	Amended	<u>1</u>	Repealed	<u>1</u>

Date Adopted: 11/16/2023

Name: Robert Nicoloff

Title: Executive Director

Signature:



AMENDATORY SECTION (Amending WSR 96-16-074, filed 8/6/96, effective 9/6/96)

WAC 246-808-201 Purpose. The purpose of WAC 246-808-201 through ((246-808-215)) 246-808-211 is to establish eligibility ((eriterion)) criteria for registration of chiropractic X-ray technicians as allowed under RCW 18.25.180.

NEW SECTION

WAC 246-808-203 Definitions. The definitions in this section apply to WAC 246-808-201 through 246-808-211, unless the context clearly requires otherwise:

- (1) "Classroom hour" means 50 minutes of instruction.
- (2) "In-person learning" means real-time instruction where all of the instructor(s) and student(s) meet in the same physical space.

NEW SECTION

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

(1) A licensed chiropractor shall employ only chiropractors or chiropractic X-ray technicians to operate X-ray equipment.

(2) To apply for registration as a chiropractic X-ray technician, the applicant shall submit:

- (a) A completed application on forms provided by the commission;
- (b) Applicable fees as required in WAC 246-808-990;
- (c) Proof of satisfactory completion of a course of instruction of not less than 72 classroom hours, 30 of which are in-person learning. The course must have been approved by the commission in accordance with WAC 246-808-207; and

(d) Verification of passing a written and practical proficiency examination in radiologic technology, approved by the commission in accordance with WAC 246-808-207. A passing grade shall be 70 percent.

(i) If the applicant fails their first attempt at the written and practical proficiency examination, the applicant may take the examination one additional time without additional classroom instruction.

(ii) If the applicant fails their second and any subsequent attempt at the written and practical proficiency examination, the applicant shall complete an additional course of instruction of not less than 16 hours prior to retaking the examination.

(3) Exceptions allowing registration without meeting the requirements of subsection (2)(c) and (d) of this section.

(a) A chiropractic X-ray technician applicant who holds a current active registration, license, or certification from a national certifying agency or other governmental licensing agency whose standards for registration, licensure, or certification are equal to or exceed the standards under these rules.

(b) A person who has graduated from an accredited and commission approved chiropractic school or college within five years prior to submitting their application.

NEW SECTION

WAC 246-808-207 Course requirements and approval. (1) A person may request commission approval of a course of classroom instruction for chiropractic X-ray technicians by submitting the following information to the commission:

(a) An outline of the course of instruction, which shall include:

- (i) Physics and equipment;
- (ii) Principles of radiographic exposure;
- (iii) Radiation protection;
- (iv) Anatomy;
- (v) Radiographic positioning and procedures; and
- (vi) Topics that address the requirements listed in WAC 246-808-565.

(b) A written and practical proficiency examination.

(c) A qualified instructor. A qualified instructor must verify that during the preceding five years their license has not been suspended, revoked, or otherwise conditioned or restricted and:

(i) Be a diplomate of the American Chiropractic Board of Radiology;

(ii) Be a chiropractor who has been licensed for five years, with at least five years in practice that includes the taking of X-rays; or

(iii) Be a chiropractor who has on-campus or postgraduate faculty status in the field of radiology.

(d) Any other information deemed necessary by the commission to make a determination.

(2) All information submitted pursuant to this section must be consistent with chapters 18.25 RCW and 246-808 WAC and must cover all aspects of the chiropractic scope of practice as it pertains to X-rays.

NEW SECTION

WAC 246-808-209 Continuing education for chiropractic X-ray technicians. (1) A chiropractic X-ray technician shall complete six hours of continuing education in compliance with WAC 246-12-170 through 246-12-240. Verification of completion of the continuing education requirement is due upon renewal. If the first renewal period is less than one full year from the date of licensure, no continuing education will be due for the first renewal period.

(2) The commission approves continuing education of the subject matter listed in WAC 246-808-207 (1)(a). Prior approval of continuing education programs is not required by the commission.

(3) Health equity requirements.

(a) Beginning July 1, 2024, as part of the continuing education requirements, a chiropractic X-ray technician must complete a minimum of two hours of training in health equity every four years in accordance with WAC 246-12-800 through 246-12-830.

(b) Hours spent completing health equity continuing education under this section count toward meeting the continuing education requirements for chiropractic X-ray technicians for renewal.

NEW SECTION

WAC 246-808-211 Expired credential—Requirements for reactivating a chiropractic X-ray technician. If a chiropractic X-ray technician registration is expired, to return to active status, the chiropractic X-ray technician must meet the requirements of WAC 246-12-040 and comply with the following:

(1) If the chiropractic X-ray technician registration has been expired for less than one year, the chiropractic X-ray technician must submit to the commission a written attestation of completing at least six hours of continuing education within the last 12 months in any of the categories listed in accordance with WAC 246-808-207 (1)(a), and meet the requirements as listed in WAC 246-12-040 (3)(a).

(2) If the chiropractic X-ray technician registration has been expired for one year or more, but less than three years, the chiropractic X-ray technician must complete at least 12 hours of continuing education in the two years prior to the date of application in any of the categories listed in accordance with WAC 246-808-207 (1)(a), and meet the requirements as listed in WAC 246-12-040 (3)(b).

(3) If the chiropractic X-ray technician registration has been expired for three years, but less than five years, the chiropractic X-ray technician must complete at least 12 hours of continuing education in the two years prior to the date of application in any of the categories listed in accordance with WAC 246-808-207 (1)(a), and meet the requirements as listed in WAC 246-12-040 (3)(c).

(4) If the chiropractic X-ray technician registration has been expired for five years or more, the chiropractic X-ray technician must meet the course requirements and pass the written and practical proficiency examination as described in WAC 246-808-207 less than one year prior to the date the application was received and meet the requirements as listed in WAC 246-12-040 (3)(c), excluding (c)(ix).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-808-215 Registration of chiropractic X-ray technicians.