

WSR 23-19-030

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Hearing and Speech)

[Filed September 12, 2023, 2:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-04-022.

Title of Rule and Other Identifying Information: Health equity continuing education (CE) for audiologists, hearing aid specialists, speech-language pathologists, and speech-language pathologist assistants in WAC 246-828-505 (new) and 246-828-510 (amended). The board of hearing and speech (board) is proposing new WAC 246-828-505 and amendments to WAC 246-828-510 to establish health equity CE requirements to implement ESSB 5229, chapter 276, Laws of 2021.

Hearing Location(s): On November 3, 2023, at 9:05 a.m., at Labor and Industries, 7273 Linderson Way S.W., Room S117, Tumwater, WA 98501; or virtual option. Join on your computer, mobile app, or room device. Link to join the meeting https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODQxNWEzNzEtYzBkYi00YzlmLWl3NDk0MGYwOTE2MGIzNzI2%40thread.v%20?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%220id%22%3a%22ae44b66e-af0e-436f-a863-213f33d92a5c%22%7d

Date of Intended Adoption: November 3, 2023.

Submit Written Comments to: Kim-Boi Shadduck, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by October 13, 2023.

Assistance for Persons with Disabilities: Contact Kim-Boi Shadduck, program manager, phone 360-236-2912, TTY 711, email kimboi.shadduck@doh.wa.gov, by October 13, 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 of health (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. The model rules require two hours of CE every four years. Any rules developed by the board must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The board is proposing new WAC 246-828-505 and amendments to WAC 246-828-510 to implement ESSB 5229 for audiology professions licensed under chapter 246-828 WAC. The proposal would adopt the health equity model rules, WAC 246-12-800 through 246-12-830, to comply with RCW 43.70.613. The amendments would include two hours of CE in health equity within the total of 30 CE hours required for audiologist, hearing aid specialist, speech-language pathologist, and speech-language pathologist assistant professions every three years. The proposed rules developed for these professions in WAC 246-828-505 and 246-828-510 exceeds standards in the model rules found in chapters 246-800 through 246-830 WAC by requiring the two hours every three years to match the current CE interval of the profession. Allowing these professions to take the health equity as part of their existing

CE requirements and aligning it with the existing three years CE interval makes it less burdensome on the professions.

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.

The board's proposed rules in WAC 246-828-505 and 246-828-510 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 professions. Allowing audiologists, hearing aid specialists, speech-language pathologists, and speech-language pathologist assistants to take health equity courses as part of their existing CE requirements and aligning it with the existing three years CE interval makes it less burdensome on the professions.

Statutory Authority for Adoption: RCW 18.35.161, 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: Board of hearing and speech, 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 47852-7852, Olympia, WA 98507, 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).

Explanation of exemptions: The proposed rule does not affect small business. These rules only apply to providers.

Scope of exemption for rule proposal:

Is fully exempt.

September 7, 2023
Nichole K. Furness AuD, Chair
Board of Hearing and Speech

OTS-4593.1

NEW SECTION

WAC 246-828-505 Health equity continuing education training requirements. (1) A credential holder must complete a minimum of two hours in health equity continuing education training every three years in accordance with WAC 246-12-800 through 246-12-830.

(2) This training must be completed by the end of the second full continuing education reporting period after January 1, 2024, or the second full continuing education reporting period after initial licensure, whichever is later.

(3) The hours spent completing health equity continuing education under this section count toward meeting applicable continuing education requirements for renewal.

(4) The board may randomly audit up to 25 percent licensed audiologists, hearing aid specialists, speech-language pathologists, or speech-language pathologists assistants every two years for compliance after the license is renewed as allowed by WAC 246-12-190.

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AMENDATORY SECTION (Amending WSR 15-14-092, filed 6/29/15, effective 7/1/15)

WAC 246-828-510 Continuing education. The purpose of continuing education is to ensure the highest quality professional care. The objectives are to improve and increase the ability of the hearing aid specialist, audiologist, speech-language pathologist, and speech-language pathology assistant to deliver the highest possible quality professional care and keep the professional abreast of current developments.

Continuing education consists of educational activities designed to review existing concepts and techniques and to convey information and knowledge about advances in hearing instrument fitting and dispensing, audiology, and speech-language pathology fields as applied to the work setting.

(1) Continuing education requirement. A credential holder must complete a minimum of (~~thirty~~) 30 hours of continuing education every three years.

(a) At least one hour of the continuing education must be on infection control.

(b) Multicultural education aimed at removing barriers to access to care may count for up to five hours of continuing education.

(c) At least (~~twenty-five~~) 25 hours of continuing education must be related to profession specific skills and competencies.

(i) At least two hours of continuing education must be on health equity training, as specified in WAC 246-12-800 through 246-12-830.

(ii) This training must be completed by the end of the second full continuing education reporting period after January 1, 2024, or the second full continuing education reporting period after initial licensure, whichever is later.

(2) Continuing education is defined as any of the following activities:

(a) Courses, seminars, workshops and postgraduate programs offered by accredited educational institutions. These educational activities must be recorded on an official transcript or by documentation stating the number of continuing education hours completed.

(b) Courses, seminars and workshops offering continuing clock or continuing educational units offered by profession-related organizations or industries. These activities will be accepted with documentation of the number of continuing education hours completed.

(c) Attendance at a continuing education program having a featured speaker(s) or panel, which has been provided by, sponsored by, or endorsed by a profession-related organization or industry. This activity will be accepted with documentation of the number of continuing education hours completed.

(d) Participation as a speaker or panel member in a continuing education program which has been provided by, sponsored by, or endorsed by a profession-related organization or industry. A maximum of eight hours, including preparation time, may be applied to the total three-year requirement.

(e) Completion of a written, video, internet, or audio continuing education program which has been provided by, sponsored by, or endorsed by a profession-related organization or industry. Only programs in which proof of completion is provided or with tests that are not self-graded will be accepted.

(3) The board may grant an exception for continuing education requirements under certain circumstances including, but not limited to, severe illness. The credential holder must submit a written request for exception to the board for review. The board will approve or deny the request.

(4) A credential holder may be randomly audited for continuing education compliance as specified in chapter 246-12 WAC, Part 7.

[Statutory Authority: 2014 c 189, RCW 18.35.161, 18.130.062, and 18.130.020. WSR 15-14-092, § 246-828-510, filed 6/29/15, effective 7/1/15. Statutory Authority: RCW 18.35.161 and 18.35.090. WSR 07-07-065, § 246-828-510, filed 3/15/07, effective 4/15/07. Statutory Authority: RCW 43.70.280. WSR 98-05-060, § 246-828-510, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.35.161(3). WSR 93-07-007 (Order 342B), § 246-828-510, filed 3/5/93, effective 4/5/93.]