



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 06, 2023

TIME: 5:26 PM

WSR 23-12-092

Agency: Department of Health

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

- Preproposal Statement of Inquiry was filed as WSR 23-01-099; or
- Expedited Rule Making--Proposed notice was filed as WSR ____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW ____.

Title of rule and other identifying information: WAC 246-850-140 Continuing education requirements for orthotics and prosthetics. The Department of Health (department) is proposing rule amendments to include health equity continuing education (CE).

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 17, 2023	12:30pm	The Department of Health will be holding a virtual only hearing. Register in advance for this webinar at: https://us02web.zoom.us/webinar/register/WN_JHDA-rojTf2iekDOHH3Mhw After registering, you will receive a confirmation email containing information about joining the webinar.	During this time the Department of Health will be conducting three rule hearings. The department will be accepting verbal comments for the following professions regarding health equity continuing education: WAC 246-824-075 Dispensing Opticians WAC 246-825-110 Genetic Counselors WAC 246-850-140 Orthotics and Prosthetics

Date of intended adoption: 07/24/2023 (Note: This is NOT the effective date)

Submit written comments to: Name: Kristina Bell, Program Manager Orthotics and Prosthetics Address: Department of Health PO Box 47852 Olympia, WA 98504-7852 Email: https://fortress.wa.gov/doh/policyreview Fax: 360-236-2901 Other: By: 07/17/2023	Assistance for persons with disabilities: Contact: Kristina Bell, Program Manager Phone: 360-236-4841 Fax: 360-236-2901 TTY: 711 Email: Kristina.bell@doh.wa.gov Other: By: 06/30/2023
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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 subject to continuing education to adopt rules requiring a licensee to complete health equity continuing education training at least once every four years. The statute also directs the department to create model rules establishing minimum standards for health equity CE programs. The department adopted model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-24-002. Any rules developed for orthotists and prosthetists must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The department is proposing to amend WAC 246-850-140 to include at minimum two hours of CE in health equity every four years for orthotists and prosthetists. The health equity CE requirement is being added to the existing number of CE hours required for orthotists and prosthetists without changing the existing total number of required CE hours. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession.

Reasons supporting proposal: RCW 43.70.613(3)(b) directs the rule-making authority for each health profession licensed under Title 18 RCW subject to continuing education to adopt rules requiring a licensee to complete health equity continuing education training at least once every four years. The proposed rules establish these requirements.

The goal of health equity CE training 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 include implicit bias training to identify strategies to reduce bias during assessment and diagnose in an effort to address structural factors, such as bias, racism, and poverty, that manifest as health inequities.

Rulemaking is necessary to define and enforce the health equity continuing education requirement for orthotists and prosthetists and to implement the statute.

Statutory authority for adoption: RCW 43.70.613, RCW 43.70.040, RCW 18.130.040, RCW 18.200.050

Statute being implemented: RCW 43.70.613

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Department of Health

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Kristina Bell, Program Manager	111 Israel Rd SE Tumwater, WA 98501	360-236-4841
Implementation: Kristina Bell, Program Manager	111 Israel Rd SE Tumwater, WA 98501	360-236-4841
Enforcement: Kristina Bell, Program Manager	111 Israel Rd SE Tumwater, WA 98501	360-236-4841

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
Name:
Address:
Phone:
Fax:

TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name: Kristina Bell, Program Manager
Address: Department of Health
PO BOX 47852-7852
Olympia, WA 98507
Phone: 360-236-4841
Fax: 360-236-2901
TTY: 711
Email: Kristina.bell@doh.wa.gov
Other:

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

- This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.
- This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:
- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: Check one.

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: June 6, 2023

Name: Todd Mountin, PMP for Umair A. Shah, MD, MPH

Title: Deputy Chief of Policy for Secretary of Health

Signature:

