

WSR 23-12-095

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Massage)

[Filed June 6, 2023, 8:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-01-132.

Title of Rule and Other Identifying Information: WAC 246-830-475 Continuing education requirements. The board of massage (board), in coordination with the department of health (department), is proposing amendments to WAC 246-830-475 to establish health equity continuing education (CE) requirements to implement ESSB 5229.

Hearing Location(s): On July 14, 2023, at 9:00 a.m., at Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503. You must register in advance for the virtual portion of the hearing https://us02web.zoom.us/webinar/register/WN_DQKnDshwQfqOXtviyJ52g#/registration. After registering, you will receive a confirmation email containing information about joining the webinar. The public hearing will be hybrid. Participants can attend in person at the physical location or virtually by registering via Zoom.

Date of Intended Adoption: July 14, 2023.

Submit Written Comments to: Megan Maxey, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email megan.maxey@doh.wa.gov, fax 360-236-2901, <https://fortress.wa.gov/doh/policyreview/>, by July 7, 2023.

Assistance for Persons with Disabilities: Contact Megan Maxey, phone 360-236-4945, fax 360-236-2901, TTY 711, email megan.maxey@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 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 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 massage practitioners must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The board and department are proposing an amendment to WAC 246-830-475 to implement ESSB 5229. The board and department are proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for massage therapy to comply with RCW 43.70.613.

The proposed rule adds four hours of health equity education to be completed as part of the current CE requirements every two years. The proposed rule does not change total CE hours but requires four hours in health equity CE every two 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: 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 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.

Four 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 four 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 decision to require four hours rather than two was based on the number of hours the board and department believe a massage practitioner needs to gain a basic understanding of health equity to provide safe and equitable health care treatment to a diverse population.

Statutory Authority for Adoption: RCW 43.70.613 and 18.108.025.

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 and board of massage, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Megan Maxey, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4945.

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 Megan Maxey, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4945, fax 360-236-2901, TTY 711, email megan.maxey@doh.wa.gov, massage.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.

June 6, 2023

Heidi Williams, LMT
Board of Massage Chairperson
for Todd Mountin, PMP
Deputy Chief of Policy

OTS-4459.2

AMENDATORY SECTION (Amending WSR 21-02-012, filed 12/24/20, effective 9/1/21)

WAC 246-830-475 Continuing education requirements. (1) To renew a license, a massage therapist must complete (~~twenty-four~~) 24 hours of continuing education every two years, as provided in (~~chapter 246-12 WAC, Part 7~~) WAC 246-12-170 through 246-12-240. Continuing ed-

ucation must be provided by an individual who has at least three years of professional experience in the subject area being taught. Massage therapists have a duty to ensure the continuing education they complete meets the requirements in this section.

(2) The following categories of continuing education are mandatory:

(a) A minimum of eight hours must be in person and directly supervised involving the participation of the direct application of massage therapy as defined in RCW 18.108.010; and

(b) A minimum of four hours must be in professional ethics, client or patient communication, professional roles and boundaries, or Washington state massage laws and rules. Two of the four hours may be met by attending board of massage meetings in person. A maximum of one hour is allowed per board meeting; and

(c) A minimum of four hours must be in health equity continuing education training as described in WAC 246-12-800 through 246-12-830; and

(d) Maintenance of certification in American Heart Association CPR or equivalent. A maximum of four hours is allowed per reporting period.

(3) For the purposes of this chapter, the remaining hours of continuing education are defined as any of the following activities reasonably related to massage therapy knowledge, skills, and business practices:

(a) Documented attendance at a local, state, national, or international continuing education class, program or conference;

(b) First aid certification or emergency related courses;

(c) Self-study through the use of multimedia devices or the study of books, research materials, or other publications.

The required documentation for this activity is a one page, single spaced, (~~twelve~~) 12 point font synopsis of what was learned written by the licensee. The time spent writing the synopsis is not reportable. Two hours of credit is allowed per report, and no more than two separate reports may be submitted per reporting period;

(d) Teaching a course for the first time;

(e) Business and management courses;

(f) Distance learning. Distance learning includes, but is not limited to, correspondence course, multimedia or webinar, print, audio or video broadcasting, audio or video teleconferencing, computer aided instruction, e-learning or on-line-learning, or computer broadcasting or webcasting; or

(g) Active service on boards or participation in professional or government organizations specifically related to the practice of massage.

(4) A massage therapist must provide acceptable documentation of continuing education upon request or audit. Acceptable forms of documentation include, but are not limited to:

(a) Transcripts;

(b) A letter from the course instructor or the organization providing the continuing education;

(c) Certificate of attendance or completion; or

(d) Other formal documentation that includes the following:

(i) Participant's name;

(ii) Course title;

(iii) Course description;

(iv) Date or dates of course;

(v) Number of hours;

(vi) Indication of being an in-person course, self-study as referenced in subsection (3)(c) of this section, or distance learning as referenced in subsection (3)(f) of this section;

(vii) Instructor's name or sponsor organization name or names;

(viii) Instructor or sponsor contact information; and

(ix) Signature of the program sponsor or course instructor. The self-study allowed in subsection (3)(c) of this section is exempt from this requirement.

(5) Massage therapists who maintain an active status Washington state massage license must meet all continuing education requirements regardless of whether they reside or practice in Washington state.

[Statutory Authority: RCW 18.108.085 (1)(a), 18.108.025 (1)(a), chapter 18.108 RCW and 2020 c 76. WSR 21-02-012, § 246-830-475, filed 12/24/20, effective 9/1/21. Statutory Authority: RCW 18.108.025 (1)(a), 18.108.085 (1)(a), 43.70.041 and chapter 18.108 RCW. WSR 17-14-062, § 246-830-475, filed 6/29/17, effective 7/30/17. Statutory Authority: RCW 18.108.025, 18.108.125, and 43.70.250. WSR 09-11-016, § 246-830-475, filed 5/7/09, effective 6/7/09. Statutory Authority: RCW 18.108.025(1). WSR 95-11-108, § 246-830-475, filed 5/23/95, effective 6/23/95; WSR 94-13-181, § 246-830-475, filed 6/21/94, effective 7/22/94.]