

## WSR 22-12-085

## PROPOSED RULES

## DEPARTMENT OF HEALTH

[Filed May 31, 2022, 6:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-01-174.

Title of Rule and Other Identifying Information: WAC 246-811-010, 246-811-030, 246-811-035, 246-811-046, and new WAC 246-811-025 and 246-811-050 in chapter 246-811 WAC, Substance use disorder professionals and substance use disorder professional trainees. The department of health (department) is proposing amending and creating new rule sections to implement and align with EHB 1311 (chapter 165, Laws of 2021), which allows individuals to meet substance use disorder professional education requirements by completing an apprenticeship program. The proposed rules create definitions pertaining to apprenticeships, set instruction and experience hour requirements for trainees completing apprenticeships, and make other amendments necessary to clarify the chapter and add apprenticeship as a pathway to becoming a substance use disorder professional or trainee.

Hearing Location(s): On July 12, 2022, at 9:00 a.m. In response to the coronavirus disease 2019 (COVID-19), the department of health will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. Register in advance for this webinar [https://us02web.zoom.us/webinar/register/WN\\_IzJ\\_ktxfTQaDCcPN2wV7Uw](https://us02web.zoom.us/webinar/register/WN_IzJ_ktxfTQaDCcPN2wV7Uw). After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: July 19, 2022.

Submit Written Comments to: Ted Dale, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504, email <https://fortress.wa.gov/doh/policyreview>, by July 12, 2022.

Assistance for Persons with Disabilities: Contact Ted Dale, phone 360-236-2991, TTY 711, email [ted.dale@doh.wa.gov](mailto:ted.dale@doh.wa.gov), by July 5, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to and new sections in chapter 246-811 WAC: (1) Create definitions pertaining to apprenticeships, (2) set hour requirements for instruction and experience, (3) clarify substance use disorder professional and trainee credential requirements for individuals completing apprenticeship programs, (4) make other amendments necessary to add apprenticeship as a pathway to become a substance use disorder professional or trainee, (5) update internal cross-references and other terminology, and (6) make other amendments as appropriate to clarify requirements for substance use disorder professionals and trainees. These amendments implement EHB 1311 and create the regulatory framework necessary for individuals completing substance use disorder apprenticeships to become credentialed by the department.

The department of labor and industries (L&I) regulates all Washington apprenticeships. The proposed rules align with L&I regulations and allows individuals to complete substance use disorder professional education requirements by completing an apprenticeship approved by both the department and L&I.

Reasons Supporting Proposal: Currently, chapter 246-811 WAC, which regulates SUDP and SUDPT, requires college coursework to meet requirements for certification. EHB 1311 amended the statute to also

allow apprenticeship. The proposed rules are necessary to create the regulatory framework for individuals to become credentialed after completing substance use disorder apprenticeships instead of college coursework. Creating enforceable standards through rule will allow the department to consistently monitor and enforce rules that protect patient safety.

Statutory Authority for Adoption: RCW 18.205.060.

Statute Being Implemented: EHB 1311 (chapter 165, Laws of 2021).

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, 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(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed amendments do not impact businesses.

May 31, 2022  
Kristin Peterson, JD  
Deputy Secretary  
Policy and Planning  
for Umair A. Shah, MD, MPH  
Secretary

## OTS-3521.2

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

**WAC 246-811-010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly states otherwise.

(1) "Agency" means a community behavioral health agency or facility operated, licensed, or certified by the state of Washington, a federally recognized Indian tribe located with the state, a county, a federally qualified health center, or a hospital.

(2) "Apprentice" means an individual enrolled in an approved and registered apprenticeship program.

(3) "Approved and registered apprenticeship program" means a substance use disorder apprenticeship program approved by the secretary under chapter 18.205 RCW and registered by the department of labor and industries under chapter 49.04 RCW.

(4) "Approved school" means any college or university accredited by a national or regional accrediting body, at the time the applicant completed the required education or other educational programs approved by the secretary.

~~((3))~~ (5) "Competent instructor" has the same meaning as provided in WAC 296-05-003.

(6) "Counseling" means employing any therapeutic techniques including, but not limited to, social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee, that offer, assist, or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential.

~~((4))~~ (7) "Core competencies of substance use disorder counseling" means competencies oriented to assist individuals with substance use disorder in their recovery. Core competencies include the following nationally recognized areas:

- (a) Knowledge;
- (b) Skills;
- (c) Attitudes of professional practice, including assessment and diagnosis of substance use disorder;
- (d) Substance use disorder treatment planning and referral;
- (e) Patient and family education in substance use disorder;
- (f) Individual and group counseling;
- (g) Relapse prevention counseling; and
- (h) Case management.

~~((5))~~ (8) "Department" means the department of health.

(9) "Direct supervision" means the supervisor is on the premises and available for immediate consultation.

~~((6))~~ (10) "Enrolled" means participating in an approved school ((and progressing toward the completion of the course work, or completion of the course work to be certified as)) or approved and registered apprenticeship program, whether a substance use disorder professional trainee is engaged in or has completed course work as described in WAC 246-811-030 ((2)) (3)(a) through (w).

~~((7))~~ (11) "Individual formal meetings" means a meeting with an approved supervisor, involving one approved supervisor and no more than four supervisees.

~~((8))~~ (12) "Official transcript" means the transcript from an approved college or school, in an envelope readily identified as having been sealed by the school.

~~((9))~~ (13) "Out-of-state" means any state or territory of the United States.

~~((10))~~ (14) "Probationary license" means a temporary license issued to out-of-state applicants qualifying for licensure reciprocity in Washington state under the restrictions and conditions of RCW 18.205.140 and this chapter.

~~((11))~~ (15) "Reciprocity" means licensure of out-of-state licensed counselors based on substantial equivalence between Washington state scope of practice and the scope of practice of the other state or territory, subject to a probationary licensure period to complete outstanding Washington state licensure requirements as determined necessary by the secretary to gain full licensure.

~~((12))~~ (16) "Recovery" means a process of change through which individuals improve their health and wellness, live self-directed lives, and strive to reach their full potential. Recovery often involves achieving remission from active substance use disorder.

~~((13))~~ (17) "Related field" means health education, behavioral science, sociology, psychology, marriage and family therapy, mental health counseling, social work, psychiatry, nursing, divinity, criminal justice, and counseling education.

~~((14))~~ (18) "Related/supplemental instruction" or "RSI" has the same meaning as provided in WAC 296-05-003.

(19) "Substance use disorder counseling" means employing the core competencies of substance use disorder counseling to assist or attempt to assist individuals with substance use disorder in their recovery.

~~((15))~~ (20) "Substance use disorder professional" or "SUDP" means an individual certified in substance use disorder counseling under chapter 18.205 RCW and this chapter.

~~((16))~~ (21) "Substance use disorder professional trainee" or "SUDPT" means an individual (~~holding a credential~~) credentialed as an SUDPT and working toward the education and experience requirements for certification as a substance use disorder professional under chapter 18.205 RCW and 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, § 246-811-010, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.205.100 and 18.205.060. WSR 16-14-052, § 246-811-010, filed 6/29/16, effective 7/30/16. Statutory Authority: Chapter 18.205 RCW. WSR 09-14-111, § 246-811-010, filed 6/30/09, effective 7/1/09. Statutory Authority: RCW 18.205.060(1). WSR 99-13-084, § 246-811-010, filed 6/14/99, effective 7/15/99.]

## NEW SECTION

**WAC 246-811-025 Certification of a substance use disorder professional.** (1) An applicant for a substance use disorder professional certificate shall submit to the department:

- (a) An application on forms provided by the department;
- (b) Official transcripts or apprenticeship certificate of completion to verify meeting educational requirements under WAC 246-811-030;
- (c) Verification of meeting supervised experience hour requirements under WAC 246-811-046 or 246-811-050 on forms provided by the department;

(d) Official verification of meeting examination requirements under WAC 246-811-060; and

(e) The fee required under WAC 246-811-990.

(2) An applicant for a substance use disorder professional certificate under the alternative training path shall submit to the department:

- (a) An application on forms provided by the department;

- (b) Verification of meeting eligibility requirements for the alternative training path under WAC 246-811-076;
- (c) Official verification of meeting educational requirements under WAC 246-811-077;
- (d) Verification of obtaining the 1,000 supervised experience hours required under WAC 246-811-046 on forms provided by the department;
- (e) Official verification of meeting examination requirements under WAC 246-811-060; and
- (f) The fee required under WAC 246-811-990.

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

**WAC 246-811-030 Educational requirements.** ~~((1))~~ Except as provided for in WAC 246-811-077 and 246-811-078, to be eligible for certification as a substance use disorder professional an applicant shall meet the education requirements in this section.

(1) The minimum education requirements for a substance use disorder professional credential are:

(a) An associate's degree in human services or related field from an approved school; ~~((or))~~

(b) Successful completion of ~~((ninety))~~ 90 quarter or ~~((sixty))~~ 60 semester college credits in courses from an approved school; or

(c) Successful completion of an approved and registered apprenticeship program.

(2) The minimum amount of instruction required in topics related to the substance use disorder profession is at least:

(a) Forty-five quarter ~~((or))~~ college credits;

(b) Thirty semester college credits ~~((must be in courses relating to the substance use disorder profession and shall)); or~~

(c) Four hundred fifty hours of related/supplemental instruction provided by a competent instructor in an approved and registered apprenticeship program.

(3) Education and apprenticeship program course work must include the following topics specific to individuals with substance use disorder in their recovery:

(a) Understanding addiction;

(b) Pharmacological actions of alcohol and other drugs;

(c) Substance abuse and addiction treatment methods;

(d) Understanding addiction placement, continuing care, and discharge criteria, including American Society of Addiction Medicine (ASAM) criteria;

(e) Cultural diversity including people with disabilities and its implication for treatment;

(f) Substance use disorder clinical evaluation (screening and referral to include comorbidity);

~~((ent))~~ (g) HIV/AIDS brief risk intervention for ~~((the chemically dependent)) individuals with a substance use disorder;~~

(h) Substance use disorder treatment planning;

(i) Referral and use of community resources;

(j) Service coordination (implementing the treatment plan, consulting, continuing assessment and treatment planning);

- (k) Individual counseling;
- (l) Group counseling;
- (m) Substance use disorder counseling for families, couples and significant others;
- (n) Client, family and community education;
- (o) Developmental psychology;
- (p) Psychopathology/abnormal psychology;
- (q) Documentation, to include, screening, intake, assessment, treatment plan, clinical reports, clinical progress notes, discharge summaries, and other client related data;
- (r) Substance use disorder confidentiality;
- (s) Professional and ethical responsibilities;
- (t) Relapse prevention;
- (u) Adolescent substance use disorder assessment and treatment;
- (v) Substance use disorder case management; and
- (w) Substance use disorder rules and regulations.

[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, § 246-811-030, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.205.100 and 18.205.060. WSR 16-14-052, § 246-811-030, filed 6/29/16, effective 7/30/16. Statutory Authority: Chapter 18.205 RCW. WSR 09-14-111, § 246-811-030, filed 6/30/09, effective 7/1/09. Statutory Authority: RCW 18.205.060(1). WSR 99-13-084, § 246-811-030, filed 6/14/99, effective 7/15/99.]

AMENDATORY SECTION (Amending WSR 21-20-030, filed 9/24/21, effective 10/25/21)

**WAC 246-811-035 Certification of a substance use disorder professional trainee.** (1) ~~((The department of health will issue))~~ To apply for a substance use disorder professional trainee certificate ~~((to))~~ ~~an~~ ~~((individual who))~~ applicant shall:

- (a) ~~Submit~~ ~~((s))~~ an application on forms provided by the department ~~((provides))~~, including any written documentation needed to provide proof of meeting the eligibility requirements as indicated on the application;
- ~~(b) ((Includes written documentation to meet the eligibility criteria;~~
- ~~(c))~~ Declare ~~((s))~~ that ~~((he or she is))~~ they are enrolled in an approved school or approved and registered apprenticeship program and gaining the experience required to receive a substance use disorder professional credential; and
- (c) Pay applicable fees in WAC 246-811-990.

(2) To apply for annual renewal, a substance use disorder professional trainee must submit to the department applicable fees in WAC 246-811-990 and a signed declaration with their annual renewal that states they:

- (a) Are enrolled in an approved ~~((education))~~ educational program or approved and registered apprenticeship program ~~((r))~~; or
- (b) Have completed the educational requirements ~~((r))~~ in WAC 246-811-030 and are obtaining the experience requirements for a substance use disorder professional credential in WAC 246-811-046 or 246-811-050.

(3) A substance use disorder professional trainee certificate can only be renewed four times, except as provided in RCW 18.205.095.

[Statutory Authority: RCW 18.225.040, 18.205.060, and 2021 c 57; RCW 18.225.145, 18.205.095. WSR 21-20-030, § 246-811-035, filed 9/24/21, effective 10/25/21. Statutory Authority: RCW 18.19.050, 18.29.130, 18.29.210, 18.34.120, 18.46.060, 18.55.095, 18.84.040, 18.88B.060, 18.89.050, 18.130.050, 18.138.070, 18.155.040, 18.200.050, 18.205.060, 18.215.040, 18.230.040, 18.240.050, 18.250.020, 18.290.020, 18.360.030, 18.360.070, 70.41.030, 70.230.020, 71.12.670, and 18.108.085. WSR 21-02-002, § 246-811-035, filed 12/23/20, effective 1/23/21. 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, § 246-811-035, filed 6/1/20, effective 7/2/20. Statutory Authority: Chapter 18.205 RCW. WSR 09-14-111, § 246-811-035, filed 6/30/09, effective 7/1/09.]

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

**WAC 246-811-046 Number of experience hours required for certification as a substance use disorder professional.** Except as provided in WAC 246-811-050 and 246-811-070(1), an applicant (~~must~~) for substance use disorder professional certification shall complete the following experience requirements based on their level of formal education(-):

- (1) Two thousand five hundred hours of substance use disorder counseling, for individuals who have an associate degree; (~~or~~)
- (2) Two thousand hours of substance use disorder counseling for individuals who have a baccalaureate degree in human services or a related field from an approved school; (~~or~~)
- (3) One thousand five hundred hours of substance use disorder counseling for individuals who possess a master or doctoral degree in human services or a related field from an approved school; or
- (4) One thousand hours of substance use disorder counseling for individuals who are credentialed according to WAC 246-811-076. The experience must be supervised by an approved supervisor meeting the requirements under WAC 246-811-049(8).

[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, § 246-811-046, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.205.100 and 18.205.060. WSR 16-14-052, § 246-811-046, filed 6/29/16, effective 7/30/16. Statutory Authority: Chapter 18.205 RCW. WSR 09-14-111, § 246-811-046, filed 6/30/09, effective 7/1/09. Statutory Authority: RCW 18.205.060(1). WSR 99-13-084, § 246-811-046, filed 6/14/99, effective 7/15/99.]

NEW SECTION

**WAC 246-811-050 Certification of a substance use disorder professional or trainee through an apprenticeship program.** (1) An ap-

prentice accepted into an approved and registered apprenticeship program:

- (a) May begin completing related/supplemental instruction at any time after becoming an apprentice; and
  - (b) Must be credentialed as a substance use disorder professional trainee under WAC 246-811-035 to obtain hours of supervised experience in substance use disorder counseling under subsection (2)(b) of this section.
- (2) To be eligible for certification as a substance use disorder professional under WAC 246-811-025, an apprentice shall:
- (a) Complete education requirements under WAC 246-811-030;
  - (b) Complete 2,500 hours of supervised experience in substance use disorder counseling;
  - (c) Meet supervision requirements under WAC 246-811-048; and
  - (d) Meet examination requirements under WAC 246-811-060.

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