



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: December 19, 2023

TIME: 1:06 PM

WSR 24-01-124

Agency: Department of Health —Podiatric Medical Board

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (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 training for podiatric physicians and surgeons. The Podiatric Medical Board (board) is amending sections WAC 246-922-300 and WAC 246-922-310, to implement Engrossed Substitute Senate Bill (ESSB) 5229 (chapter 276, Laws of 2021). The board has adopted the health equity model rules, WAC 246-12-800 through 246-12-830, for podiatric physicians and surgeons to comply with RCW 43.70.613.

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 (CE) to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The statute also directed 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 which require two hours of training every four years. Any rules developed by the Podiatric Medical Board must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The adopted rule adds two hours of health equity education, as required in the model rules, to be completed as part of the current continuing competency requirements every four years. The adopted rule does not change the total CE hours; instead requires two hours in health equity CE every four 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. In addition, the board also adopted amendments that correct some confusing rule language to clarify that a resident in an approved postgraduate residency training program is not required to participate in podiatric continuing medical education.

Citation of rules affected by this order:

New: None.

Repealed: None.

Amended: WAC 246-922-300 and 246-922-310.

Suspended: None.

Statutory authority for adoption: RCW 43.70.613, RCW 18.57.005, and RCW 18.130.050

Other authority: Engrossed Substitute Senate Bill (ESSB) 5229 (chapter 276, Laws of 2021)

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-18-098 on September 6, 2023.

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

The board removed the phrase "As of January 1st, 2024" from WAC 246-922-310(4). This phrase was inadvertently left in the proposed rule text filed with the CR102 and is considered a clerical error.

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

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 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> |
|-----|----------|---------|----------|----------|----------|

The number of sections adopted on the agency's own initiative:

| | | | | | |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>1</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

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>2</u> | Repealed | <u>0</u> |

Date Adopted: 12/19/2023
Name: D. J. Wardle, DPM
Title: Chair, Podiatric Medical Board

Signature:



AMENDATORY SECTION (Amending WSR 22-20-092, filed 10/4/22, effective 11/4/22)

WAC 246-922-300 Podiatric continuing medical education required.

(1) The board requires a (~~licensed~~) podiatric physician and surgeon to participate in podiatric continuing medical education as a mechanism to maintain and enhance competence and stay informed of recent developments within podiatric medicine and related fields. A resident in an approved postgraduate residency training program is not required to participate in podiatric continuing medical education.

(2) A podiatric physician and surgeon must complete 100 hours of continuing medical education every two years and comply with WAC 246-12-170 through 246-12-240 and WAC 246-922-310.

(3) To satisfy the continuing medical education requirements identified in subsection (2) of this section, a podiatric physician and surgeon may:

(a) (~~Serve as a resident in an approved postgraduate residency training program; such individuals shall be credited 50 hours for each year of training completed during their continuing medical education cycle;~~

~~(b))~~ Certify or recertify within the previous four years with a specialty board recognized by the Council on Podiatric Medical Education (CPME); or

(~~(e))~~ (b) Meet the requirements for participation in a maintenance of certification program for a specialty board recognized by the CPME.

(4) If a podiatric physician and surgeon uses subsection (3) of this section to comply with podiatric continuing medical education requirements, the podiatric physician and surgeon must assure that they have taken a minimum of two hours of health equity continuing medical education training every four years pursuant to WAC 246-922-310(4).

AMENDATORY SECTION (Amending WSR 22-20-092, filed 10/4/22, effective 11/4/22)

WAC 246-922-310 Categories of creditable podiatric continuing medical education activities.

To meet the requirements of WAC 246-922-300, a podiatric physician and surgeon shall earn continuing medical education in the following board-approved categories; such activities may be obtained through in-person or remote attendance, or through interactive online or prerecorded courses:

(1) Category 1 - A minimum of 40 hours (~~(; however, all 100 credit hours may be earned in this category)~~). Category 1 activities include:

(a) Scientific courses or seminars approved, offered, or sponsored by the American Podiatric Medical Association and its component societies and affiliated and related organizations;

(b) Scientific courses or seminars offered or sponsored by entities such as the American College of Foot and Ankle Surgery, the American Medical Association, the American Osteopathic Association, the American Heart Association, the American Diabetes Association, or the American Physical Therapy Association when offering or sponsoring continuing medical education programs related to podiatric medicine; and

(c) Scientific courses or seminars accredited by the Council on Podiatric Medical Education or the Accrediting Council for Continuing Medical Education.

(2) Category 2 - A maximum of 50 hours. Category 2 activities include courses or seminars related to health care delivery offered or sponsored by entities such as nonprofit organizations, other proprietary organizations, and individuals when offering or sponsoring continuing medical education in health care delivery.

(3) Category 3 - A maximum of 60 hours. Category 3 credit hours and activities include:

(a) Up to 30 hours through teaching, lecturing, and publishing in a peer-reviewed, scientific journal or textbook;

(b) Up to 30 hours through online prerecorded or remote-attended study and programs not otherwise specified in subsection (1) or (2) of this section;

(c) Up to 30 hours through self-study including, but not limited to, specialty board examination preparation, reading books, papers, and publications, participating in journal clubs, or viewing or attending exhibits; and

(d) Up to 30 hours for participation in a health care institution or government agency:

(i) Peer-review committee;

(ii) Staff committee for subjects including, but not limited to, quality of care, utilization review, credentialing, bylaws, and medical records;

(iii) Surgical privilege credentialing to include proctoring activity; or

(iv) Serving as a board member on the podiatric medical board.

(4) Category 4 - A minimum of two hours of health equity continuing medical education training offered by entities listed in subsection (1) or (2) of this section or listed or offered by the department of health must be obtained every four years as follows:

(a) The first training must be completed by the end of the first full continuing medical education reporting cycle after January 1, 2024, or by the end of the first full continuing medical education reporting cycle after initial licensure, whichever is later; and

(b) Health equity continuing medical education training must meet the minimum standards under RCW 43.70.613 and WAC 246-12-800 through 246-12-830.

(5) One contact hour is defined as a typical 50-minute classroom instructional session or its equivalent.

~~((5))~~ (6) The board will not give prior approval for any continuing medical education. The board will accept any continuing medical education that reasonably falls within these regulations and relies upon the integrity of each individual podiatric physician and surgeon to comply with these requirements.