

Public Notification of Public Hearing  
For the Department of Health's Fee Rules for  
Allopathic Physician Assistants

\* CR-102 for WAC 246-919-421, 430, 460, 470, amended, repealing WAC  
246-919-450, and adding WAC 246-919-422  
Continuing Medical Education – Maintenance of Licensure

**Rulemaking**

The Medical Quality Assurance Commission (commission) has officially filed a CR-102 with the Office of the Code Reviser on April 5, 2016. The commission is proposing to revise rules regarding license renewal and continuing medical education (CME) requirements to ensure continuing competency for allopathic physicians. The Washington State Register (WSR) # is 16-08-107.

**Rules Hearing**

In response to the filing, the commission will conduct an open public rules hearing on Wednesday, May 11, 2016, beginning at 2:00 pm, at the:

Capital Event Center (ESD 113)  
Cowlitz Room  
6005 Tyee Drive SW  
Tumwater, WA 98512

This meeting will be open to the public and the commission encourages your attendance.

You may submit hard copies of your comments, provide verbal comments in person, or both. If you would like to provide verbal comments, you will need to indicate so on the sign in sheet at the hearing. The audio of the hearing will be recorded for record keeping purposes. Comments may also be sent electronically to the Department of Health's Rules Comment Web Site at <https://fortress.wa.gov/doh/policyreview/> by May 4, 2016.

For continued updates on other commission rule development, interested parties are encouraged to join the [Commission's rules listserv](#).

(Continued)

Public Hearing Notice  
Page 2

For more information, please contact Daidria Pittman, Program Manager, Medical Quality Assurance Commission at (360) 236-2727 or by email at [daidria.pittman@doh.wa.gov](mailto:daidria.pittman@doh.wa.gov).

Attachment: CR-102

\* CR means Code Reviser



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health- Medical Quality Assurance Commission

- Preproposal Statement of Inquiry was filed as WSR 15-06-014 ; 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 246-919-421, 430, 460, 470, amended, repealing WAC 246-919-450, and adding WAC 246-919-422. The Medical Quality Assurance Commission (commission) is proposing to revise rules regarding license renewal and continuing medical education (CME) requirements to ensure continuing competency for allopathic physicians.

**Hearing location(s):** Capital Event Center (ESD 113)  
Cowlitz Room  
6005 Tye Drive SW  
Tumwater, WA 98512

Date: 05/11/2016

Time: 2:00 pm

**Submit written comments to:**

Name: Daidria Pittman  
Address: PO Box 47866  
Olympia, WA 98504-7866  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax (360) 236-4626 by (date) 05/04/2016

**Assistance for persons with disabilities:** Contact

Daidria Pittman by 05/04/2016

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 05/11/2016

(Note: This is NOT the effective date)

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

The purpose of the proposed rules is to (1) encourage physicians to participate in maintenance-of-certification programs with their specialty boards by exempting them from the traditional continuing medical education requirements, and (2) reflect the current practice of specialty boards. The goal of maintenance-of-certification programs is to facilitate physician participation in learning activities that are relevant to their daily practice and improve performance and patient outcomes. The anticipated effects will be that many physicians will engage in more effective continuing competency activities, improving skill and competence and, ultimately, patient care. And, by doing so, will be exempt from the traditional CME requirements. The proposed amendments also make technical edits to eliminate redundancy and improve readability.

**Reasons supporting proposal:**

The proposed rules reflect the current practice of specialty boards, which do not issue certificates regarding CME equivalency. Specialty boards have developed maintenance-of-certification programs which are designed to ensure a physician's competence in the area of practice. These programs are more robust and effective in ensuring competence than the traditional CME model.

**Statutory authority for adoption:**

RCW 18.71.002; RCW 18.71.017

**Statute being implemented:**

RCW 18.71.002; RCW 18.71.017

**Is rule necessary because of a:**

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

**DATE** April 5, 2016

**NAME** (type or print)  
Melanie de Leon

**SIGNATURE**

**TITLE**  
Executive Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** April 05, 2016

**TIME:** 12:06 PM

**WSR 16-08-107**

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

None

**Name of proponent:** (person or organization)  
Assurance Commission

Washington State Department of Health, Medical Quality

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Daidria Pittman	111 Israel Road SE, Tumwater, WA 98501	(360) 236-2727
Implementation....Melanie de Leon	111 Israel Road SE, Tumwater, WA 98501	(360) 236-2755
Enforcement.....Melanie de Leon	111 Israel Road SE, Tumwater, WA 98501	(360) 236-2755

**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: Daidria Pittman

Address: PO Box 47866

Olympia, WA 98504-7866

phone (360) 236-2727

fax (360) 236-2795

e-mail [daidria.pittman@doh.wa.gov](mailto:daidria.pittman@doh.wa.gov)

No: Please explain: The commission did not complete a cost benefit analysis under RCW 34.05.328(5)(b)(iv). Rulemaking that only clarifies language of a rule without changing its effect does not require a cost benefit analysis.

AMENDATORY SECTION (Amending WSR 11-05-025, filed 2/7/11, effective 3/10/11)

**WAC 246-919-421 Two year renewal ((and continuing medical education)) cycle ((revision)).** ((Beginning January 1, 2000, the one year renewal cycle for physicians will transition to a two year cycle and a four year continuing medical education reporting cycle. The renewal and continuing medical education reporting cycle will be as follows:

(1) Effective January 1, 2000, any physician whose birth year is an even number will renew their credential for twenty four months and every two years thereafter. Those physicians must obtain two hundred hours of continuing medical education within the next forty eight months from the date of the initial two year license and every four years thereafter.

(2) Effective January 1, 2001, any physician whose birth year is an odd number will renew their credential for twenty four months and every two years thereafter. Those physicians must obtain two hundred hours of continuing medical education within the next forty eight months from the date of the initial two year license and every four years thereafter.

(3) Effective January 1, 2000, in order to attain full license status, individuals with a post graduate limited license will pay the fee difference between the limited license application and the full license application. This license will expire on their second birth date after issuance and every two years thereafter.)) A licensed physician shall renew his or her license every two years in compliance with WAC 246-12-030. A licensed physician must also submit information about his or her current professional practice as required by RCW 18.71.080 (1)(b).

NEW SECTION

**WAC 246-919-422 Transition from post-graduate limited license to full license.** In order to obtain full license status, individuals with a post-graduate limited license will pay the fee difference between the limited license application and the full license application. This license will expire on their second birth date after issuance and every two years thereafter.

AMENDATORY SECTION (Amending WSR 99-23-090, filed 11/16/99, effective 1/1/00)

**WAC 246-919-430 ((General)) Requirements for maintenance of licensure.** ((+1)) A licensed physician((s)) must complete ((two hundred hours of continuing education every four years as required in chapter 246-12 WAC, Part 7.

(2) In lieu of the two hundred hours of continuing medical education, the commission will accept a current Physician's Recognition Award from the American Medical Association or a current certificate from any specialty board approved by the American Board of Medical

Specialties (ABMS) which is considered by the specialty board as equivalent to the two hundred hours of continuing medical education required under WAC 246-919-430(1). The commission will also accept certification or recertification by a specialty board as the equivalent of two hundred hours of continuing medical education. A list of the approved specialty boards are designated in the 1995 *Official American Boards of Medical Specialty Director of Board Certified Medical Specialist* and will be maintained by the commission. The list shall be made available upon request. The certification or recertification must be obtained in the four years preceding application for renewal.) one of the following to satisfy maintenance of licensure requirements during renewal:

(1) Complete two hundred hours of continuing education every four years as required in chapter 246-12 WAC and as described in WAC 246-919-460. Participation in a residency program accredited by the Accreditation Council for Graduate Medical Education or in a fellowship program, accredited or not, may be credited fifty hours of Category I continuing medical education per year of training towards the two hundred hour requirement;

(2) Obtain a current Physician's Recognition Award from the American Medical Association in at least two of the four years preceding the renewal due date;

(3) Become certified by a member board of the American Board of Medical Specialties in the four years preceding the renewal due date;

(4) Meet the requirements for participation in maintenance of certification of a member board of the American Board of Medical Specialties at the time of renewal.

AMENDATORY SECTION (Amending WSR 99-23-090, filed 11/16/99, effective 1/1/00)

**WAC 246-919-460 Categories of creditable continuing medical education ((requirement)) activities.** (1) ~~((The credits must be earned in the forty eight month period preceding application for renewal of licensure-~~

~~(2))~~ **Category I: Continuing medical education activities with accredited sponsorship.** The licensed physician may earn all two hundred credit hours in Category I. The commission ((has approved)) will accept attendance at a continuing education program that is recognized as Category I credit and is offered by an organization or institution that meets the standards adopted by the Accreditation Council for Continuing Medical Education or its designated interstate accrediting agency, the Washington State Medical Association(, in accrediting organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions so recognized as Category I credit towards the licensee's continuing medical education requirement for annual renewal of licensure. The licensee may earn all two hundred credit hours in Category I).

~~((3))~~ **Category II: Continuing medical education activities with nonaccredited sponsorship.** A licensed physician may earn a maximum of eighty credit hours ((may be earned)) by attendance at continu-

ing medical education programs that are not approved but which are in accordance with the provisions of Category I.

~~((4))~~ (3) Category III: Teaching of physicians or other allied health professionals. A licensed physician may earn a maximum of eighty credit hours ~~((may be earned))~~ for serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program if the hospital or institution has approved the instruction.

~~((5))~~ (4) Category IV: Books, papers, publications, exhibits. A licensed physician may earn:

(a) A maximum of eighty credit hours ~~((may be earned))~~ under Category IV, with specific subcategories listed below. Credit may be earned only during the forty-eight-month period following presentations or publications.

(b) Ten credit hours ~~((may be claimed))~~ for a paper, exhibit, publication, or for each chapter of a book that is authored by the licensed physician and published. A paper must be published in a recognized medical journal. A licensed physician who presents a paper ~~((that is presented))~~ at a meeting or an exhibit ~~((that is shown must be))~~ must present to physicians or allied health professionals. Credit may be claimed only once for the scientific materials presented. Credit should be claimed as of the date materials were presented or published.

Medical editing ~~((can))~~ will not be accepted in this or any other category for credit.

~~((6))~~ (5) Category V: Self-directed activities. A licensed physician may earn:

(a) A maximum of eighty credit hours ~~((may be earned))~~ under Category V.

(b) Self-assessment: Credit hours ~~((may be earned))~~ for completion of a multimedia medical education program.

(c) Self-instruction: Credit hours ~~((may be earned))~~ for the independent reading of scientific journals and books.

(d) Specialty board examination preparation: Credit hours ~~((may be earned))~~ for preparation for specialty board certification or recertification examinations.

(e) Quality care ~~((and/or))~~ or utilization review: Credit hours ~~((may be earned))~~ for participation on a staff committee for quality of care ~~((and/or))~~ or utilization review in a hospital or institution or government agency.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

**WAC 246-919-470 Approval not required.** (1) Except as required by law, the commission will not give prior approval for any continuing medical education. The commission will accept any continuing medical education that reasonably falls within these ~~((regulations))~~ rules and relies upon each individual physician's integrity ~~((in complying))~~ to comply with this requirement.

(2) ~~((The commission will not give prior approval for any formal continuing medical education program.))~~ The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of creditable hours may be de-

terminated by counting the contact hours of instruction and rounding to the nearest quarter hour. The commission relies upon the integrity of program sponsors to present continuing medical education that constitutes a meritorious learning experience.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-919-450            Categories of creditable continuing  
                                 medical education activities.