



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 19, 2023

TIME: 12:05 PM

WSR 23-19-081

Agency: Department of Health - Washington State Board of Nursing

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-03-069; 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 licensed practical nurses (LPN) and registered nurses (RN) licensed by the Washington State Board of Nursing (board) in WAC 246-840-220 and 246-840-222. The board, formerly known as the Nursing Care Quality Assurance Commission, is proposing a new section of rule and revisions to existing rule in order to establish health equity continuing education (CE) requirements to implement Engrossed Substitute Senate Bill (ESSB) 5229 (chapter 276, Laws of 2021).

Hearing location(s): TBD

Date:

10/25/2023

Time:

9:00 AM

Location: (be specific)

The public hearing will be hybrid. Participants can attend at the physical location or virtually by registering on Zoom.

Comment:

Physical location:

Department of Health
Town Center 2, RM 145
111 Israel Rd S.E.
Tumwater, WA 98501

Virtual:

Please follow this link to register for the virtual hearing which will give you instructions to either join the meeting on a device, or to call in to the meeting on the phone:

<https://us02web.zoom.us/join/register/tZYkfu6sqzMpEtKLBMhs/t1LOeDggf4qVY6y8>

After registering you will receive a confirmation email containing information about joining the webinar.

Date of intended adoption: 10/25/2023 (Note: This is NOT the effective date)

Submit written comments to:

Name: Jessilyn Dagum
 Address: PO Box 47864 Olympia, WA 98504-7864
 Email: <https://fortress.wa.gov/doh/policyreview>
 Fax: (360) 236-4738
 Other: N/A
 By (date): 10/10/2023

Assistance for persons with disabilities:

Contact: Jessilyn Dagum
 Phone: (360) 236-3538
 Fax: (360) 236-4738
 TTY: 711
 Email: NCQAC.Rules@doh.wa.gov
 Other:
 By (date): 10/10/2023

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 developed for 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 a new section, WAC 246-840-222 and amendments to WAC 246-840-220 to implement ESSB 5229. The board is proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for licensed practical nurses (LPN) and registered nurses (RN) licensed by the board 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 annually as part of the current continuing education requirements every year. The proposed rule does not change total CE hours but requires two hours in health equity CE every year 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 18.79.010, 18.79.110, and 43.70.613

Statute being implemented:**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) Washington State Board of Nursing

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jessilyn Dagum	111 Israel Road SE Tumwater, WA 98504	(360) 236-3538
Implementation:	Jessilyn Dagum	111 Israel Road SE Tumwater, WA 98504	(360) 236-3538

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: Jessilyn Dagum

Address: PO Box 47864 Olympia WA 98504-7864

Phone: (360)236-3538

Fax: (360)236-4738

TTY: 711

Email: NCQAC.Rules@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:

[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:

(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: September 19, 2023

Name: Alison Bradywood DNP, MN/MPH, RN, NEA-BC

Title: Executive Director, Washington State Board of Nursing

Signature:



WAC 246-840-220 Continuing competency requirements—Active status. (1) Upon license renewal a nurse must attest on a form provided by the department of health declaring completion of the required active nursing practice hours and continuing nursing education hours.

(2) A nurse must complete within a (~~twelve~~) 12-month period prior to the renewal of licensure:

(a) A minimum of (~~ninety-six~~) 96 hours of active nursing practice; and

(b) A minimum of eight hours of continuing nursing education of which at least two hours must be on health equity training, as specified in WAC 246-840-222.

(3) Nurses must complete a qualified suicide prevention training as follows:

(a) A registered nurse, except for registered nurses holding an active certified registered nurse anesthetist license, and licensed practical nurses must complete a one-time, six hour training in suicide assessment, treatment, and management from a qualified suicide prevention training program. The training must be completed by the end of the first full year of practice.

(b) A qualified suicide training program must be on the model list, required under RCW 43.70.442, to be accepted.

(c) The hours spent completing a qualified training program in suicide assessment, treatment, and management under this section counts toward continuing competency requirements in subsection (2)(b) of this section.

(4) Nurses who are enrolled in, or have completed prerequisite classes for, an advanced nursing education program are exempt from the continuing competency requirements during their current review period.

NEW SECTION

WAC 246-840-222 Continuing competency requirements—Health equity continuing education. (1) Licensed practical nurses and registered nurses must complete a minimum of two hours of health equity continuing education every year upon license renewal as described in 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) After the first required reporting period, this training must be completed within a 12-month period prior to license renewal. Additional hours cannot be rolled over to the following year.

(4) The hours spent completing health equity continuing education under this section count toward meeting applicable continuing education requirements for nurse license renewal as described in WAC 246-840-220.