

## WSR 24-15-138

## PROPOSED RULES

## DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed July 23, 2024, 4:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-04-068.

Title of Rule and Other Identifying Information: Continuing education (CE) requirements for osteopathic physicians. The board of osteopathic medicine and surgery (board) is proposing amendments to WAC 246-853-080 to update the CE requirements for licensure renewal of osteopathic physicians to clarify Washington-specific mandated CE requirements.

Hearing Location(s): On September 13, 2024, at 10:00 a.m. PST, at the Hilton Garden Inn Seattle, 1801 East Valley Road, Renton, WA 98057; or virtually. You are invited to a Zoom webinar on September 13, 2024, at 9:00 a.m. PST (US and Canada). Topic: Board of osteopathic medicine and surgery business meeting. Register in advance for this webinar [https://us02web.zoom.us/webinar/register/WN\\_mLzgguj9QhmrftjY96WFG](https://us02web.zoom.us/webinar/register/WN_mLzgguj9QhmrftjY96WFG). You may register in advance for the virtual portion of the hearing. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: September 13, 2024.

Submit Written Comments to: Becky McElhiney, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2850, beginning on the date and time of this filing, by September 6, 2024, at midnight.

Assistance for Persons with Disabilities: Contact Becky McElhiney, phone 360-236-4766, fax 360-236-2901, TTY 711, email [osteopathic@doh.wa.gov](mailto:osteopathic@doh.wa.gov), by September 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board is proposing an amendment to include that Washington-specific mandated CE may be required to satisfy licensure requirements.

In 2023, the board adopted new WAC 246-853-075 Health equity continuing education requirements to implement ESSB 5229 (chapter 276, Laws of 2021). ESSB 5229 directs the board to adopt rules establishing the standards for health equity CE, which must be completed at least once every four years.

The purpose of the proposed amendment to WAC 246-853-080 is to clarify that Washington-specific mandated CE may be required to satisfy licensure requirements. The proposed amendments ensure that osteopathic physicians are aware of any legislatively mandated CE that is required for Washington state providers such as health equity.

Reasons Supporting Proposal: The reason for this proposal is that WAC 246-853-080 Continuing education, does not currently refer to the new health equity CE rules in WAC 246-853-075. WAC 246-853-080 currently states that osteopathic physicians may meet all CE requirements if they have a national certification or recognition award from specific national organizations. However, as the board or department of health (department) do not have oversight of any of these national organizations, they cannot guarantee that these organizations require health equity CE or any other Washington-specific mandated CE as part of the process of earning these certifications.

The proposed changes clarify CE requirements to also include any Washington-state specific mandated CE so that licensed providers are

aware of any CE mandated by the legislature to satisfy their CE requirement for licensure.

Statutory Authority for Adoption: RCW 18.57.005, 18.130.050, 18.130.250, and 18.340.020.

Statute Being Implemented: RCW 43.70.613.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Board of osteopathic medicine and surgery, governmental.

Name of Agency Personnel Responsible for Drafting: Becky McElhiney, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4766; Implementation and Enforcement: James Chaney, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2831.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is exempt from a cost-benefit analysis under RCW 34.05.328 (5)(b)(iv) because the proposed rule clarifies that Washington CE that is mandated by law may be a requirement for licensure.

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: This rule only impacts the licensing of providers and not the business.

Scope of exemption for rule proposal:

Is fully exempt.

July 23, 2024

U. James Chaney

Executive Director

Board of Osteopathic Medicine and Surgery

## OTS-5274.2

AMENDATORY SECTION (Amending WSR 20-09-025, filed 4/6/20, effective 5/7/20)

**WAC 246-853-080 Continuing education.** (1) Licensed osteopathic physicians and surgeons must complete (~~one hundred fifty~~) 150 hours of creditable continuing medical education (CME) every three years in accordance with chapter 246-12 WAC (~~Part 7~~).

(2) To satisfy the CME requirements in subsection (1) of this section, a licensed osteopathic physician and surgeon may:

(a) Certify or recertify with the American Board of Osteopathic Medical Specialties (ABOMS) or the American Board of Medical Specialties (ABMS) within the last six years;

(b) Hold a current American Osteopathic Association (AOA) certificate of excellence in CME; or

(c) Hold a current American Medical Association (AMA) physician's recognition award (PRA).

(3) In addition to subsection (2) of this section, the licensed osteopathic physician and surgeon must complete any Washington state-specific mandated continuing education requirements.