



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health- Board of Optometry

- Preproposal Statement of Inquiry was filed as WSR 14-13-100 ; 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).

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

Title of rule and other identifying information: (Describe Subject)

WAC 246-851-090 through WAC 246-851-230. The Board of Optometry is proposing to update the framework of the continuing education rules.

Hearing location(s): Creekside Two at Center Point
20425 72nd Avenue South, Room 307
Kent, WA 98032

Date: 09/21/2015

Time: 10:00 a.m.

Submit written comments to:

Name: Lorelei Walker, Program Manager
Address: 111 Israel Road SE
Tumwater, WA 98501
e-mail: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-2901 by (date) 09/17/2015

Assistance for persons with disabilities: Contact

Lorelei Walker, Program Manager by 09/11/2015

TTY (800) 833-6388 or () 711

Date of intended adoption: 09/21/2015

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Optometrists must complete 50 hours of continuing education (CE) every two years. The proposal amends WAC 246-851-090 through 230 and creates a new section (-055) to provide an updated framework for optometrists to follow when selecting continuing education courses that complement their practice. The proposal groups CE course types into five clearly defined categories. A sixth allows credit for practice management. A current certification by the American Board of Optometry or a current Optometric Recognition Award would satisfy the 50 required hours. The proposal repeals WAC 246-851-180 and -190 and incorporates the content within the amended rules. The proposal also repeals WAC 246-851-130 post-graduate educational program.

Statutory authority for adoption:

RCW 18.54.070(2)

Statute being implemented:

RCW 18.54.070(2)

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: August 05, 2015

TIME: 9:48 AM

WSR 15-16-131

DATE 08/05/2015

NAME (type or print)

Kathy Schmitt

SIGNATURE

TITLE

Deputy Director, Office of Health Professions and Facilities

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Health/Board of Optometry

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	360.236.4947
Implementation.... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	360.236.4947
Enforcement..... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	360.236.4947

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Lorelei Walker, Program Manager

Address: 111 Israel Road SE

Tumwater WA 98501

phone 360.236.4947

fax 360.236.2901

e-mail loralei.walker@doh.wa.gov

No: Please explain:

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-851-090 Continuing education requirement. (1) A licensed optometrist((s)) must complete and document fifty hours of continuing education every two years ((as required in)) and comply with chapter 246-12 WAC, Part 7.

(2) ~~((In lieu of this requirement, licensees practicing solely outside of Washington may meet the continuing education requirements of the state or territory in which they practice.))~~ A licensed optometrist whose two-year continuing education reporting cycle begins on or after December 1, 2015, must meet the continuing education requirement by:

(a) Completing fifty hours of education that complies with WAC 246-851-125 through 246-851-230; or

(b) Alternatively meeting the requirements of this subsection by providing proof that he or she:

(i) Holds a current Optometric Recognition Award from the American Optometric Association;

(ii) Holds a current certification by the American Board of Optometry or other certification program deemed substantially equivalent to American Board of Medical Specialties' programs; or

(iii) Is practicing solely outside of Washington state and meets the continuing education requirements of the state or territory in which he or she practices.

AMENDATORY SECTION (Amending WSR 97-12-088, filed 6/4/97, effective 7/5/97)

WAC 246-851-120 Approval of courses. ~~((1) The board will individually consider requests for approval of continuing education courses. The board will consider the following course components:~~

~~(a) Whether the course contributes to the advancement and enhancement of skills in the practice of optometry.~~

~~(b) Whether the course is taught in a manner appropriate to the subject matter.~~

~~(c) Whether the instructor has the necessary qualifications, training and/or experience to present the course.~~

~~(2) Courses related to a single product or device will not normally be granted credit.~~

~~(3) Requests must be submitted at least sixty days prior to the date of the course and must include at least:~~

~~(a) Name of the course being offered.~~

~~(b) Location and date of course.~~

~~(c) Course outline.~~

~~(d) Format of activity (e.g., lecture, videotape, clinical participation, individual study).~~

~~(e) Total number of hours of continuing education being offered.~~

(f) Name and qualifications of the instructor or speaker.)) The board will not authorize or approve specific continuing education courses or materials. All continuing education courses must contribute to the professional knowledge and development of the practitioner, enhance services provided to patients, and contribute to the practition-

er's ability to deliver current standards of care. The board will accept continuing education that reasonably falls within these criteria, and relies upon the integrity of each individual practitioner, as well as that of program sponsors, in complying with this requirement and experiencing meaningful and meritorious learning. The board reserves the right to not accept credits from any category for any practitioner if, upon auditing, it determines that a course or material did not provide appropriate information or training.

NEW SECTION

WAC 246-851-125 Category 1—Credit for education from optometry-specific organizations. (1) A minimum of twenty-five category 1 credit hours must be earned in any two-year reporting period.

(2) Up to ten category 1 credit hours may be earned for live courses attended remotely, provided that attendees have the documented opportunity to question the instructor and hear the questions of other attendees in real time.

(3) Credits may be obtained for in-person live-attended education offered by the following optometry-specific course and program sources:

(a) The American Optometric Association (AOA) and its state affiliates;

(b) Educational institutions accredited by the Association of Schools and Colleges of Optometry (ASCO);

(c) The Association of Regulatory Boards of Optometry (ARBO) and its state agency members;

(d) Nationally recognized academic and scholarly optometric organizations including, but not limited to, the American Academy of Optometry, the Optometric Extension Program, and the College of Optometrists in Vision Development; and

(e) Ophthalmic referral centers, secondary and tertiary ophthalmic specialty providers.

AMENDATORY SECTION (Amending WSR 97-12-088, filed 6/4/97, effective 7/5/97)

WAC 246-851-140 (~~((Continuing education credit for admission to optometric organizations and participation in patient care reviews.))~~) **Category 2—Credit for education from nonoptometric organizations.**

~~((1) Credit may be granted for preparation and admission to optometric scientific groups (for example, the Academy of Optometry).~~

~~((2) Credit may be granted for participation in a local, county, state or federal professional standard review or planning organization relating to health care agencies or institutions.~~

~~((3) Requests for credit must be submitted to the board at least sixty days prior to the end of the reporting period.~~

~~((4) No more than five credit hours will be granted under this section for any licensee in any two-year reporting period.))~~ (1) A

maximum of twenty category 2 credit hours may be earned in any two-year reporting period.

(2) Credits may be obtained for in-person live-attended education offered by the following nonoptometry-specific course and program sources:

(a) Category 1 and category 2 continuing medical education courses approved by the medical quality assurance commission;

(b) First aid, CPR, and other emergency-related courses; and

(c) Industry-sponsored scientific courses that enhance the knowledge of ocular conditions and diseases, and their treatments.

AMENDATORY SECTION (Amending WSR 02-10-065, filed 4/26/02, effective 5/27/02)

~~WAC 246-851-150 ((Credit for individual research, publications, and small group study.)) Category 3—Credit for teaching. ((1) Subject to approval by the board, continuing education credit may be granted for:~~

~~(a) Participation in formal reviews and evaluations of patient care such as peer review and case conferences;~~

~~(b) Participation in small group study or individual research;~~

~~(c) Scholarly papers and articles whether or not the articles or papers are published.~~

~~Requests for credit for papers or articles should include a copy of the article and the number of hours requested.~~

~~(2) Licensees must submit requests for credit to the board at least sixty days prior to the end of the reporting period.~~

~~(3) No more than ten credit hours will be granted under this section to any licensee in any two-year reporting period.)) (1) A maximum of ten category 3 credit hours may be earned in any two-year reporting period.~~

(2) Credits may be obtained for formal and informal optometric instruction.

(a) Three credit hours will be granted for each course hour taught.

(b) Credit will be granted for only the first time a course is taught.

(c) Qualifying courses must be presented to optometrists or allied health professionals.

NEW SECTION

WAC 246-851-155 Category 4—Credit for publishing and exhibiting. (1) A maximum of ten category 4 credit hours may be earned in any two-year reporting period.

(2) Five credits may be obtained for each paper, exhibit, publication, or for each chapter of a book that is authored and published.

(a) A paper must be published in a recognized optometric or medical journal.

(b) A qualifying paper or exhibit must be presented to optometrists or allied health professionals.

(c) Credit may be claimed only once for the scientific materials published or exhibited.

(d) Credit will be assigned as of the date materials were presented or published.

AMENDATORY SECTION (Amending WSR 04-21-077, filed 10/20/04, effective 11/20/04)

WAC 246-851-170 ((Self-study educational activities.)) Category 5—Credit for self-directed study. ((The board may grant continuing education credit for participation in self-study educational activities. The board may grant a licensee a total of twenty-five credit hours under this section for any two-year reporting period. Self-study educational activities may include:

(1) **Credit for reports.** The board may grant continuing education credit for reports on professional optometric literature. Licensees must submit requests for credit at least sixty days before the end of the reporting period. The request must include a copy of the article, including publication source, date and author. The report must be typewritten and include at least ten descriptive statements from the article.

(a) Professional literature approved for these reports are:

(i) *Optometry and Physiological Optics*;

(ii) *American Optometric Association News*;

(iii) *Contact Lens Spectrum*;

(iv) *Optometry*;

(v) *Journal of Optometric Education*;

(vi) *Journal of Optometric Vision Development*;

(vii) *Optometric Management*;

(viii) *Review of Optometry*;

(ix) *Primary Care Optometry News*;

(x) *20/20 Magazine*; and

(xi) Other literature as approved by the board.

(b) Each report qualifies for one credit hour. The board may grant a licensee up to ten credit hours under this subsection if the combined total of twenty-five hours for all types of self-study CE is not exceeded.

(2) **Credit for preprogrammed educational materials.** The board may grant a licensee continuing education credit for viewing and participating in board-approved formal preprogrammed optometric educational materials. The preprogrammed materials must be approved by the Council on Optometric Practitioner Education (COPE), or offered by a board-approved school or college of optometry or other entity or organization approved by the board for credit under this section; and must require successful completion of an examination for certification. The preprogrammed educational materials include, but are not limited to:

(a) Correspondence courses offered through magazines or other sources;

(b) Cassettes;

(c) Videotapes;

(d) CD-ROM;

~~(e) Internet.~~

~~The board may grant a licensee up to twenty five credit hours under this subsection if the combined total for all types of self study CE does not exceed twenty five hours in any two year reporting period.)~~ (1) A maximum of twenty-five category 5 credit hours may be earned in any two-year reporting period.

(2) Credits may be obtained for nonsupervised individual continuing educational activities.

(a) Subject matter must be from professional optometric or medical literature or multimedia material;

(b) Course material may be presented in any form of printed or electronic media;

(c) Courses must be approved by a category 1 organization listed in WAC 246-851-120; and

(d) Successful completion of an examination or other assessment tool is required for qualifying credit. Up to ten category 5 credit hours may be earned by submitting in lieu of an assessment tool a non-handwritten report which includes a copy of the article, publication source and date, and at least ten descriptive statements from the article.

AMENDATORY SECTION (Amending WSR 97-12-088, filed 6/4/97, effective 7/5/97)

WAC 246-851-230 Credits for practice management. (~~Continuing education credit will be granted for courses or materials involving practice management under WAC 246-851-110 through 246-851-180. No more than ten credit hours will be granted under this section to any licensee in any two year reporting period.~~) A maximum of ten credit hours may be granted in any two-year reporting period for practice management courses or programs.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|-----------------|---|
| WAC 246-851-110 | Courses presumed to qualify for credit. |
| WAC 246-851-130 | Post-graduate educational program. |
| WAC 246-851-180 | Credit for lecturing. |
| WAC 246-851-190 | Credit for CPR training. |