

WSR 23-15-107

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed July 18, 2023, 7:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-01-076.

Title of Rule and Other Identifying Information: Health equity continuing education (CE) for optometrists. The board of optometry (board) is proposing new WAC 246-851-225 to establish health equity CE to implement ESSB 5229 (chapter 276, Laws of 2021).

Hearing Location(s): On September 8, 2023, at 10:00 a.m., at the Olympia City Center, 222 Columbia Street N.W., Room 100, Olympia, WA 98501; or virtual meeting [https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODQ3NzA2NDEtNDI5Yi00ZTYyLThiODctMmVkMDU3ZmE2OTkx%40thread.v2/0?](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODQ3NzA2NDEtNDI5Yi00ZTYyLThiODctMmVkMDU3ZmE2OTkx%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22b0a413cc-861e-438f-ad33-52df6d9a4283%22%7d)

[context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22b0a413cc-861e-438f-ad33-52df6d9a4283%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODQ3NzA2NDEtNDI5Yi00ZTYyLThiODctMmVkMDU3ZmE2OTkx%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22b0a413cc-861e-438f-ad33-52df6d9a4283%22%7d).

Date of Intended Adoption: September 8, 2023.

Submit Written Comments to: Kristina Bell, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by August 30, 2023.

Assistance for Persons with Disabilities: Contact Kristina Bell, Program Manager, phone 360-236-4841, fax 360-236-2901, TTY 711, email Kristina.bell@doh.wa.gov, by September 1, 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 optometrists must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The board is proposing new WAC 246-851-225 to implement ESSB 5229 requiring health equity CE hours. The board is proposing to adopt the health equity model rules WAC 246-12-800 through 246-12-830 for optometrists to comply with RCW 43.70.613.

The proposed rule adds two hours of health equity education to be completed as part of the current CE requirements every four years.

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 manifests as health inequities.

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

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.

Statutory Authority for Adoption: RCW 18.54.070, 43.70.613, 43.70.040, 18.130.040.

Statute Being Implemented: ESSB 5229 (chapter 276, Laws of 2021), codified as RCW 43.70.613.

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

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kristina Bell, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4841.

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 Kristina Bell, Program Manager, Department of Health, P.O. Box 47852-7852, Olympia, WA 98507, phone 360-236-4841, fax 360-236-2901, TTY 711, email Kristina.bell@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.

March 10, 2023
William J. Prothero, OD, Chair
Board of Optometry

OTS-4448.1

NEW SECTION

WAC 246-851-225 Optometrist health equity continuing education training requirements. (1) Optometrists must complete a minimum of two hours in health equity continuing education training every four years by complying with WAC 246-12-800 through 246-12-830.

(2) This training must be completed by the end of the second full continuing education reporting period after January 1, 2024, or the second full continuing education reporting period after initial licensure, whichever is later.

(3) The hours spent completing health equity continuing education under this section count toward meeting applicable continuing education requirements for optometrist license renewal.

(4) The board may randomly audit up to 25 percent of licensed optometrists every two years for compliance after the license is renewed as allowed by WAC 246-12-190.

[]