

WSR 24-11-153

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed May 22, 2024, 9:56 a.m., effective May 22, 2024, 9:56 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Establishing a directory to help mental health counselor, marriage and family therapist, and social worker associates find supervisors and setting supervision standards.

The department of health (department) is continuing emergency rules that establish new WAC 246-809-020, 246-809-070, 246-809-071, and 246-809-072 in chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers.

These emergency rules implement section 7 of 2SHB 1724 (chapter 425, Laws of 2023), which was codified as RCW 18.225.180. These emergency rules: (1) Establish a new program to facilitate placement of associates with qualified supervisors (referred to as the "directory"), (2) set requirements for individual providers and facilities to be listed in the directory, and (3) set minimum standards for supervision of associates.

These rules continue without change emergency rules filed on September 28, 2023, under WSR 23-20-055, and continued on January 26, 2024, under WSR 24-04-011. The department will continue these emergency rules until the directory and supervision standards are adopted through the permanent rule-making process. The department filed the preproposal statement of inquiry (CR-101) to begin the permanent rule making on December 27, 2023, under WSR 24-02-038.

Citation of Rules Affected by this Order: New WAC 246-809-020, 246-809-070, 246-809-071, and 246-809-072.

Statutory Authority for Adoption: RCW 18.225.040; and 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.225.180.

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: This emergency rule is necessary to support the Washington state behavioral health workforce, which is increasingly strained. By establishing and continuing the directory and supervision standards through emergency rule, the department will facilitate associates finding supervisors that can support their professional development, completing supervised experience requirements, and becoming licensed as independent providers. Additionally, the statutory authority for the directory was designated by the legislature as necessary for the immediate preservation of the public health, or safety, or general welfare. Pursuant to section 33 of 2SHB 1724, the department is implementing the directory immediately.

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 4, Amended 0, 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 4, Amended 0, Repealed 0.

Date Adopted: May 22, 2024.

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

OTS-4907.4

NEW SECTION

WAC 246-809-020 Mental health counselor, marriage and family therapist, and social worker supervision standards. (1) For any mental health counselor, marriage and family therapist, or social worker licensure candidate (licensure candidate), supervision must include:

- (a) Clearly communicating the nature of the supervisory relationship to the public, other professionals, and all clients served, consistent with the requirements of WAC 246-809-710(2);
- (b) Regular supervision, including meeting at least one hour for every 80 hours of the licensure candidate's clinical practice time; and
- (c) Discussing the following topics:
 - (i) Services provided by the licensure candidate;
 - (ii) Caseload and treatment plans of the licensure candidate;
 - (iii) Theory and practice of the work being conducted;
 - (iv) Relevant Washington laws and rules;
 - (v) Standards of practice;
 - (vi) Coordination of work with other professionals and parties; and
 - (vii) Relevant professional literature and research.

(2) The supervisor must:

- (a) Qualify as an approved supervisor or equally qualified licensed mental health practitioner under this chapter and, in the event they no longer qualify, immediately notify licensure candidates under their supervision;
- (b) Have expertise and knowledge necessary to directly supervise the licensure candidate's work;
- (c) Assure that the licensure candidate has sufficient and appropriate education, background, and preparation for the work they will be doing;
- (d) Provide sufficient training and supervision to the licensure candidate to assure the health and safety of clients;
- (e) Maintain documentation of work done and supervision provided; and
- (f) Provide accurate and objective letters of reference or other documentation of the licensure candidate's work at the licensure candidate's request.

(3) A licensure candidate must:

- (a) Confirm that a potential supervisor meets the approved supervisor requirements for the licensure candidate's intended profession;
 - (b) Maintain documentation of work done and supervision provided; and
 - (c) Periodically submit to the department documentation of supervision hours completed.
- (4) A candidate seeking licensure as a licensed marriage and family therapist or licensed social worker must ensure that any supervision hours under a licensed mental health counselor or other equally qualified licensed mental health practitioner comply with the requirements in WAC 246-809-130 or 246-809-330, as applicable.

NEW SECTION

- WAC 246-809-070 Licensed counselor supervisor directory.** (1) Effective October 1, 2023, the licensed counselor supervisor directory (directory) is established.
- (2) The purpose of the directory is to facilitate placement of associates seeking supervisors with eligible providers or facilities for postgraduate supervision as required by WAC 246-809-130, 246-809-230, and 246-809-330.
- (3) The directory shall not be made available for any commercial purpose consistent with RCW 42.56.070(8).
- (4) A provider or facility shall be removed from the directory:
- (a) When a department audit shows the provider or facility no longer meets directory requirements as established in WAC 246-809-071 or 246-809-072;
 - (b) Upon the request of the provider or facility; or
 - (c) For other good cause as determined by the department.
- (5) Participation in the directory is not required to be a supervisor under WAC 246-809-134, 246-809-234, or 246-809-334.

NEW SECTION

- WAC 246-809-071 Individual licensed counselor supervisor directory application.** To be listed in the licensed counselor supervisor directory, an individual provider shall:
- (1) Hold a license or retired active license that permits treatment of individuals in the state of Washington without restrictions, in an eligible profession, including:
- (a) Mental health counselor, marriage and family therapist, or social worker under chapter 18.225 RCW;
 - (b) Psychologist under chapter 18.83 RCW;
 - (c) Physician practicing as a psychiatrist under chapter 18.71 RCW; or
 - (d) Psychiatric nurse practitioner under chapter 18.79 RCW.
- (2) Submit a completed application on forms provided by the department;
- (3) Submit verification of meeting the following education requirements:
- (a) A minimum of 15 clock hours of training in clinical supervision obtained through:
 - (i) A supervision course;

- (ii) Continuing education credits on supervision;
- (iii) Supervision of supervision; or
- (iv) Any combination of these; and
- (b) Twenty-five hours of experience in supervision of clinical practice; and
- (4) Meet any other qualifications as required by law.

NEW SECTION

WAC 246-809-072 Facility licensed counselor supervisor directory application. To apply to be listed in the licensed counselor supervisor directory, a facility or agency must:

- (1) Provide mental health, substance use disorder, or co-occurring disorder services to persons with a behavioral health disorder;
- (2) Operate under the authority of one or more of the following:
 - (a) Washington state departments and agencies listed in the government agency directory available on the state of Washington website;
 - (b) Federally recognized Indian tribes located within the state;
 - (c) Counties as listed in chapter 36.04 RCW;
 - (d) Community and technical colleges governed by the Washington state board for community and technical colleges;
 - (e) Colleges and universities governed by the Washington state higher education coordinating board;
 - (f) Hospitals licensed under chapter 70.41 RCW;
 - (g) Home health care agencies, home care agencies, and hospice care agencies licensed under chapter 70.127 RCW;
 - (h) Agencies and facilities licensed or certified under chapter 71.05 or 71.24 RCW; or
 - (i) Psychiatric hospitals, residential treatment facilities, and hospitals licensed under chapter 71.12 RCW;
- (3) Submit a completed application on forms provided by the department; and
- (4) Submit verification that at least one individual responsible for providing supervision to associates at the facility meets requirements in WAC 246-809-071.