



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 15, 2023

TIME: 10:56 AM

WSR 23-17-084

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-04-058 ; 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: (describe subject) Health equity continuing education for sex offender treatment providers (SOTP) under chapter 246-924 WAC, Sex Offender Treatment Providers.

The Department of Health (department) is proposing to amend WAC 246-930-410, Continuing education requirements, to establish health equity continuing education (CE) requirements and implement Engrossed Substitute Senate Bill 5229 (ESSB 5229).

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
10/16/23	2:00 pm	The public hearing will be virtual, without a physical meeting space. Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_5F4mzI8HQ1SsVdliPN4mMw After registering, you will receive a confirmation email containing information about joining the webinar.	

Date of intended adoption: 10/31/2023 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Lana Crawford
Address: Office of Health Professions
PO Box 47850
Olympia, WA 98504-7850
Email: <https://fortress.wa.gov/doh/policyreview>
Fax: N/A
Other: www.doh.wa.gov
By (date) 10/16/23

Assistance for persons with disabilities:

Contact: Lana Crawford
Phone: (564) 669-1455

Fax: N/A
TTY: 711
Email: lane.crawford@doh.wa.gov
Other: www.doh.wa.gov
By (date) 10/2/23

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 that is 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 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. Any rules developed for the department must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The department is proposing to amend WAC 246-930-410 to implement ESSB 5229. The department is proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for SOTPs to comply with RCW 43.70.613.

The proposed rule adds two hours of health equity education, as required in the model rules, to be completed as part of the current continuing education requirements every four years. The proposed rule does not change total CE hours but 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.

Additionally, because providers hold a SOTP credential in addition to a primary health care credential, the proposed rule states that SOTPs who have already completed health equity CE for their primary credential are not required to take an additional training.

Reasons supporting proposal:

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

Two hours of training allows individuals to gain a foundation in health equity that can have an immediate positive impact on the professional’s interaction with those receiving care. Health equity training enables health care professionals to care effectively for patients from diverse cultures, groups, and communities, varying race, ethnicity, gender identity, sexuality, religion, age, ability, socioeconomic status, and other categories of identity. The two hours of health equity CE credits may be earned as part of the health professional’s existing CE requirements, therefore not requiring completion of additional CE hours.

Statutory authority for adoption: RCW 43.70.613 and RCW 18.155.040

Statute being implemented: RCW 43.70.613, ESSB 5229 (chapter 276, Laws of 2021)

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

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:	Lana Crawford	111 Israel Road, S.E., Tumwater, WA 98501	(564) 669-1455
Implementation:	Lana Crawford	111 Israel Road, S.E., Tumwater, WA 98501	(564) 669-1455
Enforcement:	Lana Crawford	111 Israel Road, S.E., Tumwater, WA 98501	(564) 669-1455

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: Lana Crawford
Address: Office of Health Professions
PO Box 47850
Olympia, WA 98504-7850
Phone: (564) 669-1455
Fax: N/A
TTY: 711
Email: lana.crawford@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: Requirements apply to individual behavioral health care providers, not businesses.

(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: 8/15/2023
Name: Kristin Peterson, JD for Umair A. Shah MD, MPH
Title: Chief of Policy for Secretary of Health

Signature:



WAC 246-930-410 Continuing education requirements. Certified sex offender treatment providers must complete (~~forty~~) 40 hours of continuing education every two years as required in chapter 246-12 WAC (~~(, Part 7)~~).

(1) **Purpose and scope.** The aim of continuing education for sex offender treatment providers is to ensure that professionals practicing in this specialty field are knowledgeable of current scientific and practice principles that affect the supervision and treatment of sex offenders in community-based treatment. Since the treatment of sex offenders in communities raises significant public safety concerns, continuing education is required to help sex offender treatment providers deliver the highest quality of professional service by being familiar with current developments in a rapidly changing profession. Certified sex offender treatment providers, regardless of certification status (e.g., full, affiliate, or provisional), shall meet the continuing education requirements set forth in this section as a prerequisite to license renewal.

(2) **Specific requirements.**

(a) A minimum of (~~thirty~~) 30 hours of the CE shall be earned through attendance at courses, workshops, institutes, and/or formal conference presentations with direct, specific relevance to the assessment and treatment of sex offenders.

(i) Consultative or supervisory training obtained from other certified sex offender treatment providers is not creditable under this CE definition.

(ii) Independent study of audio or video tapes of seminar presentations not actually attended are creditable under this definition, up to a maximum of (~~ten~~) 10 hours in any two-year period. Credit for independent study will only be granted if accompanied by documentation of the learning activity, such as a written summary of the independent study activity.

(iii) CE credit for assessment and treatment of sex offender training courses presented to other professionals may be claimed by the certified provider who provides the training one time only (usually the first time it is taught, unless there is substantial revision), up to a maximum of (~~ten~~) 10 hours in any two-year period.

(iv) Courses specifically oriented toward assessment or treatment of sex offenders may be claimed as CE. The following are examples of subjects that qualify under this definition:

- (A) Ethics and professional standards;
- (B) Relapse prevention with sex offenders;
- (C) Plethysmographic assessment;
- (D) Sexual arousal assessment and reconditioning;
- (E) Risk assessment with sex offenders;
- (F) Psychopharmacological therapy with sex offenders;
- (G) Family therapy with sex offenders;
- (H) Research concerning sexual deviancy;
- (I) Sexual addiction; and
- (J) Therapy/clinical methods specific to sex offenders.

(b) In addition to the (~~thirty~~) 30 hours of CE with direct, specific relevance to the assessment and treatment of sex offenders, (~~ten~~) 10 hours of the total requirement may be earned through participation in training courses with indirect relevance to the assess-

ment and treatment of sex offenders. The following subjects qualify under this definition:

- (i) Victimology/victim therapy;
- (ii) General counseling methods;
- (iii) Psychological test interpretation;
- (iv) Addiction/substance abuse;
- (v) Family therapy;
- (vi) Group therapy; ~~((and))~~
- (vii) Legal issues; and
- (viii) Health equity training under (c) of this subsection.

(c) Beginning January 1, 2024, individuals certified under this chapter are required to complete at least two hours of health equity training every four-year renewal cycle. The training must meet the minimum standards under RCW 43.70.613 and comply with course requirements in WAC 246-12-800 through 246-12-830. Sex offender treatment providers who complete health equity training for their underlying credential are not required to take a separate training for their sex offender treatment provider credential during the same four-year period.

(3) **Program or course approval.** The department shall accept any CE that reasonably falls within the above categories and requirements. The department relies upon each individual provider's integrity with the intent and spirit of the CE requirements.

(4) **CE requirement for newly certified providers.** Providers who are newly certified within six months of their renewal date shall not be required to submit proof of continuing education for the preceding ~~((twelve))~~ 12-month period. Providers who are newly certified from six to nine months prior to the renewal date shall be required to submit proof of ~~((ten))~~ 10 hours of the annual CE requirement for the preceding ~~((twelve))~~ 12-month period. Providers who are newly certified from nine to ~~((twelve))~~ 12 months prior to the renewal date shall be required to submit proof of the full ~~((twenty))~~ 20 hour annual CE requirement at the renewal date. The above noted prorated CE requirements apply only to the first renewal following certification. If proof of CE is not required at the first renewal (dependent on birth-date), the prorated amount shall be added to the full ~~((twenty))~~ 20 hour annual requirement for the second year following certification.