



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: March 19, 2021

TIME: 9:01 AM

WSR 21-07-090

Agency: Department of Health- Board of Optometry

☒ Original Notice

☐ Supplemental Notice to WSR

☐ Continuance of WSR

☒ Preproposal Statement of Inquiry was filed as WSR 20-17-025 ; 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).

☐ Proposal is exempt under RCW .

**Title of rule and other identifying information:** (describe subject) Chapter 246-851 WAC, Optometrists. The Board of Optometry (board) is proposing to create a new section, WAC 246-851-245, for suicide prevention education and repeal WAC 246-851-430 AIDS prevention education requirements. The proposed rule requires optometrists to take a one-time, three-hour training in suicide assessment and removes references to AIDS education and training in response to Engrossed Substitute House Bill (ESHB) 1551, Chapter 76, Laws of 2020.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 3, 2021	10:00 am	In response to the coronavirus disease 2019 (COVID-19) public health emergency, the Board of Optometry will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington State. A virtual public hearing, without a physical meeting space, will be held instead.  Webinar only Link: <a href="https://www.gotomeet.me/LoraleiWalker">https://www.gotomeet.me/LoraleiWalker</a> Phone: (312) 757-3121 Access Code: 564-442-941	

**Date of intended adoption:** 05/03/2021 (Note: This is **NOT** the effective date)

### Submit written comments to:

Name: Lorelei Walker, Program Manager

Address: Department of Health

Board of Optometry

PO Box 47852

Olympia, WA 98504-7852

Email: <https://fortress.wa.gov/doh/policyreview>

Fax: (360) 236-2901

Other:

By (date) 04/26/2021

**Assistance for persons with disabilities:**

Contact Loralei Walker

Phone: (360) 236-4947

Fax:

TTY: 711

Email: [loralei.walker@doh.wa.gov](mailto:loralei.walker@doh.wa.gov)

Other:

By (date) 04/26/2021

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rule implements Engrossed Substitute House Bill (ESHB) 2411 (Chapter 229, Laws of 2020) codified in RCW 43.70.442. The law amended RCW 43.70.442 adding optometrists to the list of professionals required to complete a one-time continuing education course in suicide prevention. The proposed rule requires optometrists to take a one-time, three-hour training in suicide assessment.

Engrossed Substitute House Bill (ESHB) 1551, (Chapter 76, Laws of 2020) removes the requirement for healthcare practitioners to take AIDS training. The proposed rule repeals requirements for licensed optometrist to complete AIDS education and training in support of ESHB 1551. New optometry licensees would no longer need to take this training as a condition of licensure.

**Reasons supporting proposal:** The suicide training and education requirements proposed in this new rule would increase optometrists' knowledge and understanding of suicidal ideation and better prepare optometrists when they encounter suicidal patients. The board is proposing to no longer require AIDS education and training in rule in support of ESHB 1551 and reducing stigma towards people living with AIDS

**Statutory authority for adoption:** RCW 18.54.070; Engrossed Substitute House Bill (ESHB) 1551 (chapter 76, Laws of 2020); Engrossed Substitute House Bill (ESHB) 2411 (chapter 229, Laws of 2020).

**Statute being implemented:** Engrossed Substitute House Bill (ESHB) 1551 (chapter 76, Laws of 2020); Engrossed Substitute House Bill (ESHB) 2411 (chapter 229, Laws of 2020)

**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

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

**Name of proponent:** (person or organization) Department of Health - Board of Optometry

☐ Private

☐ Public

☒ Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Loralei Walker	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947
Implementation:	Loralei Walker	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947
Enforcement:	Loralei Walker	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947

**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: Lorelei Walker

Address: Department of Health  
Board of Optometry  
PO Box 47852  
Olympia WA 98504-7852

Phone: (360) 236-4947

Fax: (360) 236-2901

TTY: 711

Email: lorelei.walker@doh.wa.gov

Other:

☐ No: Please explain:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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:

☐ RCW 34.05.310 (4)(b)  
(Internal government operations)

☐ RCW 34.05.310 (4)(e)  
(Dictated by statute)

☐ RCW 34.05.310 (4)(c)  
(Incorporation by reference)

☐ RCW 34.05.310 (4)(f)  
(Set or adjust fees)

☐ RCW 34.05.310 (4)(d)  
(Correct or clarify language)

☐ 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 .

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If 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 analysis showing how costs were calculated. The proposed rule applies to credentialed providers and does not impose requirements on businesses.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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:** 03/19/2021

**Name:** Bill Prothero, OD

**Title:** Chair, Board of Optometry

**Signature:**



## NEW SECTION

**WAC 246-851-245 Optometrist suicide prevention education.** A licensed optometrist or a retired active licensed optometrist shall complete a board-approved, one-time training in suicide prevention that is at least three hours in length. Training must include screening and referral.

(1) This training must be completed by the end of the first full continuing education reporting period after August 1, 2021, or during the first full continuing education reporting period after initial licensure, whichever is later.

(2) Training accepted by the board must be on the department's model list as authorized in WAC 246-12-601 through 246-12-650.

(3) Training completed between June 11, 2020, and August 1, 2021, that meets the requirements of subsection (2) of this section, is accepted as meeting the one-time training requirement of this section.

(4) The hours spent completing the training in suicide assessment under this section count toward meeting applicable continuing education requirements for optometrist license renewal.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-851-430      AIDS prevention and information  
education requirements.