

# Significant Legislative Rule Analysis

## WAC 246-836-080

### a Rule Concerning Continuing Education on Suicide Assessment, Treatment, and Management

**Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.**

The proposed rule implements chapter 71, Laws of 2014 (Engrossed Substitute House Bill 2315). That law created a continuing education requirement (CE) for naturopathic physicians, among other professions, in suicide assessment, prevention, treatment, and management. Chapter 249, Laws of 2015 (Substitute House Bill 1424) revised some of these CE requirements and the proposed rule also incorporates those changes. In addition, the proposal clarifies when the annual CE requirement is due.

#### Background

According to the centers for disease control and prevention:<sup>1</sup>

- Each year, more than 36,000 Americans take their own lives and about 465,000 people receive medical care for self-inflicted injuries.
- Suicide is a serious public health problem that affects people of all ages. For Americans, suicide is the 10th leading cause of death. It resulted in 36,909 lives lost in 2009. The top three methods used in suicides included firearm (51%), suffocation (24%), and poisoning (17%).
- Deaths from suicide are only part of the problem. More people survive suicide attempts than actually die. In 2010, about 465,000 people received medical care for self-inflicted injuries at emergency departments across the United States.

According to the Washington State Department of Health:<sup>2</sup>

- Suicide is the second leading cause of death in the state of Washington for youth 10-24 years old and the third leading cause of death nationally.
- There were nearly twice as many suicides as homicides of youth ages 10–24.
- In Washington State and nationally, whites accounted for the highest total number of suicides, while Native Americans accounted for the highest rates of suicide.
- Suicide rates are lower for African-Americans and Hispanics.

---

<sup>1</sup> [National Center for Injury Prevention and Control](http://www.cdc.gov/injury/DivisionofViolencePrevention/) - [http://www.cdc.gov/injury/ Division of Violence Prevention](http://www.cdc.gov/injury/DivisionofViolencePrevention/) - <http://www.cdc.gov/ViolencePrevention/>

<sup>2</sup> <http://www.doh.wa.gov/YouandYourFamily/InjuryandViolencePrevention/YouthSuicidePrevention/YouthSuicideFacts.aspx>

- In Washington State and nationally, females attempted suicide more frequently, yet males died by suicide more often by a ratio of at least 4:1.
- In Washington State, firearms are the leading method of suicide for both genders.

Nearly one fifth of veterans struggle with depression or post-traumatic stress disorder, and the suicide rate has doubled in the past decade among those who served in Operation Enduring Freedom and Operation Iraqi Freedom.<sup>3</sup>

Suicide is a serious public health problem that can have lasting harmful effects on individuals, families, and communities. While its causes are complex and determined by multiple factors, the goal of suicide prevention is simple: reduce factors that increase risk and increase factors that promote resilience. Ideally, prevention addresses all levels of influence: individual, relationship, community, and societal. Effective prevention strategies are needed to promote awareness of suicide and encourage a commitment to social change.

It is the intent of the Board of Naturopathy (board) that this proposed rule requires education so that naturopathic physicians are sufficiently trained to detect suicidal behaviors, which can help lower the suicide rate.

The proposed rule also incorporated the requirement in chapter 71, Laws of 2014 (Engrossed Substitute House Bill 2315) that the training be completed during the first full CE period after June 12, 2014, or the first full CE reporting period after initial licensure, whichever occurs later. This date was revised by chapter 249, Laws of 2015 (Substitute House Bill 1424) to July 1, 2016, and the proposed rule addresses that change.

### **Is a Significant Analysis required for this rule?**

Yes, a significant analysis is required. RCW 34.05.328 requires a significant analysis whenever a rule imposes a requirement that subjects a violator to a penalty or sanction, or when setting a requirement for the issuance of a license or credential. The proposed rule meets both criteria.

### **Clearly state in detail the general goals and specific objectives of the statute that the rule implements.**

The general goal of RCW 43.70.442 is to reduce suicide in Washington State. The legislature believes that required training and education in suicide assessment, treatment, and management for certain health professionals, including naturopathic physicians, will help achieve this goal.

---

<sup>3</sup> Rudd, M. D., Goulding, J., & Bryan, C. J. (2011, August 15). Student Veterans: A National Survey Exploring Psychological Symptoms and Suicide Risk. *Professional Psychology: Research and Practice*. Advance online publication. doi: 10.1037/a0025164

In addition to naturopathic physicians, RCW 43.70.442, as amended, requires the following professions to adopt rules related to the completion of CE in suicide assessment, prevention, treatment, and management:

- Chiropractor licensed under chapter 18.25 RCW
- Licensed practical nurse, registered nurse, advanced registered nurse practitioner licensed under chapter 18.79 RCW
- Osteopathic physician licensed under chapter 18.57 RCW
- Osteopathic physician assistant licensed under chapter 18.57A RCW
- Physical therapist and physical therapist assistant licensed under chapter 18.74 RCW
- Physicians licensed under chapter 18.71 RCW
- Physician assistant licensed under chapter 18.71A RCW

Rules for these professions are being addressed separately by their respective regulatory authorities.

The proposed rule achieves the authorizing statute's goals and objectives by setting criteria for CE, as well as clarifying when the required training must be completed.

**Explain how the department determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.**

The board has assessed and determined that there are no feasible alternatives to rulemaking because standards for education, examination, and practice must be enforceable, and therefore must be in rule.

**Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.**

### **WAC 246-836-080 – Continuing competency program**

Rule Overview: In subsection (3), the board sets the requirement for a one-time, six-hour training program in suicide assessment, treatment, and management. In addition, this section outlines board approved training.

Rule Cost/Benefit Analysis – Since the requirement to complete a one-time, six-hour course in suicide assessment, treatment and management does not add to the total number of CE hours that must be completed, there should be little-to-no added costs for the credential holder. It is also believed that the requirement to have licensed naturopathic physicians complete this training will increase their knowledge related to suicidal ideation, and better prepare them in the assessment,

treatment, and management of suicidal patients. It is the ultimate goal that this requirement helps save the lives of Washington residents.

### Rule Package Cost-Benefit Conclusion

The proposed rule implements chapter 71, Laws of 2014 (ESHB 2315) and chapter 249, Laws of 2015 (SHB 1424), by creating a new CE requirement for naturopathic physicians. The proposed rule establishes CE requirements in suicide assessment, treatment, and management. The proposed rule also clarifies the CE due date. It is believed that educating naturopathic physicians in suicide assessment, treatment, and management may save lives in Washington State. Therefore, the benefits of these rules exceed the costs.

**Identify alternative versions of the rule that were considered, and explain how the department determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.**

### Descriptions of alternatives considered

*Alternative version 1:* The board first considered requiring organizations that were interested in providing training in suicide assessment, treatment, and management apply to the board for CE approval. However, the board determined it does not have the resources available to do individual reviews for each program. Instead, the board cites the statutory criteria in the proposed rule for training completed before July 1, 2017, the date revised by chapter 249, Laws of 2015 (SHB 1424). In keeping with the 2015 statutory changes, the proposed rule also identifies the department's model list for training completed on or after July 1, 2017, as board approved training.

*Alternative version 2:* The board then considered whether naturopathic physicians completing two of the three-hour courses would meet the six-hour requirement. The board determined that because the three hour courses only provided training in assessment, screening, and referral, it was insufficient. Naturopathic physicians are primary care practitioners and, as such, should meet the higher standard of six hours of training in assessment, treatment, and management of suicide.

### Least burdensome determination

The proposed rules are less burdensome than the alternative because the standards and criteria established by the proposed changes to WAC 246-836-080 align with the requirements set forth in RCW 43.70.442 as revised by chapter 71, Laws of 2014 (ESHB 2315) and chapter 249, Laws of 2015 (SHB 1424).

**Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.**

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

**Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.**

The rule does not impose more stringent performance requirements on private entities than on public entities.

**Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.**

The rule does not differ from any applicable federal regulation or statute.

**Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.**

There are no other applicable laws affecting the naturopathic physician profession.