

WSR 21-04-023

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed January 25, 2021, 1:24 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-15-116.

Title of Rule and Other Identifying Information: WAC 246-809-080, 246-809-615, 246-809-630, and 246-809-632 licensure requirements for mental health counselors, marriage and family therapists, and social workers. The department of health (DOH) is proposing to align rules with statutory changes made by ESHB 2411 (chapter 229, Laws of 2020) requiring advanced suicide training and ESHB 1551 (chapter 76, Laws of 2020) repealing AIDS education and training.

Hearing Location(s): On March 11, 2021, at 1:00 p.m.

In response to the coronavirus disease 2019 (COVID-19), DOH 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. Please register at <https://attendee.gotowebinar.com/register/6172813721980677390>. After registering, you will receive a confirmation email containing information about joining the webinar. Participants can use their telephone or computer mic and speakers (VoIP). United States +1 (631) 992-3221.

Date of Intended Adoption: March 18, 2021.

Submit Written Comments to: Brandon Williams, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504-7850, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, brandon.williams@doh.wa.gov, by March 11, 2021.

Assistance for Persons with Disabilities: Contact Brandon Williams, phone 360-236-4611, fax 360-236-2901, TTY 711, email brandon.williams@doh.wa.gov, by March 4, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DOH has existing rules that regulate mental health counselors, marriage and family therapists, and social workers. ESHB 2411 (chapter 229, Laws of 2020) requires a new six-hour advanced training focused on suicide prevention for several mental health professions, including mental health counselors, marriage and family therapists, and social workers. ESHB 1551 (chapter 76, Laws of 2020) repealed statutory authority requiring AIDS training requirements for practitioners. The department is proposing rule amendments to align chapter 246-809 WAC with statutory changes made by both bills.

To align chapter 246-809 WAC with ESHB 2411, the department is proposing amending WAC 246-809-615, 246-809-630, and 246-809-632 to include the statutory requirements for an additional suicide prevention training. Proposed amendments will: Clarify that a licensed counselor must take a six-hour suicide prevention training every six years; add that the requirement for a second training will begin July 1, 2021; add that qualifying trainings will be included on the department's model list; add that qualifying trainings must focus on either suicide management, care, and treatment, or a treatment modality shown to be effective in working with people who are suicidal; clarify that if a licensed counselor has already completed their second training prior to July 1, 2021, the counselor's next training must comply with the new requirements; and add the additional suicide prevention train-

ing to continuing education requirements for licensed counselors and licensed associates.

To align chapter 246-809 WAC with ESHB 1551, the department is proposing repealing WAC 246-809-080 to remove AIDS education and training requirements.

Reasons Supporting Proposal: Proposed amendments to chapter 246-809 WAC will: (1) Implement ESHB 2411 by adding new advanced suicide prevention training requirements and promoting increased awareness of suicide prevention among health care professionals; and (2) support ESHB 1551 by repealing current requirements for AIDS trainings.

Statutory Authority for Adoption: RCW 18.225.040.

Statute Being Implemented: ESHB 2411 (chapter 229, Laws of 2020), ESHB 1551 (chapter 76, Laws of 2020).

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

Name of Proponent: DOH, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brandon Williams, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4611.

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

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(v) exempts rules the content of which is explicitly and specifically dictated by statute.

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 rule content is explicitly and specifically dictated by statute.

January 23, 2021
Jessica Todorovich
Chief of Staff
for Umair A. Shah, MD, MPH
Secretary

OTS-2725.1

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

WAC 246-809-615 Training standards for suicide assessment, treatment, and management. (1) A licensed counselor must, at least once every six years, complete training in suicide assessment, treatment, and management.

(2) A licensed counselor must complete training in suicide assessment, treatment, and management. The training must be provided by a single provider and must be at least six hours in length, which may be provided in one or more sessions.

(a) Until July 1, 2017, the training must be approved by an industry-recognized local, state, national, international organizations or institutions of higher learning listed in WAC 246-809-620 or an equivalent organization, educational institution or association which approves training based on observation and experience or best available practices;

(b) Beginning July 1, 2017, the training must be on the department's model list of training programs in suicide assessment, treatment and management. The model list is developed in accordance with rules adopted by the department that establish minimum standards for training programs. The establishment of the model list does not affect the validity of training completed prior to July 1, 2017; ~~((and))~~

(c) An associate applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in (a) or (b) of this subsection no more than six years prior to the application for initial licensure ~~((-))~~;

~~((2))~~ (d) A licensed marriage and family therapist, licensed mental health counselor, licensed social worker, or licensed social worker associate who is a state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion ~~((-))~~; and

~~((3))~~ (e) A licensed marriage and family therapist, licensed mental health counselor, licensed social worker, or licensed social worker associate who is an employee of a licensed or certified behavioral health agency licensed under chapter 71.05 or 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(3) Beginning July 1, 2021, a licensed counselor's second training must include advanced training or training in treatment modalities shown to be effective in working with people who are suicidal. The training required by this subsection must be on the department's model list.

(a) If a licensed counselor has already completed the counselor's second training prior to July 1, 2021, the counselor's next training must comply with this subsection.

(b) The requirements listed in this subsection do not apply if the licensee demonstrates that the training required is not reasonably available.

[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, § 246-809-615, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.225.040. WSR 17-13-082, § 246-809-615, filed 6/16/17, effective 7/17/17. Statutory Authority: RCW 43.70.442(7). WSR 14-09-102, § 246-809-615, filed 4/22/14, effective 4/22/14.]

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

WAC 246-809-630 Continuing education requirements. (1) An associate must complete eighteen hours of continuing education as required in WAC 246-809-632.

(2) Licensed social worker associate advanced and licensed social worker associate independent clinical must complete six hours of suicide assessment, treatment, and management CE as required in WAC 246-809-632.

(3) A licensed counselor must complete thirty-six hours of continuing education (CE) every two years.

(a) At least six of the thirty-six hours must be in professional ethics and law, which may include topics under RCW 18.130.180.

(b) Beginning January 1, 2014, at least once every six years a licensed marriage and family therapist, licensed mental health counselor, and licensed social worker must complete at least six hours of training in suicide assessment, treatment, and management.

(i) The first training must be completed during the first full CE reporting period after January 1, 2014, or the first full CE period after initial licensure, whichever occurs later.

(ii) Beginning July 1, 2017, ~~((the))~~ a qualifying suicide prevention training must be selected from the department's model list, as required in WAC 246-809-615.

(iii) Beginning July 1, 2021, a subsequent qualifying training must be selected from the department's model list, as required in WAC 246-809-615.

(iv) The hours spent completing training in suicide assessment, treatment, and management count toward the total thirty-six hours of CE.

~~((iv))~~ (v) An individual applying for initial licensure as a licensed marriage and family therapist, licensed mental health counselor, or licensed social worker on or after January 1, 2014, may delay completion of the first training required for six years after initial licensure if he or she can demonstrate completion of six hours of training in suicide assessment, treatment, and management that:

(A) Was completed no more than six years prior to the application for initial licensure; and

(B) Meets the qualifications listed in WAC 246-809-615.

[Statutory Authority: RCW 18.225.040. WSR 17-13-082, § 246-809-630, filed 6/16/17, effective 7/17/17. Statutory Authority: RCW 43.70.442(7). WSR 14-09-102, § 246-809-630, filed 4/22/14, effective 4/22/14. Statutory Authority: RCW 18.225.040. WSR 04-06-010, § 246-809-630, filed 2/20/04, effective 3/22/04. Statutory Authority: Chapter 18.19 RCW. WSR 02-11-108, § 246-809-630, filed 5/20/02, effective 6/20/02.]

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

WAC 246-809-632 Licensed associate continuing education. (1) All licensed associates must complete a total of eighteen hours of continuing education (CE) every year in order to renew their license.

The CEs must be completed in accordance with this chapter. An associate must attest to completing the CE every year during the renewal.

(2) Professional ethics and law CE for all licensed associates. All licensed associates must include six hours of CE in professional ethics and law every two years. The associates must attest to completing the CE during the second renewal, fourth renewal, and sixth renewal. These six CE hours may be completed anytime within the two-year period before each of these renewals. The six hours may contribute to the total eighteen hours of CE for the year in which the CE was completed.

(3) Suicide assessment, treatment, and management CE only for licensed social worker associate advanced and licensed social worker associate independent clinical.

(a) Licensed social worker associate advanced and licensed social worker associate independent clinical must complete:

(i) Six hours of suicide assessment, treatment, and management CE after initial licensure and before the first renewal in accordance with WAC 246-809-615 and 246-809-630; and

(ii) Six hours of subsequent training per WAC 246-809-615 and 246-809-630 in the following six-year period.

~~((a))~~ (b) The licensed social worker associate advanced and licensed social worker associate independent clinical may delay completing the first training if he or she can demonstrate completion of the training no more than six years before gaining their initial license.

~~((b))~~ (c) The hours spent completing training in suicide assessment, treatment, and management count toward the total eighteen hours of CE.

Table 1

Continuing Education Requirements by Licensure Renewal Dates

License Type	<ul style="list-style-type: none"> • Marriage and Family Therapist Associate • Mental Health Counselor Associate 	<ul style="list-style-type: none"> • Social Worker Associate Advanced • Social Worker Associate Independent Clinical
At Initial Licensure	Not applicable for initial licensure	Not applicable for initial licensure
Between Initial Licensure and First Renewal	18 Hours Total	18 Hours Total <ul style="list-style-type: none"> • 6 hours in suicide assessment, treatment, and management unless obtained 6 years prior to initial licensure
Between First and Second Renewal	18 Hours Total <ul style="list-style-type: none"> • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date 	18 Hours Total <ul style="list-style-type: none"> • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date
Between Second and Third Renewal	18 Hours Total	18 Hours Total
Between Third and Fourth Renewal	18 Hours Total <ul style="list-style-type: none"> • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date 	18 Hours Total <ul style="list-style-type: none"> • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date
Between Fourth and Fifth Renewal	18 Hours Total	18 Hours Total
Between Fifth and Sixth Renewal	18 Hours Total	18 Hours Total

	<ul style="list-style-type: none"> • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date 	<ul style="list-style-type: none"> • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date
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[Statutory Authority: RCW 18.225.040. WSR 17-13-082, § 246-809-632, filed 6/16/17, effective 7/17/17.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-809-080	AIDS prevention and information education requirements.
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