

WSR 23-12-091

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed June 6, 2023, 5:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-24-002.

Title of Rule and Other Identifying Information: Genetic counselor health equity continuing education. The department of health (department) is proposing amending WAC 246-825-110 Continuing education (CE), to implement ESSB 5229 (chapter 276, Laws 2021) adding health equity CE to licensure requirements for genetic counselors. The department is also proposing technical changes or changes to improve clarity.

Hearing Location(s): On July 17, 2023, at 12:30 p.m. The department will be holding a virtual only hearing. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_JHDA-rojTf2iekDOHH3Mhw. After registering, you will receive a confirmation email containing information about joining the webinar. During this time the department will be conducting three rule hearings. The department will be accepting verbal comments for the following professions regarding health equity CE: WAC 246-824-075 Dispensing opticians, 246-825-110 Genetic counselors, and 246-850-140 Orthotics and prosthetics.

Date of Intended Adoption: July 24, 2023.

Submit Written Comments to: Kim-Boi Shadduck, Program Manager, Genetic Counselors, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by July 17, 2023.

Assistance for Persons with Disabilities: Contact Kim-Boi Shadduck, phone 360-236-2912, TTY 711, email kimboi.shadduck@doh.wa.gov, by June 30, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending WAC 246-825-110 to include two hours of CE in health equity within the total of 75 CE hours required for genetic counselors every three years. The proposed rules adopt the model health equity CE rules established by the department by adding the required two hours in health equity CE to the existing number of CE hours required for genetic counselors without changing the existing total number of required CE hours.

Reasons Supporting Proposal: ESSB 5229 (chapter 276, Laws of 2021), codified as RCW 43.70.613, directs the rule-making authority for each health profession licensed under Title 18 RCW, 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 establish model rules creating minimum standards for health equity CE training programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167. The proposed rules developed for genetic counselors in WAC 246-825-110 exceeds standards in the model rules found at WAC 246-12-800 through 246-12-830 by requiring the two hours every three years to match the current CE interval of the profession. By allowing genetic counselors as part of their existing CE requirements and aligning it with the existing three-year CE interval makes it less burdensome on the profession.

Statutory Authority for Adoption: RCW 18.290.020, 43.70.613, 43.70.040, 18.130.040.

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

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: Kim-Boi Shadduck, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2912.

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 Kim-Boi Shadduck, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98507-7852, phone 360-236-2912, fax 360-236-2901, TTY 711, email kimboi.shadduck@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).

Scope of exemption for rule proposal:

Is fully exempt.

June 6, 2023
Todd Mountin, PMP
Deputy Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4357.2

AMENDATORY SECTION (Amending WSR 10-22-090, filed 11/1/10, effective 11/1/10)

WAC 246-825-110 Continuing education. (1) Licensed genetic counselors must complete a minimum total of (~~seventy-five~~) 75 continuing education hours or 7.5 continuing education units (CEUs) every three years following the first license renewal. One contact hour equals 0.1 CEU. Of the total hours required for each reporting cycle:

(a) Each licensee must complete at least two hours or 0.2 CEUs of health equity training in compliance with WAC 246-12-800 through 246-12-830. This requirement shall begin at the end of a licensee's second full continuing education reporting period after January 1, 2024, or the second full continuing education reporting period after initial licensure, whichever is later;

(b) No more than (~~fifteen~~) 15 continuing education hours or 1.5 CEUs may be earned for professional development activity credits (~~within a reporting cycle~~) in subsection (2) of this section.

(2) Professional development activities include, but are not limited to:

(a) Teaching or providing clinical supervision; authoring or co-authoring an article or chapter in peer-review journal; genetics education outreach; leadership activities.

(b) Lecturing or instructing professional groups.

(c) Teaching genetics related courses for undergraduate, graduate, or other health provider groups.

Multiple credits shall not be given to presenters for multiple presentations of the same program.

(3) Practice-based competency courses or programs may consist of postgraduate studies, seminars, lectures, workshops (including distance learning), and professional conferences. Practice-based competencies include, but are not limited to:

(a) Communication - convey detailed genetic information to diverse audiences clearly and concisely while bridging cultural, socioeconomic and educational difference.

(b) Critical thinking - perform complicated risk calculations; evaluate medical, family and psychosocial histories; distill genetic and psychosocial information; participate in diagnostic evaluations; and develop effective case management plan.

(c) Interpersonal counseling, and psychosocial assessment - use an empathetic approach to identify a patient's concerns, clarify beliefs and values, promote preventative health measures and facilitate informed decision making.

(d) Professional ethics and values.

(4) Courses and programs accredited or approved by the following organizations qualify for continuing education credit for licensed genetic counselors.

(a) ABGC;

(b) ABMG;

(c) NSGC; or

(d) Other courses or programs as approved by the secretary.

(5) Continuing education contact hours or CEUs may not be carried over from one reporting cycle to another.

(6) A genetic counselor may request an extension or to be excused from meeting the continuing education requirements due to illness or other extenuating circumstances.

[Statutory Authority: RCW 18.290.020. WSR 10-22-090, § 246-825-110, filed 11/1/10, effective 11/1/10.]