

WSR 24-14-091

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed July 1, 2024, 8:09 a.m., effective July 1, 2024, 8:09 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Reduce barriers to licensure and streamline the credentialing process for the mental health counselor, marriage and family therapist, and social worker professions.

Amending WAC 246-809-110, 246-809-130, 246-809-220, 246-809-221, 246-809-230, 246-809-330, and 246-809-990 in chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers. The department of health (department) is adopting emergency rules to implement parts of 2SHB 1724 (chapter 425, Laws of 2023) and E2SHB 2247 (chapter 371, Laws of 2024).

These emergency rules: (1) Allow professional experience to substitute for practicum requirements for mental health counselors; (2) lower requirements for licensure by endorsement to one year of licensure in a substantially equivalent state; (3) align the definition of "equally qualified licensed mental health practitioner" for marriage and family therapists more closely with other master-level counselor professions; and (4) remove the limit on the number of credential renewals authorized for associate credentials.

The department is adopting these amendments through emergency rule to meet the requirements of 2SHB 1724 and E2SHB 2247. The department will also consider adopting these changes through the permanent rule-making process, under WSR 24-10-012, filed April 18, 2024. These emergency rules will be renewed while permanent rule making is in progress.

Citation of Rules Affected by this Order: Amending WAC 246-809-110, 246-809-130, 246-809-220, 246-809-221, 246-809-230, 246-809-330, and 246-809-990.

Statutory Authority for Adoption: 2SHB 1724 (chapter 425, Laws of 2023), E2SHB 2247 (chapter 371, Laws of 2024); RCW 18.130.800 and 18.225.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The emergency rule is necessary to support the Washington state behavioral health workforce, which is increasingly strained. By implementing the new standards through emergency rules, it will reduce barriers to entering and remaining in the behavioral health care workforce, streamline the credentialing process, and increase access to behavioral health care.

These emergency rules are also being adopted to comply with 2SHB 1724 and E2SHB 2247. In 2023, section 5 of 2SHB 1724 required the department, in consultation with the workforce training and education coordinating board, to recommend changes to statutes and rules that would remove barriers to joining the health care workforce and streamline the credentialing process. Section 6 required the department to adopt emergency rules implementing these recommendations by July 1, 2024. In 2024, E2SHB 2247 amended a statute to align with the department's recommendation to remove renewal limits on associate creden-

tials. Pursuant to these bills, amendments to chapter 246-809 WAC include:

- (1) Allowing professional experience to substitute for practicum requirements for mental health counselors;
- (2) Lowering requirements for licensure by endorsement to one year of licensure in a substantially equivalent state;
- (3) Aligning the definition of "equally qualified licensed mental health practitioner" for marriage and family therapists more closely with other master-level counselor professions; and
- (4) Removing limits on the number of renewals for associate credentials.

By adopting these emergency rules, the department will implement sections of 2SHB 1724 and E2SHB 2247 and fulfill the legislature's plan to effectively reduce barriers to licensure in these professions.

These emergency rules will be continued, as permanent rule making is in progress under WSR 24-10-012, filed April 18, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 7, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 0.

Date Adopted: June 28, 2024.

Kristin Petersen, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-5405.2

AMENDATORY SECTION (Amending WSR 23-23-150, filed 11/20/23, effective 1/1/24)

WAC 246-809-110 Definitions. The following terms apply to the licensure of marriage and family therapists and marriage and family therapist associates, in WAC 246-809-100 through 246-809-140.

(1) "Approved educational program" means:

(a) Any college or university accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation or its successor; or

(b) A program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), at the time the applicant completed the required education.

(2) "Approved supervisor" means a licensed marriage and family therapist, or an equally qualified licensed mental health practitioner.

(3) "Equally qualified licensed mental health practitioner" means a licensed mental health counselor, licensed clinical social worker, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner (~~(, who has completed:~~

~~(a) Three hundred clock hours in graduate or postgraduate marriage and family education, or continuing education in marriage and family therapy or supervision by an approved marriage and family therapist supervisor in marriage and family therapy or any combination of these; and~~

~~(b) Five years of clinical practice that includes the equivalent of one year of clinical practice working with couples and families).~~

(4) "Group supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than six licensure candidates.

(5) "Licensure candidate" means an individual who is accruing supervised clinical experience required for licensure.

(6) "One-on-one supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than two licensure candidates.

(7) "Peer" means a coworker who is not the licensure candidate's employer or supervisor.

(8) "Supervised experience requirement" means experience that is obtained under an approved supervisor who meets the requirements described in WAC 246-809-134.

(9) "Supervision of supervision" means supervision by an approved supervisor for the purpose of training and qualifying a license holder to act as an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-134.

AMENDATORY SECTION (Amending WSR 23-23-150, filed 11/20/23, effective 1/1/24)

WAC 246-809-130 Supervised postgraduate experience. (1) The experience requirements for the marriage and family therapist applicant's practice area include successful completion of a supervised experience requirement. Applicants who have held an active marriage and family therapy license for the past (~~(five consecutive years or more)~~) year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (3) of this section.

(2) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within 10 years from the date their application for a marriage and family therapist license is submitted to the department, the department shall reduce the total required supervised hours from 3,000 hours to 2,700 hours. The requirements in subsection (3) (a) through (e) of this section shall apply regardless of the reduction of total required hours.

(3) Total experience requirements include a minimum of 3,000 hours to include the following:

(a) One thousand hours of direct client contact with at least 500 hours gained in diagnosing and treating couples and families;

(b) At least 200 hours of qualified supervision with an approved supervisor.

(i) Of the 200 hours, 100 hours must be with a licensed marriage and family therapist with at least five years of clinical experience; the other 100 hours may be with an equally qualified licensed mental health practitioner;

(ii) At least 100 of the 200 hours must be one-on-one supervision; and

(iii) The remaining hours may be in one-on-one or group supervision.

(c) Applicants who have completed a master's program accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy boards will be credited with 500 hours of direct client contact and 100 hours of qualified supervision with an approved supervisor;

(d) Licensed marriage and family therapist associate applicants are not required to have supervised postgraduate experience prior to becoming an associate; and

(e) Licensed marriage and family therapist associate applicants must declare they are working towards full licensure.

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-220 Education requirements. (1) To meet the education requirement for licensure as a mental health counselor or mental health counselor associate, an applicant must have a master's or doctoral degree in mental health counseling or a master's or doctoral degree in a behavioral science field relating to mental health counseling from an approved school. Fields recognized as relating to mental health counseling include counseling, psychology, social work, nursing, education, pastoral counseling, rehabilitation counseling, or social sciences. Any field of study qualifying as related to mental health counseling must satisfy course work equivalency requirements included in WAC 246-809-221. An official transcript must be provided as evidence of fulfillment of the course work required.

(2) Any supplemental course work must be from an approved school.

(3) Applicants who hold a behavioral science master's or doctoral degree in a related field may complete supplemental course work through an approved educational program to satisfy any missing program equivalencies. Postgraduate experience hours acquired concurrently with the additional course work counts toward the supervised postgraduate experience under WAC 246-809-230.

(4) A person who is a Nationally Certified Counselor (NCC) or a Certified Clinical Mental Health Counselor (CCMHC) through the National Board of Certified Counselors (NBCC) is considered to have met the education requirements of this chapter. Verification must be received by the department directly from NBCC.

(5) An applicant is considered to have met the counseling practicum component of the educational requirements if they:

(a) Have held an agency affiliated counselor credential for the past year in good standing; and

(b) Demonstrate 600 hours of clinical experience under the supervision of a mental health professional. Experience must include demonstrated competence in the application of the principles of human development, learning theory, psychotherapy, group dynamics, or dysfunctional behavior in the delivery of direct clinical care.

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-221 Behavioral sciences—Program equivalency. (1)

Behavioral science in a field relating to mental health counseling includes a core of study relating to counseling theory and counseling philosophy.

(2) Either a counseling practicum, or a counseling internship, or both, must be included in the core of study unless otherwise permitted in WAC 246-809-220(5). Exclusive use of an internship or practicum used for qualification must have incorporated supervised direct client contact.

(3) This core of study must include seven of the content areas listed in (a) through (q) of this subsection. Five of the content areas must be from (a) through (h) of this subsection:

- (a) Assessment/diagnosis.
- (b) Ethics/law.
- (c) Counseling individuals.
- (d) Counseling groups.
- (e) Counseling couples and families.
- (f) Developmental psychology (may be child, adolescent, adult or life span).
- (g) Psychopathology/abnormal psychology.
- (h) Research and evaluation.
- (i) Career development counseling.
- (j) Multicultural concerns.
- (k) Substance/chemical abuse.
- (l) Physiological psychology.
- (m) Organizational psychology.
- (n) Mental health consultation.
- (o) Developmentally disabled persons.
- (p) Abusive relationships.
- (q) Chronically mentally ill.

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

WAC 246-809-230 Supervised postgraduate experience. (1) The experience requirements for the mental health counselor applicant's practice area include successful completion of a supervised experience requirement. Applicants who have held an active mental health counselor license for the past (~~(five consecutive years or more)~~) year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (3) of this section.

(2) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within ~~((ten))~~ 10 years from the date their application for mental health counselor license is submitted to the department, the department shall reduce the minimum total required supervised hours from ~~((three thousand hours to two thousand seven hundred))~~ 3,000 hours to 2,700 hours. The requirements in subsection (3)(b)(i) and (ii) of this section shall apply regardless of the reduction of total required hours.

(3)(a) The experience requirement consists of a minimum of ~~((thirty-six))~~ 36 months full-time counseling or ~~((three thousand))~~ 3,000 hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor or equally qualified licensed mental health practitioner in an approved setting.

(b) Of the ~~((three thousand))~~ 3,000 hours:

(i) One hundred hours spent in immediate supervision with the qualified licensed mental health counselor or equally qualified licensed mental health practitioner; and

(ii) At least ~~((one thousand two hundred))~~ 1,200 hours must be direct counseling with individuals, couples, families, or groups.

(4) Applicants who have completed a master's or doctoral program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) will be credited with ~~((fifty))~~ 50 hours of postgraduate supervision and ~~((five hundred))~~ 500 hours of postgraduate experience.

(5) Applicants for licensed mental health counselor associate are not required to have supervised postgraduate experience prior to becoming an associate.

(6) Licensed mental health counselor associate applicants must declare they are working toward full licensure.

AMENDATORY SECTION (Amending WSR 23-23-150, filed 11/20/23, effective 1/1/24)

WAC 246-809-330 Supervised postgraduate experience requirements.

(1) Licensed advanced social worker.

(a) Applicants who have held an active advanced social worker license for the past ~~((five consecutive years or more))~~ year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (1)(c) of this section.

(b) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within 10 years from the date their application for an advanced social worker license is submitted to the department, the department shall reduce the total required supervised hours from 3,200 hours to 2,880 hours. The requirements in subsection (3)(c)(i) through (iii) of this section shall apply regardless of the reduction of total required hours.

(c) The supervised experience requirement consists of a minimum of 3,000 hours with 90 hours of supervision by a licensed independent clinical social worker or a licensed advanced social worker who has been licensed or certified for at least two years. Of those hours:

(i) Eight hundred hours must be in direct client contact; and

(ii) Ninety hours must be in direct supervision under the supervision of a licensed independent clinical social worker, a licensed advanced social worker, or an equally qualified licensed mental health professional. Of those hours of direct supervised experience at least:

- (A) Forty hours must be in one-to-one supervision; and
 - (B) Fifty hours may be in one-to-one or group supervision.
- (2) Licensed independent clinical social worker.

(a) Applicants who have held an active independent clinical social worker license for the past (~~five consecutive years or more~~) year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in (c) of this subsection.

(b) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within 10 years from the date their application for an independent clinical social worker license is submitted to the department, the department shall reduce the total required supervised hours from 3,000 hours to 2,600 hours. The requirements in subsection (2)(c)(i) and (ii) of this section shall apply regardless of the reduction of total required hours.

(c) The experience requirement consists of a minimum of 3,000 hours of experience, over a period of not less than two years. Of those 3,000 hours:

(i) One thousand hours must be direct client contact supervised by a licensed independent clinical social worker;

(ii) One hundred hours of direct supervision as follows:

(A) Seventy hours must be with an independent clinical social worker;

(B) The remaining hours may be with an equally qualified licensed mental health practitioner as defined in WAC 246-809-310(3); and

(C) Sixty hours of the 100 hours of direct supervision must be in one-to-one supervision. The remaining hours may be in one-to-one supervision or group supervision.

(3) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants are not required to have supervised postgraduate experience prior to becoming an associate.

(4) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants must declare they are working toward full licensure.

AMENDATORY SECTION (Amending WSR 23-07-057, filed 3/9/23, effective 6/1/23)

WAC 246-809-990 Licensed counselor, and associate—Fees and renewal cycle. (1) Except for a probationary license as described in WAC 246-809-095, a license must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC.

(2) Associate licenses are valid for one year and must be renewed every year on the date of issuance. (~~The associate license may be renewed no more than six times, except as provided in RCW 18.225.145.~~)

(3) The following nonrefundable fees will be charged:

Title	Fee
Licensed marriage and family therapist	
Original application	
Application and initial license	\$290.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	180.00
Late renewal penalty	90.00
Expired license reissuance	85.00
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal	70.00
Late renewal penalty	35.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed marriage and family therapy associate	
Original application	
Application	65.00
UW online access fee (HEAL-WA)	16.00
Renewal	
Renewal	50.00
UW online access fee (HEAL-WA)	16.00
Late renewal penalty	50.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor	
Original application	
Application	95.00
Initial license	80.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	125.00
Late renewal penalty	65.00
Expired license reissuance	65.00
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal retired active	70.00
Late renewal penalty	35.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor associate	
Original application	
Application	35.00
Renewal	
Renewal	25.00

Title	Fee
Late renewal penalty	25.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker and licensed independent clinical social worker	
Original application	
Application and initial license	170.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	70.00
Late renewal penalty	50.00
Expired license reissuance	72.50
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal retired active	65.00
Late renewal penalty	30.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker associate and licensed independent clinical social worker associate	
Original application	
Application	35.00
UW online access fee (HEAL-WA)*	16.00
Renewal	
Renewal	25.00
Late renewal penalty	25.00
UW online access fee (HEAL-WA)*	16.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00

* Surcharge applies to independent clinical social worker associate only.

(4) For a probationary license as described under WAC 246-809-095, the following nonrefundable fees will be charged:

Title	Fee
Licensed marriage and family therapist	
Original application	
Application and initial license	\$290.00
Active license renewal	
Renewal	180.00
Late renewal penalty	90.00
Expired license reissuance	85.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor	

Title	Fee
Original application	
Application and initial license	175.00
Active license renewal	
Renewal	90.00
Late renewal penalty	50.00
Expired license reissuance	65.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker and licensed independent clinical social worker	
Original application	
Application and initial license	200.00
Active license renewal	
Renewal	100.00
Late renewal penalty	50.00
Expired license reissuance	72.50
Duplicate license	10.00
Verification of license	25.00