

WSR 23-24-032

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed November 29, 2023, 2:48 p.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: Health equity continuing education (CE) for sex offender treatment providers (SOTP).

The department of health (department) is adopting amendments to WAC 246-930-410 Continuing education requirements to establish health equity CE requirements and implement ESSB 5229 (chapter 276, Laws of 2021). The adopted rule does not change the total CE hours required for SOTPs. It requires two hours in health equity CE every four years, which is absorbed into the existing number of CE hours required. Additionally, because an individual must hold an SOTP credential in addition to a credential for their primary health profession, the adopted rule does not require an SOTP to take an additional health equity CE training if they have already completed the training for their primary credential.

RCW 43.70.613 (3) (b) directed the rule-making authority for each health profession licensed under Title 18 RCW that is subject to continuing competency to adopt rules requiring a licensee to complete health equity continuing competency training at least once every four years. The statute also directed 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.

Citation of Rules Affected by this Order: Amending WAC 246-930-410.

Statutory Authority for Adoption: RCW 18.155.040; and ESSB 5229 (chapter 276, Laws of 2021) codified as RCW 43.70.613.

Other Authority: ESSB 5229 (chapter 276, Laws of 2021) codified as RCW 43.70.613.

Adopted under notice filed as WSR 23-17-084 on August 15, 2023.

Changes Other than Editing from Proposed to Adopted Version: On its own initiative, the department has made minor edits to update formatting and increase clarity, including: (1) Discontinuing the use of "and/or"; (2) removing bold formatting from rule text; (3) dividing subsection (4) into paragraphs for clarity; and (4) relocating a paragraph for greater visibility.

A final cost-benefit analysis is available by contacting Lana Crawford, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-669-1455, TTY 711, email Lana.Crawford@doh.wa.gov, website www.doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: November 29, 2023.

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

OTS-4773.2

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-930-410 Continuing education requirements. Certified sex offender treatment providers must complete (~~forty~~) 40 hours of continuing education every two years as required in chapter 246-12 WAC (~~(, Part 7)~~).

(1) Purpose and scope. The aim of continuing education for sex offender treatment providers is to ensure that professionals practicing in this specialty field are knowledgeable of current scientific and practice principles that affect the supervision and treatment of sex offenders in community-based treatment. Since the treatment of sex offenders in communities raises significant public safety concerns, continuing education is required to help sex offender treatment providers deliver the highest quality of professional service by being familiar with current developments in a rapidly changing profession. Certified sex offender treatment providers, regardless of certification status (e.g., full, affiliate, or provisional), shall meet the continuing education requirements set forth in this section as a prerequisite to license renewal.

(2) Specific requirements.

(a) A minimum of (~~thirty~~) 30 hours of the CE shall be earned through attendance at courses, workshops, institutes, (~~and/~~) or formal conference presentations with direct, specific relevance to the assessment and treatment of sex offenders.

(i) Consultative or supervisory training obtained from other certified sex offender treatment providers is not creditable under this CE definition.

(ii) Independent study of audio or video tapes of seminar presentations not actually attended are creditable under this definition, up to a maximum of (~~ten~~) 10 hours in any two-year period. Credit for independent study will only be granted if accompanied by documentation of the learning activity, such as a written summary of the independent study activity.

(iii) CE credit for assessment and treatment of sex offender training courses presented to other professionals may be claimed by the certified provider who provides the training one time only (usually the first time it is taught, unless there is substantial revision), up to a maximum of (~~ten~~) 10 hours in any two-year period.

(iv) Courses specifically oriented toward assessment or treatment of sex offenders may be claimed as CE. The following are examples of subjects that qualify under this definition:

- (A) Ethics and professional standards;
- (B) Relapse prevention with sex offenders;
- (C) Plethysmographic assessment;

- (D) Sexual arousal assessment and reconditioning;
- (E) Risk assessment with sex offenders;
- (F) Psychopharmacological therapy with sex offenders;
- (G) Family therapy with sex offenders;
- (H) Research concerning sexual deviancy;
- (I) Sexual addiction; and
- (J) Therapy/clinical methods specific to sex offenders.

(b) In addition to the (~~thirty~~) 30 hours of CE with direct, specific relevance to the assessment and treatment of sex offenders, (~~ten~~) 10 hours of the total requirement may be earned through participation in training courses with indirect relevance to the assessment and treatment of sex offenders. The following subjects qualify under this definition:

- (i) Victimology/victim therapy;
- (ii) General counseling methods;
- (iii) Psychological test interpretation;
- (iv) Addiction/substance abuse;
- (v) Family therapy;
- (vi) Group therapy; (~~and~~)
- (vii) Legal issues; and
- (viii) Health equity training under (c) of this subsection.

(c) Beginning January 1, 2024, individuals certified under this chapter are required to complete at least two hours of health equity training every four-year renewal cycle. The training must meet the minimum standards under RCW 43.70.613 and comply with course requirements in WAC 246-12-800 through 246-12-830. Sex offender treatment providers who complete health equity training for their underlying credential are not required to take a separate training for their sex offender treatment provider credential during the same four-year period.

(3) Program or course approval. The department shall accept any CE that reasonably falls within the above categories and requirements. The department relies upon each individual provider's integrity with the intent and spirit of the CE requirements.

(4) CE requirement for newly certified providers. The prorated CE requirements in this subsection apply only to the first renewal following certification. If proof of CE is not required at the first renewal (dependent on birthdate), the prorated amount shall be added to the full 20 hour annual requirement for the second year following certification.

(a) Providers who are newly certified within six months of their renewal date shall not be required to submit proof of continuing education for the preceding (~~twelve~~) 12-month period.

(b) Providers who are newly certified from six to nine months prior to the renewal date shall be required to submit proof of (~~ten~~) 10 hours of the annual CE requirement for the preceding (~~twelve~~) 12-month period.

(c) Providers who are newly certified from nine to (~~twelve~~) 12 months prior to the renewal date shall be required to submit proof of the full (~~twenty~~) 20 hour annual CE requirement at the renewal date. (~~The above noted prorated CE requirements apply only to the first renewal following certification. If proof of CE is not required at the first renewal (dependent on birthdate), the prorated amount shall be added to the full twenty hour annual requirement for the second year following certification.~~)