

## WSR 21-13-148

## EXPEDITED RULES

## DEPARTMENT OF HEALTH

[Filed June 22, 2021, 1:43 p.m.]

Title of Rule and Other Identifying Information: WAC 246-809-330 Supervised postgraduate experience requirements, licensure of mental health counselors, marriage and family therapists, and social workers. The department of health (department) is proposing a permanent rule amendment to WAC 246-809-330 to remove the limit on distance supervision hours that may be obtained by social worker associates applying for licensure, consistent with statutory amendments made by SHB 1007 (chapter 21, Laws of 2021).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amendment to WAC 246-809-330 is to align with statutory amendments to RCW 18.225.090 made by SHB 1007. Currently, both RCW 18.255.090 and WAC 246-809-330 limit the number of distance supervision hours that may be obtained to forty hours for a social worker associate-advanced and sixty hours for a social worker associate-independent clinical. Statutory amendments effective July 24, 2021, will remove the limits on distance supervision hours, creating a conflict with WAC 246-809-330. Amending WAC 246-809-330 through expedited rule making to remove limits on distance supervision hours will align the regulation with the statute.

Reasons Supporting Proposal: Statutory amendments made by SHB 1007 create a conflict between the statute and regulation. Amending WAC 246-809-330 by expedited rule making to remove conflicting language will align the regulation with new statutory amendments. Additionally, this change will allow social worker associates to more easily find an available supervisor and obtain enough supervised experience hours to apply for full licensure. In the short term, this change will promote social distancing and mitigate transmission of COVID-19; in the longer term, it will likely facilitate completion of supervised experience hours by social worker associates and may increase the number of applicants who are able to become fully licensed.

Statutory Authority for Adoption: RCW 18.225.040.

Statute Being Implemented: SHB 1007 (chapter 21, Laws of 2021) codified in RCW 18.225.090.

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: Brandon Williams, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4611.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The statutory requirement in which the rule is based has been repealed. The proposed repealed rule language [language] will align with amendments made by SHB 1007.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Brandon Williams, Department of Health, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4611, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY September 6, 2021.

June 22, 2021  
 Kristin Peterson, JD  
 Deputy Secretary, Policy and Planning  
 for Umair A. Shah, MD, MPH  
 Secretary

### OTS-3066.1

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

#### **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 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 ten 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 three thousand two hundred hours to two thousand eight hundred eighty 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 three thousand two hundred hours with ninety 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 as follows:

(A) Fifty hours must include direct supervision by a licensed advanced social worker or licensed independent clinical social worker; these hours may be in one-to-one supervision or group supervision; and

(B) Forty hours may be with an equally qualified licensed mental health practitioner as defined in WAC 246-809-310(3). These hours must be in one-to-one supervision (~~and~~

~~(iii) Distance supervision is limited to forty supervision hours~~)).

(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 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 ten 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 four thousand hours to three thousand six hundred 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 four thousand hours of experience, over a period of not less than three years. Of those four thousand hours:

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

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

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

(B) Sixty 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 one hundred thirty hours of direct supervision must be in one-to-one supervision. The remaining seventy hours may be in one-to-one supervision or group supervision (~~and~~

~~(D) Distance supervision is limited to sixty supervision hours~~)).

(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.

[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, § 246-809-330, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.225.040. WSR 17-13-082, § 246-809-330, filed 6/16/17, effective 7/17/17.]