

## WSR 23-12-063

## PROPOSED RULES

## DEPARTMENT OF HEALTH

[Filed June 2, 2023, 3:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-01-097.

Title of Rule and Other Identifying Information: WAC 246-824-075 Continuing education requirements for dispensing opticians. The department of health (department) is proposing rule amendments to include health equity continuing education (CE) to implement ESSB 5229 (chapter 276, Laws of 2021).

Hearing Location(s): On July 17, 2023, at 12:30 p.m. The department will be holding a virtual only hearing. Register in advance for this webinar [https://us02web.zoom.us/webinar/register/WN\\_JHDA-rojTf2iekDOHH3Mhw](https://us02web.zoom.us/webinar/register/WN_JHDA-rojTf2iekDOHH3Mhw). After registering, you will receive a confirmation email containing information about joining the webinar. During this time, the department will be conducting three rules hearings. The department will be accepting verbal comments for the following professions regarding health equity continuing education: WAC 246-824-075 Dispensing opticians, 246-825-110 Genetic counselors, and 246-850-140 Orthotics and prosthetics.

Date of Intended Adoption: July 24, 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 July 17, 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](mailto:Kristina.bell@doh.wa.gov), by June 30, 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, 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 to create model rules establishing the minimum standards for health equity CE programs. The department adopted model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-24-002. Any rules developed for dispensing opticians must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The department is proposing to amend WAC 246-824-075 to include two hours of CE in health equity every four years for dispensing opticians. The proposal also establishes enforceable credentialing requirements and safety mechanisms for patients receiving dispensing optician services.

Reasons Supporting Proposal: The goal of health equity CE training 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 includes implicit bias training 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.

ESSB 5229 (chapter 276, Laws 2021), codified as RCW 43.70.613, directs the rule-making authority for each health profession licensed under Title 18 RCW, subject to continuing education (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 to establish model rules creating minimum standards for health equity CE training programs.

Rule making is necessary to achieve the statute's goals and objectives by providing updated requirements that are clear, concise, and necessary to ensure patient safety. Rule making establishes enforceable credentialing requirements and safety mechanisms for patients receiving dispensing optician services.

Statutory Authority for Adoption: RCW 18.34.120, 43.70.613, 43.70.040, 18.130.040.

Statute Being Implemented: RCW 43.70.613(1).

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

Name of Proponent: Department of health, 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, Olympia, WA 98504-7852, phone 360-236-4841, fax 360-236-2901, TTY 711, email [Krisitna.bell@doh.wa.gov](mailto:Krisitna.bell@doh.wa.gov) [[Kristina.bell@doh.wa.gov](mailto: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.

June 2, 2023  
 Kristin Peterson, JD  
 Chief of Policy  
 for Umair A. Shah, MD, MPH  
 Secretary

## OTS-4393.2

AMENDATORY SECTION (Amending WSR 15-07-006, filed 3/6/15, effective 4/6/15)

**WAC 246-824-075 Continuing education requirements for dispensing opticians.** Purpose and scope. The purpose of continuing education is to ensure the continued high quality of services provided by licensed dispensing opticians. Continuing education consists of programs of learning which contribute directly to the advancement or enhancement of skills in the field of opticianry, designed to keep the licensed dispensing opticians informed of current and forecasted developments in a rapidly changing field.

(1) Basic requirements. Licensed dispensing opticians whose three-year continuing education reporting cycle begins on or after June 1, 2015, must complete ((thirty)) 30 hours of continuing education every three years ((as required in chapter 246-12 WAC, Part 7))

according to the requirements in WAC 246-12-170 through 246-12-240. Of the ((thirty)) 30 hours every three years:

(a) A minimum of five hours must be completed in each of the three years;

(b) At least ((fifteen)) 15 of the credit hours must relate to contact lenses.

(2) Approved continuing education courses may be completed through the following methods or activities:

(a) Attendance at a local state or national program;

(b) Self-study through distance learning;

(c) Electronically through webinar or video presentations.

(3) Courses offered by the following organizations are presumed to qualify as continuing education courses. The secretary reserves the right to refuse to accept credits in any course if the secretary determines that the course did not provide information sufficient in amount or relevancy to opticianry:

(a) American Board of Opticianry;

(b) National Academy of Opticianry;

(c) Optical Laboratories Association;

(d) National Contact Lens Examiners;

(e) Contact Lens Society of America;

(f) Opticians Association of Washington;

(g) Joint Commission of Allied Health

Personnel in Ophthalmology;

(h) Council on Optometric Practitioner Education;

(i) Opticianry colleges or universities approved by the secretary;

(j) Speakers sponsored by any of the above organizations;

(k) Any state or national opticianry association; and

(l) Additional qualifying organizations or associations as approved by the secretary.

(4) Dispensing opticians 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.

(a) 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.

(b) The hours spent completing health equity continuing education under this section count toward meeting applicable continuing education requirements in this section.

[Statutory Authority: RCW 18.34.120. WSR 15-07-006, § 246-824-075, filed 3/6/15, effective 4/6/15; WSR 09-07-023, § 246-824-075, filed 3/6/09, effective 4/6/09. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-824-075, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.17.060 and 18.130.070. WSR 91-09-024 (Order 155), § 246-824-075, filed 4/10/91, effective 5/11/91.]