



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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DATE: February 28, 2024

TIME: 5:12 PM

WSR 24-06-033

**Agency:** Department of Health – Board of Optometry

**Subject of possible rule making:**

Optometry continuing education and examination requirements. The Board of Optometry (board) will conduct a review of the optometrist continuing education and examination requirements in WAC 246-851-090 through 246-851-230 and WAC 246-851-490. The board will consider increasing the number of allowable online credits. To comply with Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023), the board will also consider including the jurisprudence exam (JP) within their CE requirements and removing it from initial licensure requirements. The board may also consider housekeeping changes to clarify and streamline these sections of the rule as necessary.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 18.54.070 and 2SHB 1724 (chapter 425, Laws of 2023).

**Reasons why rules on this subject may be needed and what they might accomplish:** Due to the coronavirus 2019 (COVID-19) pandemic, the board adopted a policy to allow unlimited online CE credits. This policy was adopted on May 18, 2020 and filed under WSR 20-11-068. The board has found that quality online CE is widely available and provides attendees flexibility and cost savings. The board is considering adjusting the allowance of online courses in rule.

The intent of 2SHB 1724, Section 8 is to open pathways for licensure and reduce barriers to obtain a license in Washington state (WA). 2SHB 1724 states that disciplining authorities shall waive education, training, experience, and exam requirements for applicants who have been credentialed in another state or states with substantially equivalent standards for at least two years immediately preceding their application with no interruption in licensure for longer than 90 days. The JP exam cannot be required to obtain a WA license via 2SHB 1724, Section 8, and the condition of taking and passing the WA JP exam cannot be used to determine substantially equivalent standards. To reduce licensure barriers and align with the intent of 2SHB 1724, the board is considering including the JP exam within their CE requirements and removing it from initial licensure requirements.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** None

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative Rulemaking

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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Additional comments: Interested parties can participate in the drafting of the proposed rules. The board will conduct a series of rules workshops. Rulemaking notices will be delivered via the GovDelivery list. To receive notices, please go to: <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next click open the box labeled "Health Professions" and then click again on "Optometry Board." You may also check the box next to one or more of the other professions or facilities listed to received information related to that specific topic.

**Date:** 2/23/2024

**Name:** Melissa Dacumos

**Title:** Board of Optometry, Chair

**Signature:**

