

## WSR 24-18-030

## PROPOSED RULES

## DEPARTMENT OF HEALTH

(Board of Optometry)

[Filed August 26, 2024, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-06-033.

Title of Rule and Other Identifying Information: Licensed optometrist continuing education (CE) and licensure requirements—Reducing barriers.

In order to comply with section 8 of 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.130.077, and reduce barriers for optometrists to enter and remain in the health care workforce, the board of optometry (board) is proposing to remove the jurisprudence (JP) exam requirement from initial licensure in WAC 246-851-490, and add the JP exam as a requirement for a licensed optometrist's first full CE reporting period in WAC 246-851-090 to be included within the existing CE hour requirement. As a result of this proposed amendment, out-of-state optometrists applying under WAC 246-851-500 will no longer have to complete the JP exam prior to licensure by endorsement.

Additionally, the board is proposing amendments to the CE rule to clarify the minimum number of CE credit hours that must be obtained through synchronous and in-person learning and the maximum number of CE hours that may be earned through asynchronous learning.

Hearing Location(s): On October 11, 2024, at 9:05 a.m., at the Department of Labor and Industries, Room S119, 7273 Linderson Way S.W., Tumwater, WA 98501; or virtual. Join on your computer, mobile app or room device [Date of Intended Adoption: October 11, 2024.](https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F1%2Fmeetup-join%2F19%253ameeting_ZDB1NjIyZDYtNzU4Ny00MDYxLWE3ZDctZGJmM2IzODJlOTBk%2540thread.v2%2F0%3FContext%3D%257b%2522Tid%2522%253a%252211d0e217-264e-400a-8ba0-57dcc127d72d%2522%252c%2522Oid%2522%253a%2522ff9584b4-58d6-48a3-bb6f-a317987e6178%2522%257d&data=05%7C02%7CMegan.Maxey%40doh.wa.gov%7C64c3215839b94c248e9608dcaff9d0c5%7C11d0e217264e400a8ba057dcc127d72d%7C0%7C0%7C638578734690938419%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=CCr0uiIk2FsqguhGFVOTtuEYslTbiY1RRMnkJnSYD10%3D&reserved=0; or call in (audio only) 564-999-2000, 833-322-1218 (Toll-free), Phone Conference ID 988 501 129#.</p></div><div data-bbox=)

Submit Written Comments to: Kristina Bell, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, beginning date and time of this filing, by October 3, 2024, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Kristina Bell, phone 360-236-4841, fax 360-236-2901, TTY 711, email [kristina.bell@doh.wa.gov](mailto:kristina.bell@doh.wa.gov), by October 3, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To implement RCW 18.130.077, the board is proposing to remove the JP exam requirement from initial licensure in WAC 246-851-490, and add the JP exam as a requirement for a licensed optometrist's first full CE reporting period in WAC 246-851-090. As a result of this proposed amendment, out-of-state optometrists applying under WAC 246-851-500 will no longer have to complete the JP exam prior to licensure by endorsement. The board is pro-

posing a maximum of three hours be allotted for the JP exam within the existing CE hour requirement.

The board is also proposing to clarify how CE credit hours may be obtained, setting a maximum number of CE credit hours that may be obtained through asynchronous learning and a minimum number of CE credit hours that must be obtained through synchronous and in-person learning.

Reasons Supporting Proposal: RCW 18.130.077 directs all disciplining authorities for licensed professionals to waive education, training, experience, and exam requirements for applicants who have been credentialed in another state or states with substantially equivalent standards for at least two years immediately preceding their application with no interruption in licensure for longer than 90 days.

The intent of the bill is to make disciplining authorities review and adjust licensure requirements to remove barriers to entering and remaining in the health care workforce, and to streamline and shorten the credentialing process. Rule making is necessary to amend licensure requirements in WAC 246-851-490 to align and comply with RCW 18.130.077.

Additionally, the current CE rule has contradicting language in regards to the number of CE credit hours that may be completed through asynchronous learning. The proposed language will clarify the maximum number of CE credit hours that may be obtained through asynchronous learning and the minimum number of CE credit hours that must be obtained through synchronous and in-person learning.

Statutory Authority for Adoption: RCW 18.54.070; and 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.130.077.

Statute Being Implemented: RCW 18.130.077.

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

Name of Proponent: Board of optometry, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kristina Bell, 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, P.O. Box 47852, Olympia, WA 98504-7852, 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(3) as the rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed changes only apply to the credential holder, not the business.

Scope of exemption for rule proposal:

Is fully exempt.

August 26, 2024  
Melissa Dacumos, OD, Chair  
Board of Optometry

OTS-5564.2

AMENDATORY SECTION (Amending WSR 23-22-068, filed 10/25/23, effective 11/25/23)

**WAC 246-851-090 Continuing education requirement.** (1) The definitions in this subsection apply throughout this section:

(a) "Asynchronous" means the course instructor and learner are not together at the same time, have no real-time communications, and the content is learner-paced.

(b) "Synchronous in-person" means the instructor is in the same room and face-to-face with the learner, even if other formats are used as audiovisual aids for teaching the course.

(c) "Synchronous virtual" means the course instructor is not physically present but is meeting with learners in real time and can provide immediate feedback.

(2) A licensed optometrist must complete and document 50 total hours of continuing education every two years in compliance with WAC 246-12-170 through 246-12-235. Of the 50 total credit hours:

(a) A licensed optometrist shall complete and successfully pass the board-approved jurisprudence examination during their first full continuing education reporting period after initial licensure. Three hours of continuing education will be granted toward the 50-hour requirement.

(b) A minimum of 10 credit hours must be completed through synchronous in-person learning;

~~((b))~~ (c) A maximum of 25 credit hours may be completed through asynchronous learning;

~~((e))~~ (d) The remaining credit hours may be completed through any combination of synchronous virtual ~~((learning and asynchronous))~~ or synchronous in-person learning; and

~~((d))~~ (e) In the event of a declaration of emergency for the state of Washington or federal declaration of emergency affecting the state of Washington, all credit hours may be completed through synchronous virtual or asynchronous learning for the duration of the declared emergency.

(3) Documentation of continuing education credit hours is a certificate of completion, letter, or other document which must:

(a) Verify or confirm attendance or completion of continuing education hours, with the exception of hours earned under WAC 246-851-170 category 5;

(b) Be provided by the organization providing the education activity; and

(c) Contain at least the following information:

(i) Date of attendance or completion;

(ii) Hours earned; and

(iii) Course title or subject.

(4) A licensed optometrist may alternatively meet the continuing education requirements of this section by providing proof that the licensee:

(a) Holds a current certification by the American Board of Optometry or other certification program deemed substantially equivalent to American Board of Medical Specialties' programs; or

(b) Is practicing solely outside of Washington state and meets the continuing education requirements of the state or territory in which the licensee practices.

(5) Nothing in this section exempts a licensed optometrist from the education and training requirements for:

- (a) Suicide prevention in WAC 246-851-245; ~~((e))~~
- (b) Health equity in WAC 246-851-225; or
- (c) Jurisprudence examination in this section.

AMENDATORY SECTION (Amending WSR 06-22-104, filed 11/1/06, effective 12/2/06)

**WAC 246-851-490 Examination and licensure.** To qualify for licensure in this state a candidate must:

(1) Successfully complete Parts I, II, and III of the National Board of Examiners in Optometry (NBEO) examinations; the Part III having been administered and successfully completed after January 1, 1993.

(2) Applicants who completed the NBEO Part II examination prior to January 1, 1993, must successfully complete the International Association of Examiners in Optometry (IAB) examination in treatment and management of ocular disease.

~~(3) ((Successfully complete a jurisprudence questionnaire.~~

~~(4))~~ Be a graduate of a state accredited high school or equivalent.

~~((5))~~ (4) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington state board of optometry.

~~((6))~~ (5) Be of good moral character.

~~((7))~~ (6) Effective January 1, 2007, all applicants who receive their initial (first) license in Washington state must meet all the certification requirements of RCW 18.53.010 (2) (a), (b), (c), and (d).

~~((8))~~ (7) Effective January 1, 2009, all optometrists licensed in Washington state must be certified under RCW 18.53.010 (2) (a) and (b).

~~((9))~~ (8) Effective January 1, 2011, all optometrists licensed in Washington state must be certified under RCW 18.53.010 (2) (a), (b), (c), and (d).