



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 11, 2023

TIME: 5:47 PM

WSR 23-19-026

Agency: Department of Health – Board of Massage

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 1, 2024 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Health equity continuing education for massage therapists. 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 massage therapists must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The Board of Massage (board) in coordination with the Department of Health (department) is adopting amendments to WAC 246-830-475 to implement Engrossed Substitute Senate Bill (ESSB) 5229 (chapter 276, Laws of 2021). The board and department are adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for massage therapy to comply with RCW 43.70.613. The adopted rule adds two hours of health equity education to be completed as part of the current continuing education requirements every two years.

The adopted rule does not change total CE hours but requires two hours in health equity CE every two 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.

Citation of rules affected by this order:

- New: None
- Repealed: None
- Amended: WAC 246-830-475
- Suspended: None

Statutory authority for adoption: RCW 43.70.613 and 18.108.025

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-12-095 on June 6, 2023 (date).

Describe any changes other than editing from proposed to adopted version:

One change was made from the proposed version to the adopted version. It is not a substantive change because it does not change the overall requirement of CE hours for massage therapists.

- WAC 246-830-475(2)(c) was amended to require a minimum of two hours in health equity continuing education every two years. The proposed version required a minimum of four hours in health equity continuing education every two years.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Megan Maxey
Address: PO Box 47852, Olympia, WA 98504-7852
Phone: 360-236-4945
Fax: 360-236-2901
TTY: 711
Email: megan.maxey@doh.wa.gov
Web site: www.doh.wa.gov
Other: None

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

Date Adopted: September 11, 2023

Name: Heidi Williams, LMT | Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Board of Massage Chairperson | Chief of Policy for Secretary of Health

Signature:

WAC 246-830-475 Continuing education requirements. (1) To renew a license, a massage therapist must complete (~~twenty-four~~) 24 hours of continuing education every two years, as provided in (~~chapter 246-12-WAC, Part 7~~) WAC 246-12-170 through 246-12-240. Continuing education must be provided by an individual who has at least three years of professional experience in the subject area being taught. Massage therapists have a duty to ensure the continuing education they complete meets the requirements in this section.

(2) The following categories of continuing education are mandatory:

(a) A minimum of eight hours must be in person and directly supervised involving the participation of the direct application of massage therapy as defined in RCW 18.108.010; and

(b) A minimum of four hours must be in professional ethics, client or patient communication, professional roles and boundaries, or Washington state massage laws and rules. Two of the four hours may be met by attending board of massage meetings in person. A maximum of one hour is allowed per board meeting; and

(c) A minimum of two hours must be in health equity continuing education training as described in WAC 246-12-800 through 246-12-830; and

(d) Maintenance of certification in American Heart Association CPR or equivalent. A maximum of four hours is allowed per reporting period.

(3) For the purposes of this chapter, the remaining hours of continuing education are defined as any of the following activities reasonably related to massage therapy knowledge, skills, and business practices:

(a) Documented attendance at a local, state, national, or international continuing education class, program or conference;

(b) First aid certification or emergency related courses;

(c) Self-study through the use of multimedia devices or the study of books, research materials, or other publications.

The required documentation for this activity is a one page, single spaced, (~~twelve~~) 12 point font synopsis of what was learned written by the licensee. The time spent writing the synopsis is not reportable. Two hours of credit is allowed per report, and no more than two separate reports may be submitted per reporting period;

(d) Teaching a course for the first time;

(e) Business and management courses;

(f) Distance learning. Distance learning includes, but is not limited to, correspondence course, multimedia or webinar, print, audio or video broadcasting, audio or video teleconferencing, computer aided instruction, e-learning or on-line-learning, or computer broadcasting or webcasting; or

(g) Active service on boards or participation in professional or government organizations specifically related to the practice of massage.

(4) A massage therapist must provide acceptable documentation of continuing education upon request or audit. Acceptable forms of documentation include, but are not limited to:

(a) Transcripts;

- (b) A letter from the course instructor or the organization providing the continuing education;
- (c) Certificate of attendance or completion; or
- (d) Other formal documentation that includes the following:
 - (i) Participant's name;
 - (ii) Course title;
 - (iii) Course description;
 - (iv) Date or dates of course;
 - (v) Number of hours;
 - (vi) Indication of being an in-person course, self-study as referenced in subsection (3)(c) of this section, or distance learning as referenced in subsection (3)(f) of this section;
 - (vii) Instructor's name or sponsor organization name or names;
 - (viii) Instructor or sponsor contact information; and
 - (ix) Signature of the program sponsor or course instructor. The self-study allowed in subsection (3)(c) of this section is exempt from this requirement.
- (5) Massage therapists who maintain an active status Washington state massage license must meet all continuing education requirements regardless of whether they reside or practice in Washington state.