

WSR 20-14-046
EXPEDITED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed June 25, 2020, 3:17 p.m.]

Title of Rule and Other Identifying Information: WAC 181-85-033 Activity-based continuing education credit hours.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: An incorrect subsection was referenced in this WAC language. This change references the correct subsection.

Reasons Supporting Proposal: This change will correct a typographical error.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Statute Being Implemented: Chapter 28A.410 RCW.

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

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Maren Johnson, 600 Washington Street S.E., Olympia, WA 98504, 360-867-8424.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This change corrects a typographical error without making any substantive changes.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Maren Johnson, Professional Educator Standards Board, 600 Washington Street S.E., Olympia, WA 98504, phone 360-867-8424, AND RECEIVED BY August 31, 2020.

June 24, 2020
Maren Johnson
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-15-111, filed 7/22/19, effective 8/22/19)

WAC 181-85-033 Activity-based continuing education credit hours. (1) **Eligibility period.** Individuals are eligible for the continuing education credit hours described in

this section for up to seven years following the completion date of the indicated activity.

(2) **Professional growth team.**

(a) A professional growth team for the purpose of certificate renewal means a team comprised of the individual renewing the certificate and a minimum of one colleague, who holds a valid Washington state educator certificate under Title 181 WAC, or paraeducator certificate under Title 179 WAC, chosen by the individual.

(b) For consultation and collaboration, members of a professional growth team, excluding the candidate, are eligible for the equivalent of three continuing education credit hours. The team member may not receive more than the equivalent of six continuing education credit hours, as defined by this section, during the period beginning July 1st of one year and ending June 30th of the following year.

(3) **School accreditation site visit team.** A person holding a valid educational certificate under RCW 28A.410.010 is eligible for the equivalent of ten continuing education credit hours for serving on a school accreditation site visit team. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(4) **Field experience supervisors and mentors.**

(a) Individuals officially designated as a supervisor by a college or university, school district, educational service district, an approved private school, a state agency providing educational services to students or the superintendent of public instruction, a person holding a valid educational certificate under RCW 28A.410.010 is eligible for the equivalent of thirty continuing education credit hours for service as a supervisor. The person may not receive more than the equivalent of thirty continuing education credit hours during a school year period.

(b) The term "supervisor" shall mean individuals officially designated as a supervisor or mentor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students, or the office of superintendent of public instruction for supervising the training of teacher interns, administrative interns, educational staff associate interns, and paraprofessionals.

(5) **National board certification from the National Board for Professional Teaching Standards (NBPTS):**

(a) Individuals who submitted at least one component of an initial NBPTS national board certification process in 2017 or earlier, and who hold a valid educational certificate under RCW 28A.410.010, are eligible for the equivalent of forty-five continuing education credit hours for submission of a complete portfolio of four components of the National Board for Professional Teaching Standards certification process. Completion of a national board certification process shall be defined as published by the professional educator standards board. Upon achieving national board certification, the individual is eligible for the equivalent of an additional forty-five continuing education credit hours for a total of ninety continuing education credit hours per national board certificate. Beginning January 1, 2022, all individuals submitting complete components as part of an initial NBPTS national board certification process are eligible for continuing education

credit hours as described in ~~((WAC 181-85-033 (4))~~(b) of this subsection.

(b) Individuals who first submitted a component of an initial NBPTS national board certification process in 2018 or later, and who hold a valid educational certificate under RCW 28A.410.010, are eligible for the equivalent of fifty continuing education credit hours per submission of a complete national board component, for a total of two hundred continuing education credit hours per submission of a complete national board certification portfolio. Completion of a national board component shall be defined as published by the professional educator standards board.

(c) Individuals who submit a complete NBPTS national board renewal portfolio in 2018 or later, and who hold a valid educational certificate under RCW 28A.410.010, are eligible for the equivalent of two hundred continuing education credit hours. Completion of a national board renewal portfolio shall be defined as published by the professional educator standards board.

(6) **External assessment for professional certification.** Teachers who achieve the professional certification through the external assessment under WAC 181-79A-206 are eligible for the equivalent of one hundred fifty continuing education credit hours.

(7) **First peoples' language, culture and oral tribal traditions.** In-service training or continuing education in first peoples' language, culture and oral tribal traditions provided by a sovereign tribal government participating in the Washington state first peoples' language, culture and oral tribal traditions teacher certification program authorized under RCW 28A.410.045 shall be considered approved in-service training or approved continuing education under this section.

(8) **Scorers for the Washington teacher performance assessment.** Individuals who serve as scorers for the Washington teacher performance assessment are eligible for the equivalent of ten continuing education credit hours for each four assessments scored, provided that an individual may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period. Additionally, individuals who receive initial training as scorers for the Washington teacher performance assessment are eligible for the equivalent of ten continuing education credit hours.

(9) **Scorers for the Washington ProTeach Portfolio assessment.** Individuals who serve as scorers for the Washington ProTeach Portfolio assessment are eligible for the equivalent of ten continuing education credit hours for completing one full scoring session during a calendar year, provided that an individual may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period. Individuals who receive initial training as scorers for the Washington ProTeach Portfolio assessment are eligible for the equivalent of ten additional continuing education credit hours. Continuing education credit hours under this subsection are available through December 31, 2027.

(10) **Professional growth plans.**

(a) Educator individualized professional growth plan means the document which identifies the formalized learning opportunities and professional development activities that relate to the specific competencies, knowledge, skills and

experiences needed to meet the standards at the "career level" benchmarks as published by the professional educator standards board, or other standards for the role as published by the professional educator standards board.

(b) Only one professional growth plan may be completed each year. Professional growth plans will be completed during the period beginning July 1st of one year and ending June 30th of the following year. Completion of the professional growth plan will include review by the professional growth team, as defined in subsection (2) of this section.

(c) Individuals may apply their focused evaluation professional growth activities from the evaluation system towards the professional growth plan for certificate renewal under RCW 28A.405.100 (12)(c)(vi).

(d) Until June 30, 2018, individuals who complete the requirements of the annual professional growth plan are eligible for thirty continuing education credit hours. Beginning July 1, 2018, individuals who complete an annual professional growth plan are eligible for twenty-five continuing education credit hours.

(e) For educators holding multiple certificates as described in Title 179 or 181 WAC, a professional growth plan for teacher, administrator, education staff associate, or paraeducator shall meet the requirements of a professional growth plan for all certificates held by an individual.

(11) **Paraeducator certificates.**

(a) Individuals who complete the paraeducator fundamental course of study as described in chapter 179-09 WAC are eligible for the number of continuing education credit hours completed up to twenty-eight continuing education credit hours unless they are issued these continuing education credit hours by a state approved in-service education agency.

(b) Individuals who complete the course work for the English language learner subject matter certificate as described in chapter 179-13 WAC are eligible for the number of continuing education credit hours completed up to twenty continuing education credit hours unless they are issued these continuing education credit hours by a state approved in-service education agency.

(c) Individuals who complete the course work for the special education subject matter certificate as described in chapter 179-15 WAC are eligible for the number of continuing education credit hours completed up to twenty continuing education credit hours unless they are issued these continuing education credit hours by a state approved in-service education agency.

WSR 20-14-084
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 30, 2020, 8:38 a.m.]

Title of Rule and Other Identifying Information: Occupational exposure to bloodborne pathogens, WAC 296-823-13005 Make hepatitis B vaccination available to employees, and 296-823-16010 Test the blood of the source person.

Director

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to update a reference to align with RCW 70.24.017. The proposal also includes a housekeeping update as well as reformatting to reflect clear rule writing. No requirements are affected. Please see below for the amendments being proposed:

Amended Sections:

WAC 296-823-13005 Make hepatitis B vaccination available to employees.

- Update subsection (3) as it is part of the requirements not the exception.

WAC 296-823-16010 Test the blood of the source person.

- Update note 1 due to RCW 70.24.017. Law now provides for orders for testing for any bloodborne pathogen.

Reasons Supporting Proposal: The updates align with RCW 70.24.017.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050.

Statute Being Implemented: RCW 70.24.017.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Chris Miller, Tumwater, Washington, 360-902-5516; Implementation and Enforcement: Anne Soiza, Tumwater, Washington, 360-902-5090.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: No requirements are being changed during this rule making, only updating language to align with RCW 70.24.017, which fits within the parameters of RCW 34.05.353, Expedited rule making.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Chris Miller, Department of Labor and Industries, P.O. Box 44610, Olympia, WA 98504, phone 360-902-5516, fax 360-902-5619, email Christopher.Miller@Lni.wa.gov, AND RECEIVED BY August 31, 2020.

June 30, 2020
Joel Sacks

AMENDATORY SECTION (Amending WSR 15-23-086, filed 11/17/15, effective 12/18/15)

WAC 296-823-13005 Make hepatitis B vaccination available to employees.

~~((EXEMPTION:~~

~~1. You are not required to provide the hepatitis B vaccination series to employees who meet any of the following:~~

~~a. The employee has previously received the complete hepatitis B vaccination series;~~

~~b. An antibody test has revealed that the employee is immune to hepatitis B;~~

~~e. There are medical reasons not to give the vaccine.~~

~~2. You are not required to provide the hepatitis B vaccination series to employees assigned to provide first aid only as a secondary duty, when you do all of the following:~~

~~a. Make hepatitis B vaccination available to all unvaccinated first aid providers who render assistance in any situation involving the presence of blood or OPIM. Vaccination must be made available as soon as possible, but no later than twenty-four hours after the incident;~~

~~b. Provide a reporting procedure that ensures all first aid incidents that involve the presence of blood or OPIM are reported before the end of the work shift;~~

~~e. Document first aid incidents that involve blood or OPIM, include at least:~~

~~i. The names of all first aid providers who rendered assistance;~~

~~ii. The time and date of the first aid incident;~~

~~iii. A description of the first aid incident.~~

~~3.) (1) Employers must make sure that the hepatitis B vaccination series is available to all employees who have occupational exposure and that it is:~~

~~((a.)) (a) Available at no cost to the employee;~~

~~((b.)) (b) Available to the employee at a reasonable time and location;~~

~~((e.)) (c) Administered by or under the supervision of a licensed physician or by another licensed health care professional;~~

~~((d.)) (d) Provided according to recommendations of the United States Public Health Service that are current at the time these evaluations and procedures take place;~~

~~((e.)) (e) Available to any employee who initially declines the vaccination but later decides to accept it while they are still covered by this chapter;~~

~~((f.)) (f) Made available after the employee has received training required by this chapter and within ten working days of initial assignment.~~

~~((Reference:~~

~~You can find more information about the United States Public Health Service recommendations for hepatitis B vaccination at <http://www.cdc.gov/ncidod/diseases/hepatitis/b/index.htm>.~~

~~((1.)) (2) You must make sure participation in a prevaccination screening program for antibody status is not a condition for receiving hepatitis B vaccination.~~

~~((2))~~ (3) You must make sure that all laboratory tests are conducted by a laboratory licensed by the state or Clinical Laboratory Improvement Amendments (act) (CLIA).

~~((3))~~ (4) Make sure employees who decline the hepatitis B vaccination, offered by you, sign a form with this statement:

"I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me."

(5) Exemptions:

(a) You are not required to provide the hepatitis B vaccination series to employees who meet any of the following:

(i) The employee has previously received the complete hepatitis B vaccination series;

(ii) An antibody test has revealed that the employee is immune to hepatitis B;

(iii) There are medical reasons not to give the vaccine.

(b) You are not required to provide the hepatitis B vaccination series to employees assigned to provide first aid only as a secondary duty, when you do all of the following:

(i) Make hepatitis B vaccination available to all unvaccinated first-aid providers who render assistance in any situation involving the presence of blood or OPIM. Vaccination must be made available as soon as possible, but no later than twenty-four hours after the incident;

(ii) Provide a reporting procedure that ensures all first-aid incidents that involve the presence of blood or OPIM are reported before the end of the work shift;

(iii) Document first-aid incidents that involve blood or OPIM, include at least:

(A) The names of all first-aid providers who rendered assistance;

(B) The time and date of the first-aid incident;

(C) A description of the first-aid incident.

Reference:

You can find more information about the United States Public Health Service recommendations for hepatitis B vaccination at <http://www.cdc.gov/ncidod/diseases/hepatitis/b/index.htm>.

Helpful tool:

Sample declination form:

The declination form can help you document employees who have declined the hepatitis B vaccine. You can find a copy of this form in the resource section of this chapter.

AMENDATORY SECTION (Amending WSR 15-23-086, filed 11/17/15, effective 12/18/15)

WAC 296-823-16010 Test the blood of the source person.

~~((EXEMPTIONS: When the source individual is already known to be infected with HBV or HIV, you do not need to test their status:))~~

You must arrange to test the source individual's blood for HBV and HIV as soon as feasible after getting their consent.

(1) If you do not get consent, you must establish that legally required consent can not be obtained.

(2) When the law does not require the source individual's consent, their blood, if available, must be tested and the results documented.

(3) Exemption: When the source individual is already known to be infected with HBV or HIV, you do not need to test their status.

Note:

1. ~~((Your local health authority enforces rules regarding HIV testing and consent which are found in WAC 246-100-206, Special diseases—Sexually transmitted diseases, and WAC 246-100-207, Human immunodeficiency virus (HIV) testing. These rules can be found at: <http://www.leg.wa.gov/wac> and click on Title 246 WAC.))~~ If a source individual refuses testing, a worker may request that a local or state health officer order bloodborne pathogen testing. Authority for health officer orders is given in RCW 70.24.340.

2. Source testing: According to the Centers for Disease Control and Prevention (CDC), hepatitis C virus (HCV) infection is the most common chronic bloodborne infection in the United States. The CDC recommends testing of the source person for the presence of anti-HCV antibody. (Updated *U.S. Public Health Service Guidelines for the Management of Occupational Exposures to HBV, HCV, and HIV and Recommendations for Postexposure Prophylaxis*, MMWR, June 29, 2000/50(RR11); 1-42.)

WSR 20-14-103

EXPEDITED RULES

DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed June 30, 2020, 1:25 p.m.]

Title of Rule and Other Identifying Information: WAC 246-915-380 Spinal manipulation—Endorsement. (Effective July 1, 2015, until June 30, 2020.), and 246-915-382 Spinal manipulation—Clinical supervisor (Effective July 1, 2015, until June 30, 2020.) The board of physical therapy is proposing to repeal these sections of rule because the statutory authority established under HB 2160 (chapter 116, Laws of 2014) included a sunset clause that removed the ability for PTs to receive the supervised clinical practical experience in spinal manipulative procedures from an out-of-state clinical supervisor who holds an endorsement or advanced certification.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board of physical therapy is proposing to repeal WAC 246-915-380 and 246-915-382 because HB 2160 (chapter 116, Laws of 2014) included a sunset clause that repeals RCW 18.74.190 (1)(d)(i)(C) effective June 30, 2020. The statute allowed a physical therapist to receive the supervised clinical practical experience in spinal manipulative procedures from an out-of-state clinical supervisor who holds an endorsement or

advanced certification. The rules, which establish education and training requirements, including supervision, in order to receive an initial endorsement to perform spinal manipulation and manipulative mobilization of the spine were adopted based on this statutory authority.

Reasons Supporting Proposal: From July 1, 2015, through June 30, 2020, RCW 18.74.190 (1)(d)(i)(C) allowed the clinical supervision requirements to be completed by an out-of-state clinical supervisor who holds an endorsement or advanced certification. Effective July 1, 2020, this law is repealed and the rules are obsolete.

RCW 34.05.353 [2](a) authorizes expedited repeal because the statute on which the rules are based will be repealed and has not been replaced by another statute providing statutory authority for the rule.

Statutory Authority for Adoption: RCW 18.74.023.

Statute Being Implemented: RCW 18.74.190.

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: Kris Waidely, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4847.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: RCW 18.74.190 (1)(d)(i)(C) will be repealed effective July 1, 2020. The rules are based on this statutory authority. Another statute providing statutory authority for the rules does not exist.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kris Waidely, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4847, fax 360-236-2901, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY August 31, 2020.

June 26, 2020
Renee Fullerton
Executive Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-915-380 Spinal manipulation—Endorsement. (Effective July 1, 2015, until June 30, 2020.)

WAC 246-915-382 Spinal manipulation—Clinical supervisor. (Effective July 1, 2015, until June 30, 2020.)