

## WSR 22-17-141

## PROPOSED RULES

## DEPARTMENT OF HEALTH

[Filed August 23, 2022, 2:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-20-011.

Title of Rule and Other Identifying Information: Chapter 246-12 WAC, Administrative procedures and requirements for credentialed health care providers. The department of health (department) is proposing model rules establishing minimum standards for health equity continuing education (CE) for health professions credentialed under RCW 18.130.040 with a CE requirement.

Hearing Location(s): On September 29, 2022, at 11:00 a.m. In response to the coronavirus disease 2019 (COVID-19), the department will not provide a physical location for this hearing. This promotes social distancing and helps provide for the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. Register in advance for this webinar [https://us02web.zoom.us/webinar/register/WN\\_e-fWeIDpSaiddsBcc5JlYg](https://us02web.zoom.us/webinar/register/WN_e-fWeIDpSaiddsBcc5JlYg). After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: October 6, 2022.

Submit Written Comments to: Contact Ashley Bell, P.O. Box 47843, Olympia, WA 98504, email <https://fortress.wa.gov/doh/policyreview>, by September 29, 2022.

Assistance for Persons with Disabilities: Contact Ashley Bell, phone 360-236-2961, TTY 711, email [healthequityimplementation@doh.wa.gov](mailto:healthequityimplementation@doh.wa.gov), by September 25, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: ESSB 5229 (chapter 276, Laws of 2021), codified as RCW 43.70.613, directs the department to establish model rules creating minimum standards for health equity CE training programs. The proposed rules create four new sections in chapter 246-12 WAC to implement RCW 43.70.613: Purpose, definitions, minimum health equity CE hours, and health equity CE training content. The proposed rules require completion of two hours of health equity CE every four years for all health professionals credentialed under RCW 18.130.040 with a CE requirement. The proposed rules also require that the two CE hours include implicit bias training to identify strategies to reduce bias during assessment and diagnosis. Rule-making authorities for each profession may create standards that exceed the minimum standards in the model rules.

Reasons Supporting Proposal: RCW 43.70.613 (3)(b) requires the department to establish model rules with minimum standards for health equity CE programs by January 1, 2023. RCW 43.70.613 (3)(b) directs the department to consult with patients and communities with lived experiences of health inequities or racism in the health care system and boards and commissions when developing the proposed rules. The department held four listening sessions that invited individuals with lived experiences of health inequities or racism in the health care system to share their experiences, which the department used to develop rule language. The department also held four rules workshops where the proposed rule language was developed with the public, boards, and commissions. RCW 43.70.613 (3)(c) requires the minimum standards to include instruction on skills to address structural factors, such as bias, racism, and poverty that manifest as health inequities. The proposed

rule requires that implicit bias training be included in the two CE hours health professionals must complete.

Statutory Authority for Adoption: RCW 18.130.040, 43.70.613.

Statute Being Implemented: 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: Ashley Bell, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2961.

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 Ashley Bell, P.O. Box 47843, Olympia, WA 98504, phone 360-236-2961, TTY 711, email [healthequityimplementation@doh.wa.gov](mailto:healthequityimplementation@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).

Explanation of how the above exemption applies to the proposed rule: The exemption applies to all portions of the rule proposal.

Scope of exemption for rule proposal:

Is fully exempt.

August 23, 2022  
 Kristin Peterson, JD  
 Chief of Policy  
 for Umair A. Shah, MD, MPH  
 Secretary

**OTS-3964.2**

## PART 15

### MINIMUM STANDARDS FOR HEALTH EQUITY CONTINUING EDUCATION TRAININGS FOR HEALTH CARE PROFESSIONALS

#### NEW SECTION

**WAC 246-12-800 Purpose.** WAC 246-12-810 through 246-12-830 contain model rules establishing minimum standards for health equity continuing education trainings for health care professionals credentialed under RCW 18.130.040 with a continuing education requirement. The rule-making authority for each health profession credentialed under RCW 18.130.040 with a continuing education requirement may set standards that exceed the minimum standards in this chapter.

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NEW SECTION

**WAC 246-12-810 Definitions.** The definitions in this section and RCW 43.70.613 apply throughout WAC 246-12-800 through 246-12-830 unless the context clearly requires otherwise.

(1) "Department" means the Washington state department of health.

(2) "Health care professional" means an individual credentialed or holding a retired active credential in one of the health professions listed in RCW 18.130.040 with a continuing education requirement.

(3) "Health equity" means all people have the same opportunities and equal access in order to attain their full health potential regardless of the color of their skin, ancestry, ethnicity, level of education, gender identity, sexual orientation, age, religion, socioeconomic status, the job they have, the neighborhood they live in, or their ability status.

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NEW SECTION

**WAC 246-12-820 Health equity continuing education training minimum hours.** Health care professionals must complete a minimum of two hours in health equity continuing education training every four years, unless the relevant rule-making authority specifies a higher number of hours in rule.

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NEW SECTION

**WAC 246-12-830 Health equity continuing education training content.** An education program providing health equity continuing education training must:

(1) Include implicit bias training to identify strategies to reduce bias during assessment and diagnosis and may include, but is not limited to, at least one of the topics included in RCW 43.70.613

(3) (c).

(2) Have trainers with demonstrated knowledge and experience related to health equity. Research referenced in the training must be based on current empirical research and known best practices.

(3) Have courses that assess the health care professional's ability to apply health equity concepts into practice in accordance with profession specific rules, which may include, but are not limited to:

(a) An assessment at the end of an in-person or virtual continuing education training to determine knowledge gained during that training; or

(b) A document provided at the end of an in-person or virtual continuing education training that attests attendance at the training.

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