Washington State Register

WSR 23-20-120 PROPOSED RULES DEPARTMENT OF HEALTH

[Filed October 3, 2023, 5:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-03-052. Title of Rule and Other Identifying Information: Substance use disorder professional (SUDP) certification—Reducing barriers for pharmacists and applicants with a national certification.

The department of health (department) is proposing amending WAC 246-811-070, 246-811-076, and 246-811-300 in chapter 246-811 WAC, Substance use disorder professionals and substance use disorder professional trainees, to reduce barriers to certification. Proposed changes include removing the requirement to verify educational coursework for applicants with a national certification in WAC 246-811-070, making pharmacists eligible for the alternative training pathway in WAC 246-811-076, and removing the obsolete AIDS training from the list of probationary license requirements in WAC 246-811-300.

Hearing Location(s): On November 20, 2023, at 2:00 p.m. A virtual public hearing, without a physical meeting space, will be held. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_IZiwWcECQT27NtJ9uZdV6w. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: December 15, 2023.

Submit Written Comments to: Ted Dale, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504-7850, https://fortress.wa.gov/doh/policyreview/, by November 14, 2023.

Assistance for Persons with Disabilities: Contact Ted Dale, phone 360-236-2991, TTY 711, email ted.dale@doh.wa.gov, www.doh.wa.gov, by October 31, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule amendments will reduce barriers to becoming credentialed as an SUDP and encourage workforce growth.

Proposed amendments to WAC 246-811-070 will remove the requirement that the department verify coursework for applicants with a national certification. This change will remove a significant barrier to out-of-state professionals applying for certification in Washington, as their education often differs from Washington's detailed course requirements.

Proposed amendments to WAC 246-811-076 will add pharmacists to the list of professionals eligible for the alternative training pathway. This will facilitate pharmacists obtaining expertise in substance use and addiction, which will increase quality of patient care. Additionally, the department will remove osteopathic physician assistants from the list, consistent with SHB 2378, which repealed the profession.

Proposed amendments to WAC 246-811-300 will remove the AIDS education training from the list of probationary license requirements, consistent with ESHB 1551, which repealed statutory authority for mandatory AIDS education trainings.

Reasons Supporting Proposal: The SUDP workforce plays an important role in providing treatment and support to individuals who struggle with substance use disorder. SUDP services are in high demand in Washington, but applicants can encounter significant barriers in be-

coming credentialed. Making the proposed amendments will lower barriers to certification, improve patient care, and comply with legislation.

Statutory Authority for Adoption: RCW 18.205.060.

Statute Being Implemented: ESHB 1551 (chapter 76, Laws of 2020); SHB 2378 (chapter 80, Laws of 2020).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Ted Dale, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2991.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Ted Dale, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-2991, TTY 711, email ted.dale@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal: Is exempt under RCW 19.85.025(4).

Explanation of Exemption(s): All proposed rule changes only affect individual professional credentials, not businesses.

Scope of exemption for rule proposal: Is fully exempt.

October 3, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4865.1

AMENDATORY SECTION (Amending WSR 16-14-052, filed 6/29/16, effective 7/30/16)

- WAC 246-811-070 National certification. (1) A person who is certified through the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) or the International Certification and Reciprocity Consortium (ICRC) as an alcohol and drug counselor (ADC) or advanced alcohol and drug counselor (AADC), is considered to meet the experience requirements of WAC 246-811-046.
- (2) A person who is certified through NAADAC or ICRC as an ADC or AADC is considered to have met the <u>education</u> requirements of WAC 246-811-030(2). ((Verification of the additional forty-five quarter or thirty semester credits as required in WAC 246-811-030(1) will be required upon application to the department.))
- (3) Verification of certification must be sent directly to the department from NAADAC or ICRC.

[Statutory Authority: RCW 18.205.100 and 18.205.060. WSR 16-14-052, \$246-811-070, filed 6/29/16, effective 7/30/16. Statutory Authority:

Chapter 18.205 RCW. WSR 09-14-111, § 246-811-070, filed 6/30/09, effective 7/1/09. Statutory Authority: RCW 18.205.060(1). WSR 99-13-084, \$ 246-811-070, filed 6/14/99, effective 7/15/99.]

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-811-076 Eliqibility for certification through alternative training. A practitioner listed in subsections (1) through (7) of this section who holds an active license in good standing may apply for certification as a substance use disorder professional using alternative training under WAC 246-811-077 or 246-811-078:

- (1) Advanced registered nurse practitioner under chapter 18.79 RCW;
- (2) Marriage and family therapists, mental health counselor, advanced social worker, or independent clinical social worker under chapter 18.225 RCW;
 - (3) Psychologist under chapter 18.83 RCW;
 - (4) Osteopathic physician under chapter 18.57 RCW;
 - (5) ((Osteopathic physician assistant under chapter 18.57A RCW;
 - (6))) Physician under chapter 18.71 RCW; ((or
 - (7)) (6) Physician assistant under chapter 18.71A RCW; or
 - (7) Pharmacist under chapter 18.64 RCW.

[Statutory Authority: 2019 c 444, 2019 c 446, 2019 c 351, and RCW 18.19.050, 18.205.060, 18.225.040, 43.70.110, and 43.70.250. WSR 20-12-074, \$ 246-811-076, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.205.100 and 18.205.060. WSR 16-14-052, \$246-811-076, filed 6/29/16, effective 7/30/16.1

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

- WAC 246-811-300 Probationary license. (1) The department shall issue a probationary license to out-of-state applicants seeking licensure in Washington state for substance use disorder professional according to the conditions and restrictions of the reciprocity program established RCW 18.205.140 and this chapter.
- (2) The out-of-state license must be from a state or territory identified on a list published by the department as eligible for reciprocity for the purposes of a probationary license for the particular behavioral health profession.
- (3) An initial probationary license is valid for one year. To receive an initial probationary license, the applicant must submit to the department a completed application to include:
 - (a) Verification of their out-of-state license; and
 - (b) The fee according to WAC 246-811-990.
- (4) A probationary license may be renewed a single time and is valid for one year after the date of renewal. To renew a probationary license, the applicant must submit to the department a completed application to include:
- (a) Completion of suicide assessment, treatment, and management training according to WAC 246-811-280(1); and

- (b) ((AIDS education according to WAC 246-811-075; and
- $\frac{(c)}{(c)}$) The fee according to WAC 246-811-990.
- (5) Continuing education. With the exception of the requirements in subsection (4) of this section, continuing education requirements will apply once a probationary licensee transitions to a full license.
- (6) Approved supervision. If the department determines a probationary licensee must complete supervised hours of experience as a condition for full licensure, the licensee must complete the stated hours under an approved supervisor according to the conditions of this chapter.

[Statutory Authority: 2019 c 444, 2019 c 446, 2019 c 351, and RCW 18.19.050, 18.205.060, 18.225.040, 43.70.110, and 43.70.250. WSR 20-12-074, § 246-811-300, filed 6/1/20, effective 7/2/20.