



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 23, 2024

TIME: 4:22 PM

WSR 24-15-138

Agency: Department of Health – Board of Osteopathic Medicine and Surgery

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 24-04-068 ; 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)

Continuing education requirements for osteopathic physicians. The Board of Osteopathic Medicine and Surgery (board) is proposing amendments to WAC 246-853-080 to update the continuing education (CE) requirements for licensure renewal of osteopathic physicians to clarify Washington-specific mandated CE requirements.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 13, 2024	10:00am Pacific Time	<p>Physical Location: Hilton Garden Inn Seattle/Renton 1801 E. Valley Road Renton, Washington 98057 USA</p> <p>Virtual: You are invited to a Zoom webinar. When: Sep 13, 2024 09:00 AM Pacific Time (US and Canada) Topic: Board of Osteopathic Medicine & Surgery Business Meeting</p> <p>Register in advance for this webinar:</p> <p>https://us02web.zoom.us/webinar/register/WN_mLzgguj9QhmpfftjY96WFg</p> <p>You may register in advance for the virtual portion of the hearing. After registering, you will receive a confirmation email containing information about joining the webinar.</p>	The public hearing will be hybrid. Participants can attend in person at the physical location or virtually by registering via Zoom.

Date of intended adoption: September 13, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name Becky McElhiney
 Address PO Box 47852 Olympia, WA 98504-7852
 Email <https://fortress.wa.gov/doh/policyreview>
 Fax 360-236-2850
 Other
 Beginning (date and time) On the date and time of this filing
 By (date and time) September 6, 2024 at midnight

Assistance for persons with disabilities:

Contact Becky McElhiney
 Phone 360-236-4766
 Fax 360-236-2901
 TTY 711
 Email osteopathic@doh.wa.gov
 Other
 By (date) September 5, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The board is proposing an amendment to include that Washington-specific mandated CE may be required to satisfy licensure requirements.

In 2023, the board adopted a new section WAC 246-853-075, Health equity continuing education requirements to implement Engrossed Substitute Senate Bill (ESSB) 5229 (chapter 276, Laws of 2021). ESSB 5229 directs the board to adopt rules establishing the standards for health equity CE, which must be completed at least once every four years.

The purpose of the proposed amendment to WAC 246-853-080 is to clarify that Washington-specific mandated CE may be required to satisfy licensure requirements. The proposed amendments ensure that osteopathic physicians are aware of any legislatively mandated CE that is required for Washington state providers such as health equity.

Reasons supporting proposal:

The reasons for this proposal is that WAC 246-853-080, Continuing education, does not currently refer to the new health equity CE rules in WAC 246-853-075. WAC 246-853-080 currently states that osteopathic physicians may meet all CE requirements if they have a national certification or recognition award from specific national organizations. However, as the board or Department of Health (department) do not have oversight of any of these national organizations, they cannot guarantee that these organizations require health equity CE or any other Washington-specific mandated CE as part of the process of earning these certifications.

The proposed changes clarify CE requirements to also include any Washington-state specific mandated CE so that licensed providers are aware of any CE mandated by the legislature to satisfy their CE requirement for licensure.

Statutory authority for adoption: RCW 18.57.005, 18.130.050, 18.130.250, and 18.340.020

Statute being implemented: RCW 43.70.613

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) Board of Osteopathic Medicine and Surgery

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Becky McElhiney	111 Israel Rd SE, Tumwater WA 98501	360-236-4766
Implementation	James Chaney	111 Israel Rd SE, Tumwater WA 98501	360-236-2831
Enforcement	James Chaney	111 Israel Rd SE, Tumwater WA 98501	360-236-2831

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
Address
Phone
Fax
TTY
Email
Other

No: Please explain: The proposed rule is exempt from a cost-benefit analysis under RCW 34.05.328(5)(b)(iv) because the proposed rule clarifies that Washington CE that is mandated by law may be a requirement for licensure.

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: This rule only impacts the licensing of providers and not the business.

(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: 7/23/2024

Name: James Chaney

Title: Executive Director, Board of Osteopathic Medicine and Surgery

Signature:

A handwritten signature in blue ink that reads "U. James Chaney". The signature is written in a cursive, slightly slanted style.

AMENDATORY SECTION (Amending WSR 20-09-025, filed 4/6/20, effective 5/7/20)

WAC 246-853-080 Continuing education. (1) Licensed osteopathic physicians and surgeons must complete (~~one hundred fifty~~) 150 hours of creditable continuing medical education (CME) every three years in accordance with chapter 246-12 WAC (~~, Part 7~~).

(2) To satisfy the CME requirements in subsection (1) of this section, a licensed osteopathic physician and surgeon may:

(a) Certify or recertify with the American Board of Osteopathic Medical Specialties (ABOMS) or the American Board of Medical Specialties (ABMS) within the last six years;

(b) Hold a current American Osteopathic Association (AOA) certificate of excellence in CME; or

(c) Hold a current American Medical Association (AMA) physician's recognition award (PRA).

(3) In addition to subsection (2) of this section, the licensed osteopathic physician and surgeon must complete any Washington state-specific mandated continuing education requirements.