

WSR 21-13-152
EXPEDITED RULES
DEPARTMENT OF HEALTH
[Filed June 22, 2021, 2:11 p.m.]

Title of Rule and Other Identifying Information: WAC 246-809-990 regarding license renewals for licensed counselor associates, and 246-811-035 regarding renewals for substance use disorder professional trainees. The department of health (department) proposes amending two behavioral health professions under the authority of the secretary of health to implement HB 1063 (chapter 57, Laws of 2021). Proposed amendments will incorporate by reference statutes that now allow additional license renewals for licensed counselor associates and substance use disorder professional trainees. Additionally, a proposed amendment will make a housekeeping change to remove an outdated citation.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amendments is to align rules with recent statutory changes. HB 1063 created an exception to the statutory limits on associate and trainee license renewals for licensed counselors and substance use disorder professionals (SUDP). Proposed rule amendments will incorporate statutory amendments by reference.

Previously, both the statute and the rules limited licensed counselor associates to six license renewals and SUDP trainees to four license renewals. Under amendments made by HB 1063, the secretary of health may allow additional renewals when a governor-declared emergency has resulted in barriers to testing or training. Proposed amendments to WAC 246-809-990 and 246-811-035 will clarify that statutory limits to associate and trainee license renewals apply, except as provided by statute.

An additional proposed amendment to WAC 246-809-990 will remove an outdated citation.

Reasons Supporting Proposal: HB 1063 is intended to address some of the impacts of the COVID-19 declared emergency on behavioral health profession associates and trainees. Impacts include training and testing barriers, layoffs, and more limited opportunities to complete supervised experience hours. These unanticipated setbacks could result in an associate or trainee exhausting the number of renewals allowed by statute without completing the supervised experience hours necessary to achieve full licensure. Providing additional renewals under HB 1063 will allow associates and trainees to continue their path to full licensure and help increase Washington's behavioral health professional workforce

Statutory Authority for Adoption: RCW 18.225.040 and 18.205.060.

Statute Being Implemented: HB 1063 (chapter 57, Laws of 2021); RCW 18.225.145 and 18.205.095.

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 adoption process for these rules:

Adopts or incorporates 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.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Incorporating by reference the statutory exception established by HB 1063 will align the rules with statute.

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, Office of Health Professions, 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
Deputy Secretary, Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

OTS-3067.2

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

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 (~~(, Part 2)~~).
(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

Title	Fee
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	90.00
Late renewal penalty	50.00
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
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	100.00
Initial license	100.00

Title	Fee
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	100.00
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	
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

Title	Fee
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

[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, § 246-809-990, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 43.70.250 and 43.70.280. WSR 18-01-098, § 246-809-990, filed 12/18/17, effective 4/1/18. Statutory Authority: RCW 43.70.110, 43.70.280 and 18.225.145. WSR 15-19-149, § 246-809-990, filed 9/22/15, effective 1/1/16. Statutory Authority: RCW 18.130.250, 18.225.170, 43.70.110, and 43.70.250. WSR 13-24-097, § 246-809-990, filed 12/3/13, effective 2/1/14. Statutory Authority: RCW 43.70.110 (3) (c) and 43.70.250. WSR 12-19-088, § 246-809-990, filed 9/18/12, effective 11/1/12. Statutory Authority: RCW 43.70.110 and 43.70.112. WSR 11-19-098, § 246-809-990, filed 9/20/11, effective 1/1/12. Statutory Authority: RCW 43.70.110, 43.70.250, and 2010 c 37. WSR 10-19-071, § 246-809-990, filed 9/16/10, effective 10/15/10. Statutory Authority: Chapter 18.225 RCW. WSR 09-15-039, § 246-809-990, filed 7/8/09, effective 7/8/09. Statutory Authority: RCW 43.70.110, 43.70.250 and 2008 c 329. WSR 08-16-008, § 246-809-990, filed 7/24/08, effective 7/25/08. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. WSR 05-12-012, § 246-809-990, filed 5/20/05, effective 7/1/05. Statutory Authority: 2001 c 251, RCW 43.70.250. WSR 01-17-113, § 246-809-990, filed 8/22/01, effective 9/22/01.]

OTS-3104.1

AMENDATORY SECTION (Amending WSR 21-02-002, filed 12/23/20, effective 1/23/21)

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

- Submits an application on forms the department provides;
- Includes written documentation to meet the eligibility criteria;
- Declares that he or she is enrolled in an approved school and gaining the experience required to receive a substance use disorder professional credential.

(2) A substance use disorder professional trainee must submit a signed declaration with their annual renewal that states they are enrolled in an approved education program, or have completed the educational requirements, and are obtaining the experience requirements for a substance use disorder professional credential.

(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 18.19.050, 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.]