

WSR 23-17-084

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed August 15, 2023, 10:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-04-058.

Title of Rule and Other Identifying Information: Health equity continuing education (CE) for sex offender treatment providers (SOTP) under chapter 246-924 WAC, Sex offender treatment providers.

The department of health (department) is proposing to amend WAC 246-930-410 Continuing education requirements to establish health equity CE requirements and implement ESSB 5229.

Hearing Location(s): On October 16, 2023, at 2:00 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_5F4mzl8HQ1SsVdIiPN4mMw. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: October 31, 2023.

Submit Written Comments to: Lana Crawford, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504-7850, email <https://fortress.wa.gov/doh/policyreview>, www.doh.wa.gov, by October 16, 2023.

Assistance for Persons with Disabilities: Contact Lana Crawford, phone 564-669-1455, TTY 711, email lane.crawford@doh.wa.gov, www.doh.wa.gov, by October 2, 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 246-930-410 to implement ESSB 5229. The department is proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for SOTPs 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, because providers hold an SOTP credential in addition to a primary health care credential, the proposed rule states that SOTPs who have already completed health equity CE for their primary credential are not required to take an additional training.

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, 18.155.040.

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: Lana Crawford, 111 Israel Road S.E., Tumwater, WA 98501, 564-669-1455.

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 Lana Crawford, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504-7850, phone 564-669-1455, TTY 711, email lana.crawford@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 exemptions: Requirements apply to individual behavioral health care providers, not businesses.

Scope of exemption for rule proposal:

Is fully exempt.

August 15, 2023
 Kristin Peterson, JD
 Chief of Policy
 for Umair A. Shah, MD, MPH
 Secretary

OTS-4773.1

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-930-410 Continuing education requirements. Certified sex offender treatment providers must complete (~~forty~~) 40 hours of continuing education every two years as required in chapter 246-12 WAC (~~(, Part 7)~~).

(1) **Purpose and scope.** The aim of continuing education for sex offender treatment providers is to ensure that professionals practic-

ing in this specialty field are knowledgeable of current scientific and practice principles that affect the supervision and treatment of sex offenders in community-based treatment. Since the treatment of sex offenders in communities raises significant public safety concerns, continuing education is required to help sex offender treatment providers deliver the highest quality of professional service by being familiar with current developments in a rapidly changing profession. Certified sex offender treatment providers, regardless of certification status (e.g., full, affiliate, or provisional), shall meet the continuing education requirements set forth in this section as a prerequisite to license renewal.

(2) **Specific requirements.**

(a) A minimum of (~~(thirty)~~) 30 hours of the CE shall be earned through attendance at courses, workshops, institutes, and/or formal conference presentations with direct, specific relevance to the assessment and treatment of sex offenders.

(i) Consultative or supervisory training obtained from other certified sex offender treatment providers is not creditable under this CE definition.

(ii) Independent study of audio or video tapes of seminar presentations not actually attended are creditable under this definition, up to a maximum of (~~(ten)~~) 10 hours in any two-year period. Credit for independent study will only be granted if accompanied by documentation of the learning activity, such as a written summary of the independent study activity.

(iii) CE credit for assessment and treatment of sex offender training courses presented to other professionals may be claimed by the certified provider who provides the training one time only (usually the first time it is taught, unless there is substantial revision), up to a maximum of (~~(ten)~~) 10 hours in any two-year period.

(iv) Courses specifically oriented toward assessment or treatment of sex offenders may be claimed as CE. The following are examples of subjects that qualify under this definition:

- (A) Ethics and professional standards;
- (B) Relapse prevention with sex offenders;
- (C) Plethysmographic assessment;
- (D) Sexual arousal assessment and reconditioning;
- (E) Risk assessment with sex offenders;
- (F) Psychopharmacological therapy with sex offenders;
- (G) Family therapy with sex offenders;
- (H) Research concerning sexual deviancy;
- (I) Sexual addiction; and
- (J) Therapy/clinical methods specific to sex offenders.

(b) In addition to the (~~(thirty)~~) 30 hours of CE with direct, specific relevance to the assessment and treatment of sex offenders, (~~(ten)~~) 10 hours of the total requirement may be earned through participation in training courses with indirect relevance to the assessment and treatment of sex offenders. The following subjects qualify under this definition:

- (i) Victimology/victim therapy;
- (ii) General counseling methods;
- (iii) Psychological test interpretation;
- (iv) Addiction/substance abuse;
- (v) Family therapy;
- (vi) Group therapy; (~~(and)~~)
- (vii) Legal issues; and

(viii) Health equity training under (c) of this subsection.

(c) Beginning January 1, 2024, individuals certified under this chapter are required to complete at least two hours of health equity training every four-year renewal cycle. The training must meet the minimum standards under RCW 43.70.613 and comply with course requirements in WAC 246-12-800 through 246-12-830. Sex offender treatment providers who complete health equity training for their underlying credential are not required to take a separate training for their sex offender treatment provider credential during the same four-year period.

(3) **Program or course approval.** The department shall accept any CE that reasonably falls within the above categories and requirements. The department relies upon each individual provider's integrity with the intent and spirit of the CE requirements.

(4) **CE requirement for newly certified providers.** Providers who are newly certified within six months of their renewal date shall not be required to submit proof of continuing education for the preceding (~~twelve~~) 12-month period. Providers who are newly certified from six to nine months prior to the renewal date shall be required to submit proof of (~~ten~~) 10 hours of the annual CE requirement for the preceding (~~twelve~~) 12-month period. Providers who are newly certified from nine to (~~twelve~~) 12 months prior to the renewal date shall be required to submit proof of the full (~~twenty~~) 20 hour annual CE requirement at the renewal date. The above noted prorated CE requirements apply only to the first renewal following certification. If proof of CE is not required at the first renewal (dependent on birth-date), the prorated amount shall be added to the full (~~twenty~~) 20 hour annual requirement for the second year following certification.