

WSR 23-12-092

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed June 6, 2023, 5:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-01-099.

Title of Rule and Other Identifying Information: WAC 246-850-140 Continuing education requirements for orthotics and prosthetics. The department of health (department) is proposing rule amendments to include health equity continuing education (CE).

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 at 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 rule hearings. The department will be accepting verbal comments for the following professions regarding health equity CE: 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, Orthotics and Prosthetics, 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, 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 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 orthotists and prosthetists 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 246-850-140 to include at minimum two hours of CE in health equity every four years for orthotists and prosthetists. The health equity CE requirement is being added to the existing number of CE hours required for orthotists and prosthetists without changing the existing total number of required CE hours. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession.

Reasons Supporting Proposal: 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 proposed rules establish these requirements.

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 include implicit bias training to identify strategies to reduce bias during as-

assessment and diagnosis in an effort to address structural factors, such as bias, racism, and poverty, that manifest as health inequities.

Rule making is necessary to define and enforce the health equity CE requirement for orthotists and prosthetists and to implement the statute.

Statutory Authority for Adoption: RCW 43.70.613, 43.70.040, 18.130.040, 18.200.050.

Statute Being Implemented: RCW 43.70.613.

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 47852-7852, 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.

June 6, 2023
Todd Mountin, PMP
Deputy Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4397.2

AMENDATORY SECTION (Amending WSR 19-09-065, filed 4/16/19, effective 5/17/19)

WAC 246-850-140 Continuing competency requirements for orthotists and prosthetists. (1) The continuing competency reporting cycle begins with the first full three-year period after initial licensure. All orthotists and prosthetists shall attest to completion of continuing competency activities every year at renewal and shall comply with (~~chapter 246-12 WAC, Part 7~~) WAC 246-12-170 through 246-12-240.

(2) All licensed orthotists and prosthetists shall complete continuing competency hours as follows:

(a) Licensed orthotists shall complete a minimum of (~~forty-five~~) 45 continuing competency hours every three years in the area of orthotics.

(b) Licensed prosthetists shall complete a minimum of (~~forty-five~~) 45 continuing competency hours every three years in the area of prosthetics.

(c) Individuals who are licensed as both an orthotist and as a prosthetist shall complete a minimum of ~~((sixty))~~ 60 continuing competency hours every three years.

(3) For individuals licensed in one discipline, a maximum of eighteen Category 2 continuing competency hours may be earned in any three-year reporting period.

(4) For individuals licensed in both disciplines, a maximum of ~~((twenty-four))~~ 24 Category 2 continuing competency hours may be earned in any three-year reporting period.

(5) Licensees may alternatively meet the continuing competency requirement if they hold a current certification from the American Board for Certification in Orthotics, Prosthetics and Pedorthics. The required documentation is proof of certification during the three-year cycle.

(6) Orthotists and prosthetists 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) Individuals licensed as both an orthotist and prosthetist only need to meet the requirements once every four years.

(b) 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.

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

[Statutory Authority: RCW 18.200.050. WSR 19-09-065, § 246-850-140, filed 4/16/19, effective 5/17/19. Statutory Authority: RCW 18.200.050(13). WSR 03-17-093, § 246-850-140, filed 8/20/03, effective 12/1/03.]