

WSR 23-16-128

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed August 1, 2023, 1:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-23-003.

Title of Rule and Other Identifying Information: Health equity continuing education (CE) for certified counselors and certified advisers under chapter 246-810 WAC, Counselors.

The department of health (department) is proposing to amend WAC 246-810-027 and 246-810-0298 and create new WAC 246-810-0299 to establish health equity CE requirements and implement ESSB 5229 (chapter 276, Laws of 2021).

Additionally, proposed amendments to WAC 246-810-027 and 246-810-0298 will clarify and streamline rule language without changing its effect.

Hearing Location(s): On September 13, 2023, at 12:30 p.m. The public hearing will be virtual, without a physical meeting space. Register in advance for this webinar [https://us02web.zoom.us/webinar/register/WN\\_IKWoAdhRS-2R\\_1ETAHvsCw](https://us02web.zoom.us/webinar/register/WN_IKWoAdhRS-2R_1ETAHvsCw). After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: September 20, 2023.

Submit Written Comments to: Ted Dale, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504, email <https://fortress.wa.gov/doh/policyreview>, [www.doh.wa.gov](http://www.doh.wa.gov), by September 13, 2023.

Assistance for Persons with Disabilities: Contact Ted Dale, phone 360-236-2991, TTY 711, email [ted.dale@doh.wa.gov](mailto:ted.dale@doh.wa.gov), [www.doh.wa.gov](http://www.doh.wa.gov), by August 30, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 43.70.613 (3)(b) directs the rule-making authority for each health profession licensed under Title 18 RCW that is 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 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. Any rules developed for the department must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The department is proposing to amend WAC 246-810-027 and create new WAC 246-810-0299 to implement ESSB 5229. The department is proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for certified counselors and certified advisers to comply with RCW 43.70.613.

The proposed rule adds two hours of health equity education, as required in the model rules, to be completed as part of the current CE requirements every four years. The proposed rule does not change total CE hours but requires two hours in health equity CE every four years, which is absorbed into the existing number of CE hours required. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession.

Additionally, the department is proposing amendments to clarify and streamline WAC 246-810-027 and 246-810-0298. These proposed amend-

ments will remove unnecessary or outdated details about the required suicide prevention trainings.

Reasons Supporting Proposal: The goal of health equity CE is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of health equity trainings includes implicit bias trainings to identify strategies to reduce bias during assessment and diagnosis in an effort to address structural factors, such as bias, racism, and poverty, that manifest as health inequities.

Two hours of training allows individuals to gain a foundation in health equity that can have an immediate positive impact on the professional's interaction with those receiving care. Health equity training enables health care professionals to care effectively for patients from diverse cultures, groups, and communities, varying race, ethnicity, gender identity, sexuality, religion, age, ability, socioeconomic status, and other categories of identity. The two hours of health equity CE credits may be earned as part of the health professional's existing CE requirements, therefore not requiring completion of additional CE hours.

Statutory Authority for Adoption: RCW 43.70.613 and 18.19.050.

Statute Being Implemented: RCW 43.70.613; 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: Ted Dale, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2991.

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 Ted Dale, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504, phone 360-236-2991, TTY 711, email ted.dale@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 rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: Requirements apply to behavioral health care providers, not businesses.

Scope of exemption for rule proposal:

Is fully exempt.

July 28, 2023  
Kristen Peterson, JD  
Chief of Policy  
for Umair A. Shah MD, MPH  
Secretary

**OTS-4695.2**

AMENDATORY SECTION (Amending WSR 14-09-102, filed 4/22/14, effective 4/22/14)

**WAC 246-810-027 Continuing education requirements for a certified counselor or certified adviser.** (1) A certified counselor or a certified adviser must complete (~~(thirty-six)~~) 36 credit hours of continuing education every two years.

(2) At least six hours of the (~~(thirty-six)~~) 36 credit hours must be in law and professional ethics related to counseling.

(3) (~~(Beginning January 1, 2014,)~~) At least once every six years a certified counselor or a certified adviser must complete three hours of training in suicide assessment, including screening and referral, as specified in WAC 246-810-0298.

(a) Except as provided in (b) of this subsection, the first training must be completed during the first full continuing education reporting period (~~(after January 1, 2014, or the first full continuing education period)~~) after initial licensure(~~(, whichever occurs later)~~).

(b) An individual applying for initial certification as a certified counselor or a certified adviser (~~(on or after January 1, 2014,)~~) may delay completion of the first required training for six years after initial certification if (~~(he or she)~~) they can demonstrate successful completion of a three-hour training in suicide assessment, screening, and referral that:

(i) Was completed no more than six years prior to the application for initial certification; and

(ii) Meets the requirements listed in WAC 246-810-0298 (~~((1))~~).

(c) The hours spent completing training in suicide assessment count towards the total (~~(thirty-six)~~) 36 hours of continuing education.

(4) Beginning January 1, 2024, at least once every four years, a certified counselor or certified adviser must complete two hours of health equity training as specified in WAC 246-810-0299.

(5) Nothing in this section is intended to expand or limit the existing scope of practice of a certified counselor or a certified adviser as defined by WAC 246-810-0201 and 246-810-021.

[Statutory Authority: RCW 43.70.442(7). WSR 14-09-102, § 246-810-027, filed 4/22/14, effective 4/22/14. Statutory Authority: RCW 18.19.050 and chapter 18.19 RCW. WSR 09-15-041, § 246-810-027, filed 7/8/09, effective 7/8/09.]

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

**WAC 246-810-0298 Suicide assessment training standards.** (1) Approved qualifying training in suicide assessment, including screening and referral must (~~(+~~

~~(a) Until July 1, 2017, be approved by the American Foundation for Suicide Prevention, the Suicide Prevention Resource Center, entities listed in WAC 246-810-0293, or an equivalent organization, educational institution or association which approves training based on observation and experiment or best available practices. The training must be empirically supported training and meet other requirements in RCW 43.70.442;~~

~~(b) Beginning July 1, 2017, must)) be on the department's model list developed in accordance with RCW 43.70.442. ((Nothing in this section invalidates trainings completed according to this chapter before July 1, 2017; and~~

~~(c) Be provided by a single provider and be at least three hours in length, which may be provided in one or more sessions.))~~

(2) A certified counselor or certified adviser who is an employee of a state or local government employer is exempt from the requirements of this section if ~~((he or she))~~ they receive~~((s))~~ a total of at least three hours of training in suicide assessment including screening and referral from ~~((his or her))~~ their employer every six years. ~~((For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.))~~

(3) A certified counselor or certified adviser who is an employee of a licensed or certified behavioral health agency under chapter 71.05 or 71.24 RCW is exempt from the requirements of this section if ~~((he or she))~~ they receive~~((s))~~ a total of at least three hours of training in suicide assessment, including screening and referral from ~~((his or her))~~ their employer every six years.

(4) For purposes of this ~~((subsection))~~ section, the training may be provided in one three-hour block or ~~((may be spread among))~~ shorter training sessions ~~((at the employer's discretion))~~.

~~((4))~~ (5) A certified counselor or certified adviser that obtained training under the exemptions listed in subsections (2) and (3) of this section may obtain ~~((CE))~~ continuing education credit subject to documentation as defined in WAC 246-810-0297.

[Statutory Authority: 2019 c 444, 2019 c 446, 2019 c 351, and RCW 18.19.050, 18.205.060, 18.225.040, 43.70.110, and 43.70.250. WSR 20-12-074, § 246-810-0298, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.19.050 and 43.70.442. WSR 17-07-025, § 246-810-0298, filed 3/7/17, effective 4/7/17. Statutory Authority: RCW 43.70.442(7). WSR 14-09-102, § 246-810-0298, filed 4/22/14, effective 4/22/14.]

#### NEW SECTION

**WAC 246-810-0299 Health equity training standards.** (1) Beginning January 1, 2024, a certified counselor or certified adviser must complete training in health equity as a part of their continuing education requirements. The certified counselor or certified adviser must complete at least two hours of health equity trainings every four years. The training may be in person or virtual but must meet the course requirements in WAC 246-12-830, including strategies to reduce implicit bias and assess the providers ability to apply health equity concepts into practice.

(2) The hours spent completing training in health equity education count towards the total of 36 hours of continuing education.

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