



# 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: August 23, 2022

TIME: 2:17 PM

**WSR 22-17-141**

**Agency:** Department of Health

☒ **Original Notice**

☐ **Supplemental Notice to WSR** \_\_\_\_\_

☐ **Continuance of WSR** \_\_\_\_\_

☒ **Preproposal Statement of Inquiry was filed as WSR 21-20-011 ; 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) Chapter 246-12 WAC, Administrative procedures and requirements for credentialed health care providers. The Department of Health (department) is proposing model rules establishing minimum standards for health equity continuing education (CE) for health professions credentialed under RCW 18.130.040 with a CE requirement.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
9/29/22	11:00AM	<p>In response to the coronavirus disease 2019 (COVID-19), the Department of Health will not provide a physical location for this hearing. This promotes social distancing and helps provide for the safety of the citizens of Washington State. A virtual public hearing, without a physical meeting space, will be held instead.</p> <p>Register in advance for this webinar: <a href="https://us02web.zoom.us/webinar/register/WN_CzSqlGEsQsWy2uyThyumuA">https://us02web.zoom.us/webinar/register/WN_CzSqlGEsQsWy2uyThyumuA</a></p> <p>After registering, you will receive a confirmation email containing information about joining the webinar.</p>	

**Date of intended adoption:** 10/6/2022 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Ashley Bell

Address: PO Box 47843, Olympia, WA 98504

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

Fax: None

Other: None

By (date) 9/29/2022

**Assistance for persons with disabilities:**

Contact Ashley Bell

Phone: 360-236-2961

Fax: None

TTY: 711

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

Other: None

By (date) 9/25/2022

<b>Purpose of the proposal and its anticipated effects, including any changes in existing rules:</b> Engrossed Substitute Senate Bill 5229 (Chapter 276, Laws 2021), codified as RCW 43.70.613, directs the department to establish model rules creating minimum standards for health equity CE training programs. The proposed rules create four new sections in chapter 246-12 WAC to implement RCW 43.70.613: purpose, definitions, minimum health equity CE hours, and health equity CE training content. The proposed rules require completion of two hours of health equity CE every four years for all health professionals credentialed under RCW 18.130.040 with a CE requirement. The proposed rules also require that the two CE hours include implicit bias training to identify strategies to reduce bias during assessment and diagnosis. Rulemaking authorities for each profession may create standards that exceed the minimum standards in the model rules.			
<b>Reasons supporting proposal:</b> RCW 43.70.613(3)(b) requires the department to establish model rules with minimum standards for health equity CE programs by January 1, 2023. RCW 43.70.613(3)(b) directs the department to consult with patients and communities with lived experiences of health inequities or racism in the health care system and boards and commissions when developing the proposed rules. The department held four listening sessions that invited individuals with lived experiences of health inequities or racism in the health care system to share their experiences, which the department used to develop rule language. The department also held four rules workshops where the proposed rule language was developed with the public and boards and commissions. RCW 43.70.613(3)(c) requires the minimum standards to include instruction on skills to address structural factors, such as bias, racism, and poverty that manifest as health inequities. The proposed rule requires that implicit bias training be included in the two CE hours health professionals must complete.			
<b>Statutory authority for adoption:</b> RCW 18.130.040, RCW 43.70.613			
<b>Statute being implemented:</b> ESSB 5229 (Chapter 276, Laws of 2021)			
<b>Is rule necessary because of a:</b>			
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:			
<b>Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:</b> None			
<b>Type of proponent:</b> <input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental			
<b>Name of proponent:</b> (person or organization) Department of Health			
<b>Name of agency personnel responsible for:</b>			
	Name	Office Location	Phone
Drafting:	Ashley Bell	111 Israel Road SE, Tumwater, WA 98501	360-236-2961
Implementation:	Ashley Bell	111 Israel Road SE, Tumwater, WA 98501	360-236-2961
Enforcement:	Ashley Bell	111 Israel Road SE, Tumwater, WA 98501	360-236-2961
<b>Is a school district fiscal impact statement required under <a href="#">RCW 28A.305.135</a>?</b>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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:			
<b>Is a cost-benefit analysis required under <a href="#">RCW 34.05.328</a>?</b>			
<input checked="" type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name: Ashley Bell Address: PO Box 47843, Olympia, WA 98504 Phone: 360-236-2961 Fax: None TTY: 711 Email: <a href="mailto:healthequityimplementation@doh.wa.gov">healthequityimplementation@doh.wa.gov</a> Other: None			

☐ 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:

☐ [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 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: The exemption applies to all portions of the rule proposal.

### (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:

<b>Date:</b> August 23, 2022	<b>Signature:</b> 
<b>Name:</b> Kristin Peterson, JD for Umair A. Shah, MD, MPH	
<b>Title:</b> Chief of Policy for Secretary of Health	

**PART 15**  
**MINIMUM STANDARDS FOR HEALTH EQUITY CONTINUING EDUCATION TRAININGS FOR**  
**HEALTH CARE PROFESSIONALS**

NEW SECTION

**WAC 246-12-800 Purpose.** WAC 246-12-810 through 246-12-830 contain model rules establishing minimum standards for health equity continuing education trainings for health care professionals credentialed under RCW 18.130.040 with a continuing education requirement. The rule-making authority for each health profession credentialed under RCW 18.130.040 with a continuing education requirement may set standards that exceed the minimum standards in this chapter.

NEW SECTION

**WAC 246-12-810 Definitions.** The definitions in this section and RCW 43.70.613 apply throughout WAC 246-12-800 through 246-12-830 unless the context clearly requires otherwise.

(1) "Department" means the Washington state department of health.

(2) "Health care professional" means an individual credentialed or holding a retired active credential in one of the health professions listed in RCW 18.130.040 with a continuing education requirement.

(3) "Health equity" means all people have the same opportunities and equal access in order to attain their full health potential regardless of the color of their skin, ancestry, ethnicity, level of education, gender identity, sexual orientation, age, religion, socioeconomic status, the job they have, the neighborhood they live in, or their ability status.

NEW SECTION

**WAC 246-12-820 Health equity continuing education training minimum hours.** Health care professionals must complete a minimum of two hours in health equity continuing education training every four years, unless the relevant rule-making authority specifies a higher number of hours in rule.

NEW SECTION

**WAC 246-12-830 Health equity continuing education training content.** An education program providing health equity continuing education training must:

(1) Include implicit bias training to identify strategies to reduce bias during assessment and diagnosis and may include, but is not limited to, at least one of the topics included in RCW 43.70.613 (3)(c).

(2) Have trainers with demonstrated knowledge and experience related to health equity. Research referenced in the training must be based on current empirical research and known best practices.

(3) Have courses that assess the health care professional's ability to apply health equity concepts into practice in accordance with profession specific rules, which may include, but are not limited to:

(a) An assessment at the end of an in-person or virtual continuing education training to determine knowledge gained during that training; or

(b) A document provided at the end of an in-person or virtual continuing education training that attests attendance at the training.