

WSR 23-20-063

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Naturopathy)

[Filed September 28, 2023, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-21-11[1].

Title of Rule and Other Identifying Information: Naturopathic physician continuing education (CE) requirements, WAC 246-836-080. The board of naturopathy (board) is proposing amendments to ensure clear CE requirements including: Designation of pharmacology CE credits, classification of CE categories, and implementation of the health equity CE requirements, mandated by ESSB 5229 (chapter 276, Laws of 2021).

Hearing Location(s): On November 17, 2023, at 8:30 a.m., virtually via Zoom at https://us02web.zoom.us/webinar/register/WN_htWLk5PWTYSYvTuWcn3cpw#/registration. After registering, you will receive a confirmation email containing information about joining the webinar; or in person at 111 Israel Road S.E., Town Center 2, Room 153, Tumwater, WA 98501.

Date of Intended Adoption: November 17, 2023.

Submit Written Comments to: Rachel Phipps, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview/>, fax 360-236-2901, by November 7, 2023.

Assistance for Persons with Disabilities: Contact Rachel Phipps, phone 564-233-1277, fax 360-236-2901, TTY 711, email naturopathic@doh.wa.gov, by November 7, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board is proposing amendments to WAC 246-836-080 to update and provide further clarification to the naturopathic physician CE regulations. The purpose of this rule making is to clarify the pharmacology CE requirements, clarify and update the organizations that are available to fulfill category one hours, and implement the health equity CE requirements mandated by ESSB 5229.

The board is proposing amendments to clarify how the board accepts the designation of pharmacology content to meet the requirements in WAC 246-836-080(3). The board learned that very few approved entities include the number of pharmacy CE hours on course completion certificates, creating a barrier for licensees to fulfill the pharmacology CE requirement for naturopathic physicians. In early 2021, the board issued the interpretive statement: Continuing Education Pharmacology Documentation, BON 21-01. The board is now proposing amendments to put this clarification in rule so that naturopathic physicians are able to provide accurate forms of certification and demonstrate that they have met the requirements in WAC 246-836-080(3).

The board is also proposing amendments that clarify the list of organizations available to fulfill category one hours. The board is proposing amendments that clarify the category types, the list of approved accredited entities, and the required hours for each category without changing the total required amount of CE.

The board is also proposing to adopt the department model rules for health equity by amending section WAC 246-836-080 to implement ESSB 5229. The proposed amendments establish minimum standards for licensed naturopathic physicians of two hours of health equity CE every four years. The proposed rule does not change total naturopathic physician CE hours but requires two hours in health equity CE every

four years which is absorbed into the existing number of CE hours required. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession.

Reasons Supporting Proposal: RCW 18.36A.160 (1)(h) directs the board to adopt rules implementing a continuing competency program. The purpose of the statute is to allow the board to adopt rules that set forth specific requirements which will protect the public through clearly stated standards of practice. The intent of the proposed rule is to protect the public by keeping licensed naturopathic physicians informed of developments in a rapidly changing field. The proposal meets the intent of the statute by establishing clear, enforceable CE requirements for licensees to follow. The board recognizes that there are many CE programs intended to improve clinical practice and patient care that may not satisfy the requirements of the rule as it is currently written. The proposed amendments will not increase the number of hours required but will provide additional training opportunities. These options would give licensees the choice to participate in activities more in line with their individual practices and provide greater flexibility in choosing courses.

It is the intent of RCW 43.70.613 to equip health care workers with health equity training that provides the skills to recognize and reduce health inequities in their daily work. The content of health equity trainings includes 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.

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.

The proposed amendments to WAC 246-836-080 provide updated CE requirements that are clear, concise, and necessary to ensure patient safety.

Statutory Authority for Adoption: RCW 43.70.613 and 18.36A.160.

Statute Being Implemented: RCW 43.70.613; ESSB 5229 (chapter 276, Laws of 2021); RCW 18.36A.160 and 18.36A.110.

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

Name of Proponent: Board of naturopathy, governmental.

Name of Agency Personnel Responsible for Drafting: Rachel Phipps, 111 Israel Road S.E., Tumwater, WA 98501, 564-233-1277; Implementation and Enforcement: James Chaney, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2831.

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 Rachel Phipps, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-233-1277, fax 360-236-2901, TTY 711, email naturopathic@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.

September 28, 2023
 U. James Chaney
 Executive Director
 Board of Naturopathy

OTS-4620.4

AMENDATORY SECTION (Amending WSR 19-08-032, filed 3/27/19, effective 1/1/21)

WAC 246-836-080 Continuing competency program. (1) General provisions. Each licensed naturopathic physician must complete ~~((sixty))~~ 60 hours of continuing education related to the naturopathic scope of practice in Washington state every two years, as provided in chapter 246-12 WAC ~~((, Part 7))~~.

(2) (a) A license holder's first ~~((sixty))~~ 60 hour continuing education requirement is due on the third renewal date after the license is issued. After that, it is due every other year on the licensee's renewal date.

(b) A licensee may begin to accrue continuing education from the date of initial licensure and apply it toward the fulfillment of their first continuing education requirement.

(c) License reissuance. When applying for reissuance of an expired license, a naturopathic physician must attest to ~~((sixty))~~ 60 hours of continuing education for the two years preceding the reissuance application. Upon reissuance, the licensee's continuing education sequence will resume based on the last active license continuing education cycle.

(3) ~~((a))~~ A licensee ~~((s))~~ must complete a minimum of ~~((fifteen))~~ 15 continuing education hours over two years on the subject of pharmacology ~~((consistent with naturopathic scope of practice in this state. Course content, or a portion thereof, must be designated as pharmacology by an entity listed in subsection (5)(a)(i) or (b)(i) of this section))~~. Examples of eligible pharmacology course content include, but are not limited to:

~~((a))~~ (i) Legend substances as defined in RCW 69.41.010;

~~((b))~~ (ii) Controlled substances in chapter 69.50 RCW;

~~((c))~~ (iii) Biopharmacology, which is the study of medicinal or drug products manufactured in, extracted from, or semi-synthesized from biological sources;

~~((d))~~ (iv) Pharmacognosy, which is the study of medicinal drugs derived from plants or other natural sources;

~~((e))~~ (v) Contraindications or interactions of drug-to-drug, drug-to-herb, or drug-to-nutrient; or

~~((f))~~ (vi) Other subjects approved by the board.

(b) Acceptable documentation is information included on course completion certificates, transcripts, course descriptions, course brochures, or course registration forms.

(c) Pharmacology hours may be fulfilled through courses meeting the requirements in any category in subsection (5) of this section.

(4) Required continuing education topics. The hours spent completing required topics under this subsection count toward meeting any applicable continuing education requirements. Nothing in this subsection is intended to expand or limit the naturopathic scope of practice.

(a) Suicide prevention requirements. As part of continuing education and in accordance with RCW 43.70.442, a licensed naturopathic physician must complete a board-approved one-time training that is at least six hours long in suicide assessment, treatment, and management. This training must be completed by the end of the ((first full continuing education reporting period after January 1, 2016, or the)) first full continuing education reporting period after initial licensure ((, whichever is later.

~~(a) Until July 1, 2017, a board-approved training must be an empirically supported training in suicide assessment, including screening and referral, suicide treatment, and suicide management, and meet any other requirement in RCW 43.70.442.~~

~~(b) Beginning July 1, 2017,)) Training accepted by the board must be on the department's model list 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.~~

~~(e)) A board-approved training must be at least six hours in length and may be provided in one or more sessions.~~

~~((d) The hours spent completing the training in suicide assessment, treatment, and management under this subsection count toward meeting any applicable continuing education requirements.~~

~~(e) Nothing in this subsection is intended to expand or limit the naturopathic scope of practice.))~~

(b) Health equity requirements. As part of continuing education and in accordance with RCW 43.70.613, a licensed naturopathic physician must complete a minimum of two hours of training in health equity to address health inequities such as bias, racism, and poverty. A naturopathic physician fulfills this by complying with the requirements in WAC 246-12-800, 246-12-810, 246-12-820, and 246-12-830. Such training must be completed once every four years, beginning with the first full continuing education cycle due on or after January 1, 2024.

(5) Categories of creditable continuing education.

(a) Category 1. A licensee is required to obtain a minimum of ~~((twenty))~~ 40 hours over two years in this category; however, all ~~((sixty))~~ 60 hours may be earned in this category. Category 1 credit hours and activities include:

(i) Live-attended, both in-person and remote-attendance, education ~~((related to the naturopathic scope of practice in this state approved or offered by the following sources))~~ through a board-approved entity that is accredited to provide continuing or professional education including, but not limited to:

(A) American Association of Naturopathic Physicians (AANP);

(B) Washington Association of Naturopathic Physicians (WANP);

(C) North American Naturopathic Continuing Education Accreditation Council (NANCEAC) through the Federation of Naturopathic Medicine Regulatory Authorities (FNMRA); ~~((or))~~

(D) Naturopathic medicine academic institutions and scholarly organizations approved by the board according to WAC 246-836-150;

(E) Continuing medical educational programs in the clinical application of naturopathic medicine that are approved by any naturopathic licensing authority in the states or Canada;

(F) The Accreditation Council for Continuing Medical Education (ACCME);

(G) The American Nurses Credentialing Center (ANCC); or

(H) The Accreditation Council for Pharmacy Education (ACPE).

(ii) Prerecorded education meeting the requirement in (a)(i) of this subsection ~~((related to the naturopathic scope of practice in this state. To qualify for credit under this section the course must))~~ which require the licensee to ~~((pass))~~ complete an ~~((examination))~~ assessment in order to complete the course.

(iii) Completion of a one year residency accredited by the Council on Naturopathic Medical Education (CNME) meets the full ~~((two year))~~ 60 hour continuing education requirement.

~~((iv)) Licensees completing a medical marijuana continuing education course approved by the department may claim the hours designated by the course provider for this activity. This activity can only be claimed once during a two year continuing education cycle.~~

~~(v) Licensees completing the suicide prevention requirement in subsection (4) of this section may claim six hours for this activity. This activity can only be claimed once during a two year continuing education cycle.)~~

(b) Category 2. Category 2 credit hours and activities include:

(i) ~~((Live-attended, both in-person and remote attendance, education relevant to various other health professions, however licensees may only claim those hours that have content consistent with naturopathic scope of practice in this state. Hours must be obtained through an entity that is accredited or nationally recognized, examples of which include, but are not limited to, courses accredited by:~~

~~(A) The accreditation council for continuing medical education (ACCME);~~

~~(B) The American Nurses Credentialing Center (ANCC); or~~

~~(C) The accreditation council for pharmacy education (ACPE).~~

~~(ii) Prerecorded education meeting the requirement in (b)(i) of this subsection, however only content related to naturopathic scope of practice in this state may be claimed. To qualify for credit under this section the course must require the licensee to complete an examination in order to complete the course.~~

~~(iii)) Teaching, lecturing, or serving as a residency director((, which)) for a residency approved by the Council on Naturopathic Medical Education (CNME) shall equate ((one full-time work week)) 40 hours worked to one continuing education hour.~~

~~((iv))~~ (ii) Publishing in a peer-reviewed, scientific journal or textbook, or presenting content that would qualify for credit under category 1. Ten credit hours may be claimed for each paper, exhibit, presentation, publication, or chapter. Credit shall be claimed as of the date materials were presented or published.

(c) Category 3. A licensee may claim up to a maximum of five hours over two years in this category. Category 3 credit hours and activities include:

(i) Online study not otherwise specified above;

(ii) Multimedia education (CD/DVD);

(iii) Certification or recertification in basic life support ~~((also known as cardiopulmonary resuscitation))~~ (BLS), advanced cardiac life support (ACLS), neonatal resuscitation (NRP), or pediatric advanced life support (PALS);

(iv) Self-study including, but not limited to, board examination preparation or reading papers and publications where an assessment tool is required upon completion; and

(v) Courses in nonclinical practice topics, such as:

(A) Health promotion;

(B) Health care cost management;

(C) Coding;

(D) Regulatory affairs; or

(E) Professional ethics, disciplinary prevention, or jurisprudence. Licensees completing the board's jurisprudence examination may claim two hours for this activity. This activity can only be claimed once during a two year continuing education reporting cycle.

(vi) In-person or virtual attendance at a board of naturopathy business meeting. Each meeting counts for one hour. Acceptable documentation is the licensee's presence as recorded in the board's minutes or transcript.

(6) Documentation. A licensee must submit documentation upon request or audit. Acceptable documentation includes:

(a) Certificates of completion;

(b) Transcripts;

(c) Letters from instructors; or

(d) Other records, which must include participant's name, course title, course content, dates, provider(s) name(s), and signature of sponsor or instructor.

(e) For self-study activities that do not offer documentation, licensees should keep lists with hours spent reading publications, papers, or articles; or hours spent preparing for specialty board examinations.

(7) Waiver or extension. In emergent or unusual situations, such as personal or family illness, the board may waive all or part of the continuing education requirement for a particular continuing education reporting period for an individual licensee if the board determines there is good cause. The board may also grant the licensee an extension period in order to meet the full requirement if the board determines there is good cause. Licensees requesting an extension must include a detailed plan on how they will obtain the deficient hours. Hours obtained for an extension (~~can only be applied~~) only apply to the extension and cannot be used for any other continuing education reporting cycle. The board may require verification of the emergent or unusual situation as is necessary.

[Statutory Authority: RCW 18.36A.160. WSR 19-08-032, § 246-836-080, filed 3/27/19, effective 1/1/21. Statutory Authority: RCW 18.36A.160 and 43.70.442 as amended in 2014 and 2015. WSR 16-06-008, § 246-836-080, filed 2/18/16, effective 3/20/16. Statutory Authority: RCW 18.36A.160, 2011 c 41, and 2011 c 40. WSR 12-13-104, § 246-836-080, filed 6/20/12, effective 7/21/12. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-836-080, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.36A.060. WSR 92-02-018 (Order 224), § 246-836-080, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-836-080, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.36A.060. WSR 88-14-009 (Order PM 742), § 308-34-180, filed 6/24/88.]