



Medical Marijuana Consultant Certification Concise Explanatory Statement: WAC Chapter 246-72

TOPIC	CITATION	COMMENTS ON PROPOSED RULES	AGENCY RESPONSE
Certificate Requirements	246-72-020	The department should do background checks as part of the certification process.	The law (69.51A RCW) and this rule require background checks as part of the certification process. This is a routine part of our credentialing process in health system quality assurance. <i>Was the rule changed as a result of these comments? No</i>
Practice Parameters	246-72-030(1)	Need to increase parameters to other businesses and allow consultants to work outside of stores and after hours.	This is not allowed under chapter 69.51A.290 RCW <i>Was the rule changed as a result of these comments? No</i>
	246-72-030(2)(b)	Medical Marijuana Consultants may work outside of the scope and provide medical advice. They need to have better training and connection with physicians.	The rules have clear practice parameters. Consultants can be disciplined for practicing outside of scope. <i>Was the rule changed as a result of these comments? No</i>
	246-72-030(2)(c)	Having language in the law that promotes edible forms over others can send the wrong message to industry stakeholders.	The rule only requires consultants to promote non-smoking options when practicable. <i>Was the rule changed as a result of these comments? No</i>
	246-72-030(4)(d-e)	Concerned about not being allowed to provide existing seminars or other marijuana-related education if they become certified.	Consultants can still provide outside education and training but may not use their certification "title" as a qualification. <i>Was the rule changed as a result of these comments? No</i>
	246-72-030(4)(a-b)	Since consultants are not to act as doctors, the requirements for instructors should include other qualified professionals.	Our rules do include healthcare practitioners as instructors for the consultant training programs. <i>Was the rule changed as a result of these comments? No</i>

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Denial, Suspension and Revocation of Certificate	246-72-060(3)	Implement a complaint procedure for consultant misconduct to ensure patients can report unprofessional conduct.	The department has a complaint process for all of our credential holders and will be putting one in place for this credential. Language for complaints is in section 050. <i>Was the rule changed as a result of these comments? No</i>
Continuing Education	246-72-100(1)	Ten hours of CE is too much for the consultants. It's hard to find that many science-based programs.	This is a rapidly changing field and science-based programs are not the only topics allowed. Also, because the credential does not require applicants to have a higher education degree, we believe CE's are critical. <i>Was the rule changed as a result of these comments? No</i>
	246-72-100(2)	All courses should be held in person, in a classroom with a live instructor present for lectures and during testing.	Our state needs access options for rural environments and cost effective solutions for the applicants. <i>Was the rule changed as a result of these comments? No</i>
	246-72-100(2)(b)	The department should specify science-based CE with topics that include fact based, longitudinal, peer reviewed research using experimental design.	The rules do not require only science-based information and as the science involves better research, the rule may also evolve. <i>Was the rule changed as a result of these comments? No</i>
Training Program Requirements	246-72-110(1)	The department should specify science-based training with topics that include fact based, longitudinal, peer reviewed research using experimental design.	The rules do not require only science-based information and as the science involves better research, the rule may also evolve. <i>Was the rule changed as a result of these comments? No</i>
		Topics need to be increased and the designated times adjusted. Too much time spent on law and not enough time on products that patients may benefit from.	We combined some topics and readjusted the hours to allow 5 hours for product risk, benefits and administration. <i>Was the rule changed as a result of these comments? Yes</i>
	Include DUI education under training on Washington state rules on marijuana or under separate module.	The training does include a topic on abuse and misuse. <i>Was the rule changed as a result of these comments? No</i>	

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	246-72-110(1)(a)(iii)	Consultants should be trained in providing brief interventions with customers who exhibit signs of addiction or overuse.	This type of counseling is outside of the scope for consultants as outlined in the law. <i>Was the rule changed as a result of these comments?</i> No
	246-72-110(1)(a)(iii-iv)	The curriculum needs more variety of topics, such as plant science, endocannabinoid system and known benefits developed using established and accredited science.	The curriculum established in this rule is a minimum standard and most topics are set by law. Programs can add other topics outside of these. <i>Was the rule changed as a result of these comments?</i> No
	246-72-110(1)(a)(vi)	Two hours on how to safely handle your Medical Marijuana and keep it out of the hands of minors is unnecessary.	Both of these topics are required in the law, Safe-handling is important for keeping the product from spoiling, possibly impacting a patient's health. <i>Was the rule changed as a result of these comments?</i> No
	246-72-110(1)(b)	A 70% passing rate is too low. It should be 90% to show mastery of the subject matter.	The department compared other "similar" credentials and believe this is an appropriate pass rate. <i>Was the rule changed as a result of these comments?</i> No
	246-72-110(2)	In-person training is essential for information absorption and retention. Having face to face contact allows instructors to assess the different learning styles and knowledge sets of proposed certificate holders and adjust accordingly for maximum benefit.	Our state needs access options for rural environments and cost effective solutions for the applicants. The department must meet the July 1 deadline for having applicants trained and ready to work in the stores. During program approval the department will ensure an appropriate balance of training modalities are maintained. <i>Was the rule changed as a result of these comments?</i> No
		Instructor access should be clarified to ensure they are available during reasonable times of the day.	The department will review instructor access during the training program approval process. A rule is not necessary. <i>Was the rule changed as a result of these comments?</i> No

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	246-72-110(3)	Allow Registered Nurses to be instructors.	Based on stakeholder input, we added RN with a bachelor's degree in nursing and an active license to practice as a registered nurse in WA to the list of approved instructors. <i>Was the rule changed as a result of these comments? Yes</i>
Allow instructors who have a graduate degree in Psychology.		Topics do not relate enough to include Psychology as an instructor. A graduate degree does not qualify you for a WA state license. <i>Was the rule changed as a result of these comments? No</i>	
Instructors must have demonstrated knowledge and experience in topic covered.		We added this clarifying language. The department will review instructor qualifications during program approval. <i>Was the rule changed as a result of these comments? Yes</i>	