



# 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: September 12, 2023

TIME: 2:17 PM

WSR 23-19-030

Agency: Department of Health - Board of Hearing and Speech

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

- Preproposal Statement of Inquiry was filed as WSR 23-04-022 ; 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 audiologists, hearing aid specialists, speech-language pathologists and speech-language pathologist assistants in WAC 246-828-505 (new) and 246-828-510 (amended). The Board of Hearing and Speech (board) is proposing new WAC 246-828-505 and amendments to WAC 246-828-510 to establish health equity continuing education (CE) requirements to implement Engrossed Substitute Senate Bill 5229 (ESSB 5229 chapter 276, Laws 2021).

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 3, 2023	09:05 am	Physical Location: Labor and Industries 7273 Linderson Way SW Room S117 Tumwater, WA 98501  Virtual Option: Join on your computer, mobile app or room device. Link to join the meeting  <a href="https://teams.microsoft.com/join/19%3ameeting_ODQxNWEzNzEtYzBkYi00YzlmLWI3NDEtMGYwOTE2MGIzNzI2%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22ae44b66e-af0e-436f-a863-213f33d92a5c%22%7d">https://teams.microsoft.com/join/19%3ameeting_ODQxNWEzNzEtYzBkYi00YzlmLWI3NDEtMGYwOTE2MGIzNzI2%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22ae44b66e-af0e-436f-a863-213f33d92a5c%22%7d</a>	The Board of Hearing and Speech will hold a hybrid hearing with both the option to attend in-person or virtually.

Date of intended adoption: November 3, 2023 (Note: This is NOT the effective date)

<p><b>Submit written comments to:</b>  Name: Kim-Boi Shadduck, Program Manager  Address: Department of Health  PO Box 47852  Olympia, WA 98504-7852  Email: <a href="https://fortress.wa.gov/doh/policyreview">https://fortress.wa.gov/doh/policyreview</a>  Fax: (360) 236-2901  Other:  By (date) October 13, 2023</p>	<p><b>Assistance for persons with disabilities:</b>  Contact Kim-Boi Shadduck, Program Manager  Phone: (360) 236-2912    Fax:  TTY: 711  Email: kimboi.shadduck@doh.wa.gov  Other:  By (date) October 13, 2023</p>
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**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. The model rules require two hours of CE every four years. Any rules developed by the board must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The board is proposing new WAC 246-828-505 and amendments to WAC 246-828-510 to implement ESSB 5229 for audiology professions licensed under chapter 246-828 WAC. The proposal would adopt the health equity model rules, WAC 246-12-800 through 246-12-830 to comply with RCW 43.70.613. The amendments would include two hours of CE in health equity within the total of 30 CE hours required for audiologist, hearing aid specialist, speech-language pathologist, and speech-language pathologist assistant every three years. The proposed rules developed for these professions in WAC 246-828-505 and 246-828-510 exceeds standards in the model rules found in WAC 246-800 through 246-830 by requiring the two hours every three years to match the current CE interval of the profession. By allowing these professions to take the health equity as part of their existing CE requirements and aligning it with the existing three years CE interval makes it less burdensome on the professions.

**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 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.

The board's proposed rules in WAC 246-828-505 and 246-828-510 exceeds standards in the model rules found at WAC 246-12-800 through 246-12-830 by requiring the two hours every three years to match the current CE interval of the professions. Allowing audiologists, hearing aid specialists, speech-language pathologists, and speech-language pathologist assistants to take health equity course as part of their existing CE requirements and aligning it with the existing three years CE interval makes it less burdensome on the professions.

**Statutory authority for adoption:** RCW 18.35.161, RCW 43.70.613, RCW 43.70.040, RCW 18.130.040

**Statute being implemented:** Engrossed Substitute Senate Bill 5229 (ESSB 5229) (Chapter 276, Laws 2021), codified as RCW 43.70.613

**Is rule necessary because of a:**

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:

**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) Board of Hearing and Speech

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting: Kim-Boi Shadduck, Program Manager	111 Israel Rd SE Tumwater, WA 98501	360-236-2912
Implementation: Kim-Boi Shadduck, Program Manager	111 Israel Rd SE Tumwater, WA 98501	360-236-2912
Enforcement: Kim-Boi Shadduck, Program Manager	111 Israel Rd SE Tumwater, WA 98501	360-236-2912

**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: Kim-Boi Shadduck, Program Manager

Address: Department of Health  
PO Box 47852-7852  
Olympia, WA 98507

Phone: 360-236-2912

Fax: 360-236-2901

TTY: 711

Email: kimboi.shadduck@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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute) |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(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 proposed rule does not affect small business. These rules only apply to providers.

**(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:** 09/07/23

**Name:** Nichole Kingham Furness AuD,

**Title:** Board of Hearing and Speech Chairperson

**Signature:**



NEW SECTION

**WAC 246-828-505 Health equity continuing education training requirements.** (1) A credential holder must complete a minimum of two hours in health equity continuing education training every three years in accordance with WAC 246-12-800 through 246-12-830.

(2) This training must be completed by the end of the second full continuing education reporting period after January 1, 2024, or the second full continuing education reporting period after initial licensure, whichever is later.

(3) The hours spent completing health equity continuing education under this section count toward meeting applicable continuing education requirements for renewal.

(4) The board may randomly audit up to 25 percent licensed audiologists, hearing aid specialists, speech-language pathologists, or speech-language pathologists assistants every two years for compliance after the license is renewed as allowed by WAC 246-12-190.

AMENDATORY SECTION (Amending WSR 15-14-092, filed 6/29/15, effective 7/1/15)

**WAC 246-828-510 Continuing education.** The purpose of continuing education is to ensure the highest quality professional care. The objectives are to improve and increase the ability of the hearing aid specialist, audiologist, speech-language pathologist, and speech-language pathology assistant to deliver the highest possible quality professional care and keep the professional abreast of current developments.

Continuing education consists of educational activities designed to review existing concepts and techniques and to convey information and knowledge about advances in hearing instrument fitting and dispensing, audiology, and speech-language pathology fields as applied to the work setting.

(1) Continuing education requirement. A credential holder must complete a minimum of (~~(thirty)~~) 30 hours of continuing education every three years.

(a) At least one hour of the continuing education must be on infection control.

(b) Multicultural education aimed at removing barriers to access to care may count for up to five hours of continuing education.

(c) At least (~~(twenty-five)~~) 25 hours of continuing education must be related to profession specific skills and competencies.

(i) At least two hours of continuing education must be on health equity training, as specified in WAC 246-12-800 through 246-12-830.

(ii) This training must be completed by the end of the second full continuing education reporting period after January 1, 2024, or the second full continuing education reporting period after initial licensure, whichever is later.

(2) Continuing education is defined as any of the following activities:

(a) Courses, seminars, workshops and postgraduate programs offered by accredited educational institutions. These educational activ-

ities must be recorded on an official transcript or by documentation stating the number of continuing education hours completed.

(b) Courses, seminars and workshops offering continuing clock or continuing educational units offered by profession-related organizations or industries. These activities will be accepted with documentation of the number of continuing education hours completed.

(c) Attendance at a continuing education program having a featured speaker(s) or panel, which has been provided by, sponsored by, or endorsed by a profession-related organization or industry. This activity will be accepted with documentation of the number of continuing education hours completed.

(d) Participation as a speaker or panel member in a continuing education program which has been provided by, sponsored by, or endorsed by a profession-related organization or industry. A maximum of eight hours, including preparation time, may be applied to the total three-year requirement.

(e) Completion of a written, video, internet, or audio continuing education program which has been provided by, sponsored by, or endorsed by a profession-related organization or industry. Only programs in which proof of completion is provided or with tests that are not self-graded will be accepted.

(3) The board may grant an exception for continuing education requirements under certain circumstances including, but not limited to, severe illness. The credential holder must submit a written request for exception to the board for review. The board will approve or deny the request.

(4) A credential holder may be randomly audited for continuing education compliance as specified in chapter 246-12 WAC, Part 7.