

## WSR 24-01-124

## PERMANENT RULES

## DEPARTMENT OF HEALTH

(Podiatric Medical Board)

[Filed December 19, 2023, 1:06 p.m., effective January 19, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Health equity continuing education (CE) training for podiatric physicians and surgeons. The podiatric medical board (board) is amending WAC 246-922-300 and 246-922-310 to implement ESSB 5229 (chapter 276, Laws of 2021). The board has adopted the health equity model rules, WAC 246-12-800 through 246-12-830, for podiatric physicians and surgeons to comply with RCW 43.70.613.

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 directed 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 which require two hours of training 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 adopted rule adds two hours of health equity education, as required in the model rules, to be completed as part of the current continuing competency requirements every four years. The adopted rule does not change the total CE hours; instead 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. In addition, the board also adopted amendments that correct some confusing rule language to clarify that a resident in an approved postgraduate residency training program is not required to participate in podiatric continuing medical education.

Citation of Rules Affected by this Order: Amending WAC 246-922-300 and 246-922-310.

Statutory Authority for Adoption: RCW 43.70.613, 18.57.005, and 18.130.050.

Other Authority: ESSB 5229 (chapter 276, Laws of 2021).

Adopted under notice filed as WSR 23-18-098 on September 6, 2023.

Changes Other than Editing from Proposed to Adopted Version: The board removed the phrase "As of January 1st, 2024" from WAC 246-922-310(4). This phrase was inadvertently left in the proposed rule text filed with the CR-102 and is considered a clerical error.

A final cost-benefit analysis is available by contacting Tommy Simpson III, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4910, fax 360-236-4901, TTY 711, email podiatric@doh.wa.gov, website <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/podiatric-physician-and-surgeon/podiatric-medical-board>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: December 19, 2023.

D. J. Wardle, DPM, Chair  
Podiatric Medical Board

## OTS-4872.2

AMENDATORY SECTION (Amending WSR 22-20-092, filed 10/4/22, effective 11/4/22)

### **WAC 246-922-300 Podiatric continuing medical education required.**

(1) The board requires a (~~licensed~~) podiatric physician and surgeon to participate in podiatric continuing medical education as a mechanism to maintain and enhance competence and stay informed of recent developments within podiatric medicine and related fields. A resident in an approved postgraduate residency training program is not required to participate in podiatric continuing medical education.

(2) A podiatric physician and surgeon must complete 100 hours of continuing medical education every two years and comply with WAC 246-12-170 through 246-12-240 and WAC 246-922-310.

(3) To satisfy the continuing medical education requirements identified in subsection (2) of this section, a podiatric physician and surgeon may:

(a) (~~Serve as a resident in an approved postgraduate residency training program; such individuals shall be credited 50 hours for each year of training completed during their continuing medical education cycle;~~

~~(b))~~ Certify or recertify within the previous four years with a specialty board recognized by the Council on Podiatric Medical Education (CPME); or

~~((e))~~ (b) Meet the requirements for participation in a maintenance of certification program for a specialty board recognized by the CPME.

(4) If a podiatric physician and surgeon uses subsection (3) of this section to comply with podiatric continuing medical education requirements, the podiatric physician and surgeon must assure that they have taken a minimum of two hours of health equity continuing medical education training every four years pursuant to WAC 246-922-310(4).

AMENDATORY SECTION (Amending WSR 22-20-092, filed 10/4/22, effective 11/4/22)

**WAC 246-922-310 Categories of creditable podiatric continuing medical education activities.** To meet the requirements of WAC

246-922-300, a podiatric physician and surgeon shall earn continuing medical education in the following board-approved categories; such activities may be obtained through in-person or remote attendance, or through interactive online or prerecorded courses:

(1) Category 1 - A minimum of 40 hours (~~(; however, all 100 credit hours may be earned in this category)~~). Category 1 activities include:

(a) Scientific courses or seminars approved, offered, or sponsored by the American Podiatric Medical Association and its component societies and affiliated and related organizations;

(b) Scientific courses or seminars offered or sponsored by entities such as the American College of Foot and Ankle Surgery, the American Medical Association, the American Osteopathic Association, the American Heart Association, the American Diabetes Association, or the American Physical Therapy Association when offering or sponsoring continuing medical education programs related to podiatric medicine; and

(c) Scientific courses or seminars accredited by the Council on Podiatric Medical Education or the Accrediting Council for Continuing Medical Education.

(2) Category 2 - A maximum of 50 hours. Category 2 activities include courses or seminars related to health care delivery offered or sponsored by entities such as nonprofit organizations, other proprietary organizations, and individuals when offering or sponsoring continuing medical education in health care delivery.

(3) Category 3 - A maximum of 60 hours. Category 3 credit hours and activities include:

(a) Up to 30 hours through teaching, lecturing, and publishing in a peer-reviewed, scientific journal or textbook;

(b) Up to 30 hours through online prerecorded or remote-attended study and programs not otherwise specified in subsection (1) or (2) of this section;

(c) Up to 30 hours through self-study including, but not limited to, specialty board examination preparation, reading books, papers, and publications, participating in journal clubs, or viewing or attending exhibits; and

(d) Up to 30 hours for participation in a health care institution or government agency:

(i) Peer-review committee;

(ii) Staff committee for subjects including, but not limited to, quality of care, utilization review, credentialing, bylaws, and medical records;

(iii) Surgical privilege credentialing to include proctoring activity; or

(iv) Serving as a board member on the podiatric medical board.

(4) Category 4 - A minimum of two hours of health equity continuing medical education training offered by entities listed in subsection (1) or (2) of this section or listed or offered by the department of health must be obtained every four years as follows:

(a) The first training must be completed by the end of the first full continuing medical education reporting cycle after January 1, 2024, or by the end of the first full continuing medical education reporting cycle after initial licensure, whichever is later; and

(b) Health equity continuing medical education training must meet the minimum standards under RCW 43.70.613 and WAC 246-12-800 through 246-12-830.

(5) One contact hour is defined as a typical 50-minute classroom instructional session or its equivalent.

((+5)) (6) The board will not give prior approval for any continuing medical education. The board will accept any continuing medical education that reasonably falls within these regulations and relies upon the integrity of each individual podiatric physician and surgeon to comply with these requirements.