

WSR 23-17-129

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed August 21, 2023, 11:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-23-002.

Title of Rule and Other Identifying Information: Health equity continuing education (CE) for substance use disorder professionals (SUDP) under chapter 246-811 WAC, Substance use disorder professionals and substance use disorder professionals trainees.

The department of health (department) is proposing to amend WAC 246-811-220, 246-811-240, and 246-811-280 and to create new WAC 246-811-290 to establish health equity CE requirements and implement ESSB 5229 (chapter 276, Laws of 2021).

Additionally, the department is proposing amendments to clarify and streamline the rules without changing their effect.

Hearing Location(s): On October 3, 2023, at 1:00 p.m. A virtual public hearing, without a physical meeting space, will be held. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_rdw_8mGjQXKP79z2V_u0Sg. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: October 16, 2023.

Submit Written Comments to: Ted Dale, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504, email <https://fortress.wa.gov/doh/policyreview>, www.doh.wa.gov, by October 3, 2023.

Assistance for Persons with Disabilities: Contact Ted Dale, phone 360-236-2991, TTY 711, email ted.dale@doh.wa.gov, www.doh.wa.gov, by September 19, 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 the department must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The department is proposing to amend WAC 246-811-240 and create new WAC 246-811-290 to implement ESSB 5229. The department is proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for SUDPs to comply with RCW 43.70.613.

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

Additionally, the department is proposing amendments to update, clarify, and streamline WAC 246-811-220, 246-811-240, and 246-811-280.

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 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.

Other amendments are necessary to removed outdated language and clarify intent.

Statutory Authority for Adoption: RCW 43.70.613 and 18.205.060.

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

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: Ted Dale, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2991.

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 Ted Dale, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504, phone 360-236-2991, TTY 711, email ted.dale@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(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: Removes out-of-date references. Requirements apply to health care providers, not businesses.

Scope of exemption for rule proposal:

Is fully exempt.

August 21, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4696.2

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-811-220 Continuing competency program requirements. A substance use disorder professional, regardless of method of certification, must complete:

- (1) An enhancement plan as described in WAC 246-811-200(7);
- (2) Twenty-eight hours of continuing education as described in WAC 246-811-240; and
- (3) Twelve hours of other professional development activities as described in WAC (~~(246-811-047 and 246-811-200(2))~~) 246-811-200(7) and 246-811-260.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-811-240 Number of continuing education hours required.

- (1) A certified substance use disorder professional must complete (~~(twenty-eight)~~) 28 hours of continuing education (CE) every two years.
 - (a) At least (~~(fourteen)~~) 14 hours must be completed in one or more of the topic areas as described in WAC 246-811-030 (~~(-2))~~) (3)(a) through (w).
 - (b) At least four hours must be in professional ethics and law.
 - (c) The additional (~~(ten)~~) 10 hours shall be in areas relating to the various phases of their professional career.
 - (d) The training in suicide assessment listed in subsection (2) of this section shall count towards meeting the CE requirements.
 - (e) The health equity training listed in WAC 246-811-290 shall count towards meeting the CE requirements.
- (2) (~~(Beginning January 1, 2014, at least)~~) Once every six years a certified substance use disorder professional must complete at least three hours of training in suicide assessment, including screening and referral, as specified in WAC 246-811-280.
 - (a) Except as provided in (b) of this subsection, the first training must be completed during the first full CE reporting period after (~~(January 1, 2014, or the first full CE period after)~~) initial certification (~~(, whichever occurs later)~~).
 - (b) An individual applying for initial certification as a substance use disorder professional (~~(on or after January 1, 2014,)~~) may delay completion of the first required training for six years after initial certification if (~~(he or she)~~) they can demonstrate completion of a three-hour training in suicide assessment, including screening and referral that:
 - (i) Was completed no more than six years prior to the application for initial certification; and
 - (ii) Meets the qualifications listed in WAC 246-811-280(1).
- (3) After January 1, 2024, substance use disorder professionals are required to complete two hours of health equity training every four years as specified in WAC 246-811-290.
- (4) Nothing in this section is intended to expand or limit the existing scope of practice of a certified substance use disorder professional or certified substance use disorder professional trainee credentialed under chapter 18.205 RCW.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-811-280 Suicide assessment training standards. (1) A substance use disorder professional must complete a training in suicide assessment, including screening and referral. The training must be provided by a single provider and must be at least three hours in length, which may be provided in one or more sessions.

~~((a) Until July 1, 2017, the training must be approved by the American Foundation for Suicide Prevention; the Suicide Prevention Resource Center; an industry-recognized organization or an institution of higher learning listed in WAC 246-811-200; or an association which approves training programs based on observation and experiment or best available practices.~~

~~((b) Beginning July 1, 2017,)) The training must be on the department's model list for training programs in suicide assessment, treatment, and management which was developed in accordance with RCW 43.70.442. ((The model list is 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.))~~

(2) A certified substance use disorder professional who is a state or local government employee is exempt from the requirements of this section if ~~((he or she))~~ they receive~~((s))~~ a total of at least three hours of training in suicide assessment, including screening and referral from ~~((his or her))~~ their employer every six years. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.

(3) A certified substance use disorder professional who is an employee of a community mental health agency licensed under chapter 71.24 RCW or a substance use disorder program certified under chapter 70.96A RCW is exempt from the requirements of this section if ~~((he or she))~~ they receive~~((s))~~ a total of at least three hours of training in suicide assessment, including screening and referral from ~~((his or her))~~ their employer every six years. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.

NEW SECTION

WAC 246-811-290 Health equity training standards. (1) Beginning January 1, 2024, a substance use disorder professional must complete training in health equity as part of their continuing competency program. The substance use disorder professional must complete at least two hours of health equity training every four years. The training may be in-person or virtual but must meet the course requirements in WAC 246-12-830, including strategies to reduce implicit bias and assess the provider's ability to apply health equity concepts into practice.

(2) The hours spent completing training in health equity education count towards the 28 total hours of continuing education.