

WSR 23-13-113

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed June 21, 2023, 7:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-01-047.

Title of Rule and Other Identifying Information: Health equity continuing education (CE) for the physical therapy and physical therapy assistant profession, WAC 246-915-085. The board of physical therapy (board) is proposing an amendment in rule to establish health equity CE requirements to implement ESSB 5229.

Hearing Location(s): On August 21, 2023, at 10:15 a.m. The board will provide a virtual and a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. Hearing at Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98502; or virtual. Please follow this link to register for the virtual hearing which will give you instructions to either join the meeting on a device, or to call in to the meeting on the phone, https://us02web.zoom.us/webinar/register/WN_aEfgV8UHSdy2kt2nrGjff6w.

Date of Intended Adoption: August 21, 2023.

Submit Written Comments to: Allyson McIver, Program Manager, P.O. Box 47877, Olympia, WA 98504-7877, email physical.therapy@doh.wa.gov, fax 360-236-2901, <https://fortress.wa.gov/doh/policyreview>, by August 14, 2023.

Assistance for Persons with Disabilities: Contact Allyson McIver, program manager, phone 360-236-2878, fax 360-236-2902, TTY 711, email physical.therapy@doh.wa.gov, by August 14, 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 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 246-915-085 to implement ESSB 5229. The proposal will adopt and exceed the health equity model rules, WAC 246-12-800 through 246-12-830, for the physical therapy and physical therapy assistant profession to comply with RCW 43.70.613, increasing the frequency of when the health equity education CE must be taken. The proposed rules add two hours of health equity education to be completed as part of the current CE requirements every two years. This exceeds the two hours of health equity education to be completed every four years required in the model rules. The proposed rule requires two hours in health equity CE every two years which can be counted under existing CE requirements for the profession. 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 manifest as health inequities.

The board believes in the importance of health equity training and that increasing the required hours to two hours every two 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. The two hours of health equity CE credits every two years may be earned as part of the health professional's existing CE requirements, therefore not requiring completion of additional CE hours. No additional topics are being added to the model rules requirements.

Statutory Authority for Adoption: RCW 43.70.613, 18.74.023.

Statute Being Implemented: Chapter 18.74 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, board of physical therapy, governmental.

Name of Agency Personnel Responsible for Drafting: Davis Hylkema, Interim Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4633; Implementation and Enforcement: Allyson McIver, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2878.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Allyson McIver, P.O. Box 47877, Olympia, WA 98504-7877, phone 360-236-2901, fax 360-236-2901, email physical.therapy@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

May 23, 2023

Kathryn Dale, PT, DSc, Chair
Board of Physical Therapy

OTS-4534.1

AMENDATORY SECTION (Amending WSR 21-20-009, filed 9/23/21, effective 10/24/21)

WAC 246-915-085 Continuing competency. (1) Every two years, a physical therapist shall complete (~~(thirty-two)~~) 32 hours of continuing education (CE) through any of the following means:

	CE Type	Maximum Hours Allowed	Documentation Requirements
a.	Participation in a course, live or online, including recorded.	No limit	Keep certificates of completion for each course, and, if not contained in the certificate of completion, information describing the course sponsors, the goals and objectives of the course, the credentials of the presenter as a recognized authority on the subject presented, dates of attendance, and total hours for all continuing education courses being reported.
b.	Live or recorded instructional electronic media relating to the practice of physical therapy that does not include specific goals and objectives.	Four hours	Instead of course goals, objectives and certificate of completion, the PT shall write and submit to the department a minimum of two takeaways for each hour of running time.
c.	Books or articles reviewed.	Eight hours (reading time only)	The PT shall write and submit to the department a one-page synopsis in twelve-point font for each hour of reading time. The time spent writing a synopsis is not reportable.
d.	Preparation and presentation of professional physical therapy courses or lectures.	Sixteen hours	The PT shall submit to the department a description and objectives of the presentation, date, and location of presentation.
e.	Written preparation and publication of original scholarly research or work published in a peer-review journal.	Ten hours	The PT shall submit to the department proof of publication which may include poster presentations.
f.	Clinical instruction of physical therapy students enrolled in a physical therapy educational program accredited by the American Physical Therapy Association's Commission on Accreditation in Physical Therapy Education (CAPTE) or clinical instruction in a postgraduate residency or fellowship through the American Board of Physical Therapy Residency and Fellowship Education (ABPTRFE).	Ten hours	The PT shall obtain and submit to the department a letter or certificate from the student's academic institution verifying that the student has completed the course of clinical instruction. Each thirty-two hours of student mentorship equals one hour for purposes of CE credit.
g.	Courses required for professional certification such as to work in public schools.	Fifteen hours	The PT shall submit a copy of the completion certificate to the department.
h.	Courses provided by an accredited institution of higher education which may include, but are not limited to, courses leading to an advanced degree in physical therapy or other courses that advance the PT's competence.	No limit	The PT shall submit a transcript to the department verifying courses taken. One quarter credit is equal to ten hours; one trimester is equal to twelve hours; and one semester credit is equal to fifteen hours.
i.	Attendance at science-based conferences.	No limit	Certificate of attendance.
j.	Preparing for and successfully taking and passing board certification exams through the American Board of Physical Therapy Specialties.	No limit	Certificate of certification.

(2) Every two years a physical therapist who holds a spinal manipulation endorsement shall complete at least (~~ten~~) 10 hours of continuing education directly related to spinal manipulation with at least five hours related to procedural techniques and application of spinal manipulation. For documentation, refer to the documentation required for the particular type of continuing education chosen. The hours spent completing spinal manipulation continuing education count toward meeting any applicable continuing competency requirements.

(3) Every two years, a physical therapist assistant shall complete (~~twenty-four~~) 24 hours of continuing education through any of the following means:

	CE Type	Hours Allowed	Documentation Requirements
a.	Participation in a course, live or online, including recorded.	No limit	Keep certificates of completion for each course, and, if not contained in the certificate of completion, information describing the course sponsors, the goals and objectives of the course, the credentials of the presenter as a recognized authority on the subject presented, dates of attendance, and total hours for all continuing education courses being reported.
b.	Live or recorded instructional electronic media relating to the practice of physical therapy that does not include specific goals and objectives.	Four hours	Instead of course goals, objectives and certificate of completion, the PTA shall submit to the department a minimum of two takeaways for each hour of running time.
c.	Books or articles reviewed.	Eight hours (reading time only)	The PTA shall write and submit a one-page synopsis in twelve-point font for each hour of reading time. The time spent writing a synopsis is not reportable.
d.	Preparation and presentation of professional physical therapy courses or lectures.	Sixteen hours	The PTA shall submit to the department a description and objectives of the presentation, date, and location of presentation.
e.	Written preparation and publication of original scholarly research or work published in a peer-review journal.	Ten hours	The PTA shall submit proof of publication which may include poster presentations.
f.	Clinical instruction of physical therapist assistant students enrolled in a physical therapy assistant program accredited by the American Physical Therapy Association's Commission on Accreditation in Physical Therapy Education (CAPTE) or clinical instruction in a postgraduate residency or fellowship through the American Board of Physical Therapy Residency and Fellowship Education (ABPTRFE).	Ten hours	The PTA shall obtain and submit to the department a letter or certificate from the student's academic institution verifying that the student has completed the course of clinical instruction. Each thirty-two hours of student mentorship equals one hour for purposes of CE credit.
g.	Courses required for professional certification such as to work in public schools.	Fifteen hours	The PTA shall submit a copy of the completion certificate.
h.	Courses provided by an accredited institution of higher education which may include, but are not limited to, courses leading to an advanced degree in physical therapy or other courses that advance the PTA's competence.	No limit	The PTA shall submit a transcript verifying courses taken. One quarter credit is equal to ten hours; one trimester credit is equal to twelve hours; and one semester credit is equal to fifteen hours.
i.	Attendance at science-based conferences.	No limit	Certificate of attendance.
j.	Preparing for and successfully taking and passing board certification exams through the American Board of Physical Therapy Specialties.	No limit	Certificate of certification.

(4) Every two years, each physical therapist and physical therapist assistant shall complete two hours of health equity continuing competency training as described in WAC 246-12-800 through 246-12-830. For documentation, refer to the documentation required for the particular type of continuing education chosen. The hours spent completing health equity training continuing education count toward meeting any applicable continuing competency requirements.

(5) Each physical therapist and physical therapist assistant shall complete a one-time, three hour suicide assessment training described in WAC 246-915-086.

~~((5))~~ (6) Every two years, each physical therapist and physical therapist assistant shall complete ~~((two hundred))~~ 200 hours involving the application of physical therapy knowledge and skills which may be obtained in the clinical practice of physical therapy or in the non-

clinical activities which include, but are not limited to, the following:

	Clinical Activities	Hours Allowed	Documentation
a.	Physical therapy clinical practice.	No limit	Documentation of physical therapy employment, the PT or PTA shall provide copies of employment records or other proof acceptable to the board of employment for the hours being reported.
	Nonclinical Activities	Hours Allowed (within the two hundred hours required)	Documentation
b.	Physical therapy teaching of: <ul style="list-style-type: none"> • Patient/client management, prevention and wellness. • Physical therapy ethics and standards of practice. • Professional advocacy/involvement. 	No limit	The PT or PTA shall provide documentation of such activities as acceptable to the board.
c.	Active service on boards or participation in professional or government organizations, or attendance at professional or government organizations meetings specifically related to the practice of physical therapy.	No limit	The PT or PTA shall provide documentation of such activities as acceptable to the board.
d.	Developing course work in physical therapy schools or education programs or physical therapy continuing education courses.	No limit	The PT or PTA shall provide documentation of such activities as acceptable to the board.
e.	Physical therapy research as a principal or associate researcher.	No limit	The PT or PTA shall provide documentation of such activities as acceptable to the board.
f.	Physical therapy consulting.	No limit	The PT or PTA shall provide documentation of such activities as acceptable to the board.
g.	Management of physical therapy services.	No limit	The PT or PTA shall provide documentation of such activities as acceptable to the board.
h.	Physical therapy volunteer hours or observation in physical therapy practice.	No limit	The PT or PTA shall provide documentation verifying volunteer or observation hours.

[Statutory Authority: RCW 18.74.023. WSR 21-20-009, § 246-915-085, filed 9/23/21, effective 10/24/21. Statutory Authority: RCW 18.74.023, chapter 18.74 RCW and 2018 c 222. WSR 20-06-029, § 246-915-085, filed 2/26/20, effective 3/28/20. Statutory Authority: RCW 18.74.023 and chapter 18.74 RCW, RCW 18.340.020. WSR 18-15-067, § 246-915-085, filed 7/17/18, effective 8/17/18. Statutory Authority: RCW 18.74.023 and 43.70.442. WSR 15-14-093, § 246-915-085, filed 6/29/15, effective 7/1/15. Statutory Authority: RCW 18.74.023. WSR 08-17-026, § 246-915-085, filed 8/13/08, effective 8/13/08. Statutory Authority: RCW 18.74.023(4). WSR 04-08-101, § 246-915-085, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-915-085, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.74.023. WSR 94-05-014 (Order 403B), § 246-915-085, filed 2/4/94, effective 3/7/94.]