



PROPOSED RULE MAKING

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

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 23, 2023

TIME: 4:00 PM

WSR 23-18-007

Agency: Department of Health - Washington Medical Commission

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-05-054 ; 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: Health equity continuing education requirements for allopathic physicians, WAC 246-919-445, and physician assistants, WAC 246-918-195. The Washington Medical Commission (WMC) is proposing new sections of rule to establish health equity continuing education (CE) requirements to implement Engrossed Substitute Senate Bill (ESSB) 5229 (chapter 276, Laws of 2021).

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 20, 2023	8:30 am	Register for the virtual meeting via Teams: https://events.gcc.teams.microsoft.com/event/8ab2751c-9156-4c44-94b2-39d78e013a63@11d0e217-264e-400a-8ba0-57dcc127d72d In person: Department of Health, 111 Israel Rd SE, Room 160 Tumwater, WA 98501	To join the WMC's Rules interested parties email list, please visit: https://public.govdelivery.com/accounts/WADOH/subscribe/new?topic_id=WADOH_153

Date of intended adoption: October 20, 2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Amelia Boyd, Program Manager
Address: PO Box 47866, Olympia, WA 98504-7866
Email: <https://fortress.wa.gov/doh/policyreview>
Fax:
Other:
By: October 13, 2023

Assistance for persons with disabilities:

Contact: Amelia Boyd
Phone: 1 (800) 525-0127
Fax:
TTY: 711
Email: medical.rules@wmc.wa.gov
Other:
By: October 13, 2023

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 of Health (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 adopted by the WMC must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The WMC is proposing a new section, WAC 246-919-445, for allopathic physicians and a new section, WAC 246-918-195, for physician assistants to implement ESSB 5229. The WMC is proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for allopathic physicians and physician assistants 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.

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 include 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 manifests 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 18.71.017, 18.130.050, and 43.70.613

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

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Washington Medical Commission

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Amelia Boyd	111 Israel RD SE, Tumwater, WA 98501	360-918-6336
Implementation:	Melanie de Leon	111 Israel RD SE, Tumwater, WA 98501	360-236-2755
Enforcement:	Melanie de Leon	111 Israel RD SE, Tumwater, WA 98501	360-236-2755

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: Amelia Boyd

Address: PO Box 47866, Olympia, WA 98504-7866
Phone: 360-918-6336
Fax:
TTY:
Email: amelia.boyd@wmc.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 checked="" 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 applies to continuing education for professionals and does not apply to 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: August 21, 2023

Name: Melanie de Leon

Title: Executive Director

Signature:

Signature on file