

WSR 23-23-150

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed November 20, 2023, 4:53 p.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: Health equity continuing education (CE) for mental health counselors, marriage and family therapists, and social workers under chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers.

The department is adopting amendments to WAC 246-809-095, 246-809-110, 246-809-130, 246-809-210, 246-809-310, 246-809-320, 246-809-330, 246-809-610, 246-809-630, 246-809-632, 246-809-650, and 246-809-730. These amendments implement legislation including 2SHB 1724 (chapter 425, Laws of 2023), ESSB 5229 (chapter 276, Laws of 2021), and ESHB 1551 (chapter 76, Laws of 2020).

2SHB 1724 made statutory changes that lower barriers to entering and remaining in the behavioral health work force. The amendments adopted to align with this legislation will lower supervised experience requirements for social workers, add social work doctorate programs as qualifying education for social workers, and remove the limit on distance learning hours.

ESSB 5229, codified at RCW 43.70.613 (3)(b), directed the rule-making authority for each health profession licensed under Title 18 RCW that is subject to CE to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The statute also directed the department to create model rules establishing the minimum standards for health equity CE programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167.

The department is now adopting amendments to WAC 246-809-610, 246-809-630, and 246-809-632 that require two hours of health equity CE every four years for mental health counselors, marriage and family therapists, social workers, and associates. The health equity CE requirement is counted under existing, unspecific CE requirements for the profession and does not change the total number of CE hours required.

ESHB 1551 repealed the department's authority to require AIDS education as a condition of licensure. While the department no longer enforces this requirement and previously conducted rule making to remove the AIDS training from chapter 246-809 WAC, a reference to the training was inadvertently left in WAC 246-809-095. This rule making will remove this reference to fully comply with ESHB 1551.

Additionally, the department is adopting minor amendments to update and clarify rule language throughout these rules.

Citation of Rules Affected by this Order: Amending WAC 246-809-095, 246-809-110, 246-809-130, 246-809-210, 246-809-310, 246-809-320, 246-809-330, 246-809-610, 246-809-630, 246-809-632, 246-809-650, and 246-809-730.

Statutory Authority for Adoption: RCW 18.225.040.

Other Authority: ESSB 5229 (chapter 276, Laws of 2021), ESHB 1551 (chapter 76, Laws of 2020), 2SHB 1724 (chapter 425, Laws of 2023).

Adopted under notice filed as WSR 23-17-075 on August 14, 2023.

A final cost-benefit analysis is available by contacting Lana Crawford, P.O. Box 47852, Tumwater, WA 98504-7852, phone 564-669-1455, TTY 711, email Lana.Crawford@doh.wa.gov, website www.doh.wa.gov.

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 0, 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 6, 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 0, Amended 12, Repealed 0.

Date Adopted: November 20, 2023.

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

OTS-4754.1

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

WAC 246-809-095 Probationary license. (1) The department shall issue a probationary license to out-of-state applicants seeking licensure in Washington state for an advanced social worker, independent clinical social worker, mental health counselor, or marriage and family therapist according to the conditions and restrictions of the reciprocity program established in RCW 18.225.140 and this chapter.

(2) The out-of-state license must be from a state or territory identified on a list published by the department as eligible for reciprocity for the purposes of a probationary license for the particular behavioral health profession.

(3) An initial probationary license is valid for one year. To receive an initial probationary license, the applicant must submit to the department a completed application to include:

- (a) Verification of their out-of-state license; and
- (b) The fee according to WAC 246-809-990.

(4) A probationary license may be renewed a single time and is valid for one year after the date of renewal. To renew the probationary license, an applicant must submit to the department a completed application to include:

- (a) Completion of suicide assessment, treatment, and management according to WAC 246-809-615(1) (~~(b)~~); and
- ~~((b))~~ ~~(b)~~ AIDS education according to ~~WAC 246-809-080~~); and
- ~~((e))~~ ~~(b)~~ The fee according to WAC 246-809-990.

(5) Continuing education. With the exception of the requirements of subsection (4) this section, continuing education requirements will apply once a probationary licensee transitions to a full license.

(6) Approved supervision. If the department determines a probationary licensee must complete supervised hours of experience as a

condition for full licensure, the licensee must complete the stated hours under an approved supervisor according to the conditions of this chapter.

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

WAC 246-809-110 Definitions. The following terms apply to the licensure of marriage and family therapists and marriage and family therapist associates, in WAC 246-809-100 through 246-809-140.

(1) "Approved educational program" means:

(a) Any college or university accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation or its successor; or

(b) A program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), at the time the applicant completed the required education.

(2) "Approved supervisor" means a licensed marriage and family therapist, or an equally qualified licensed mental health practitioner.

(3) "Equally qualified licensed mental health practitioner" means a licensed mental health counselor, licensed clinical social worker, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner, who has completed:

(a) Three hundred clock hours in graduate or postgraduate marriage and family education, or continuing education in marriage and family therapy or supervision by an approved marriage and family therapist supervisor in marriage and family therapy or any combination of these; and

(b) Five years of clinical practice that includes the equivalent of one year of clinical practice working with couples and families.

(4) "Group supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than six licensure candidates.

(5) "Licensure candidate" means an individual who is accruing supervised clinical experience required for licensure.

(6) "One-on-one supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than two licensure candidates.

(7) "Peer" means a coworker who is not the licensure candidate's employer or supervisor.

(8) "Supervised experience requirement" means experience that is obtained under an approved supervisor who meets the requirements described in WAC 246-809-134.

(9) "Supervision of supervision" means supervision by an approved supervisor for the purpose of training and qualifying a license holder to act as an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-134.

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

WAC 246-809-130 Supervised postgraduate experience. (1) The experience requirements for the marriage and family therapist applicant's practice area include successful completion of a supervised experience requirement. Applicants who have held an active marriage and family therapy 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 (3) of this section.

(2) 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))~~ 10 years from the date their application for a marriage and family therapist license is submitted to the department, the department shall reduce the total required supervised hours from ~~((three thousand))~~ 3,000 hours to ~~((two thousand seven hundred))~~ 2,700 hours. The requirements in subsection (3)(a) through (e) of this section shall apply regardless of the reduction of total required hours.

(3) ~~((The experience requirement consists of a minimum of two calendar years of full-time marriage and family therapy.))~~ Total experience requirements include a minimum of ~~((three thousand))~~ 3,000 hours to include the following:

(a) One thousand hours of direct client contact with at least ~~((five hundred))~~ 500 hours gained in diagnosing and treating couples and families;

(b) At least ~~((two hundred))~~ 200 hours of qualified supervision with an approved supervisor.

(i) Of the ~~((two hundred))~~ 200 hours, ~~((one hundred))~~ 100 hours must be with a licensed marriage and family therapist with at least five years of clinical experience; the other ~~((one hundred))~~ 100 hours may be with an equally qualified licensed mental health practitioner;

(ii) At least ~~((one hundred))~~ 100 of the ~~((two hundred))~~ 200 hours must be one-on-one supervision; and

(iii) The remaining hours may be in one-on-one or group supervision.

(c) Applicants who have completed a master's program accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy boards will be credited with ~~((five hundred))~~ 500 hours of direct client contact and ~~((one hundred))~~ 100 hours of qualified supervision with an approved supervisor;

(d) Licensed marriage and family therapist associate applicants are not required to have supervised postgraduate experience prior to becoming an associate; and

(e) Licensed marriage and family therapist associate applicants must declare they are working towards full licensure.

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

WAC 246-809-210 Definitions. The following definitions apply to the licensure of mental health counselors and mental health counselor associates, in WAC 246-809-200 through 246-809-240.

(1) "Approved educational program" means any college or university accredited by an accreditation body recognized by the Council for Higher Education Accreditation (CHEA) or United States Department of Education.

(2) "Approved setting" includes facilities, agencies or private practice where an applicant works with individuals, families, couples or groups under the supervision of an approved supervisor.

(3) "Approved supervisor" means a qualified licensed mental health counselor or equally qualified licensed mental health practitioner who has been licensed without restrictions for at least two years.

(4) "Equally qualified licensed mental health practitioner" means a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner.

(5) "Group supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than six licensure candidates.

(6) "Immediate supervision" means a meeting with an approved supervisor, involving one supervisor and no more than two licensure candidates.

(7) "Licensure candidate" means an individual that is accruing supervised clinical experience required for licensure.

(8) "Peer" means a co-worker who is not the licensure candidate's employer or supervisor.

(9) "Supervision of supervision" means supervision by an approved supervisor for the purpose of training and qualifying a licensee to act as an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-234.

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

WAC 246-809-310 Definitions. The following definitions apply to the licensure of independent clinical and advanced social workers and independent clinical and advanced social work associates, in WAC 246-809-300 through 246-809-340.

(1) "Approved educational program" means a master's or doctoral educational program in social work accredited by the Council on Social Work Education.

(2) "Approved supervisor" means a licensed independent clinical social worker (LICSW), licensed advanced social worker (LASW) (for LASWs only), or an equally qualified licensed mental health practitioner.

(3) "Equally qualified licensed mental health practitioner" means a licensed mental health counselor, licensed marriage and family therapist, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner.

(4) "Group supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than six licensure candidates.

(5) "Licensure candidate" means an individual that is accruing supervised clinical experience required for licensure.

(6) "Nationally recognized standards" means the *Educational Policy and Accreditation Standards*, revised October 2004 published by the Council on Social Work Education revised October 2004 or any future revisions.

(7) "One-on-one supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and one licensure candidate.

(8) "Peer" means a co-worker who is not the licensure candidate's employer or supervisor.

(9) "Supervision of supervision" means supervision by an approved supervisor for the purpose of training and qualifying a licensee to become an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-334.

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

WAC 246-809-320 Education requirements. The following are the education requirements for the social worker applicant's practice area:

(1) Licensed advanced social worker or licensed social worker associate-advanced must have graduated from a master's (~~or doctoral~~) social work educational program accredited by the Council on Social Work Education or a social work doctorate program at a university accredited by a recognized accrediting organization.

(2) Licensed independent clinical social worker or licensed social worker associate-independent clinical must have graduated from a master's (~~or doctorate~~) level social work educational program accredited by the Council on Social Work Education or a social work doctorate program at a university accredited by a recognized accrediting organization.

AMENDATORY SECTION (Amending WSR 21-20-028, filed 9/24/21, effective 10/25/21)

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~~) 10 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~~) 3,200

hours to ~~((two thousand eight hundred eighty))~~ 2,880 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))~~ 3,000 hours with ~~((ninety))~~ 90 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) under the supervision of a licensed independent clinical social worker, a licensed advanced social worker, or an equally qualified licensed mental health professional. Of those hours of direct supervised experience at least:~~

~~(A) Forty hours must be in one-to-one supervision; and~~

~~(B) Fifty hours may be in one-to-one or group supervision.~~

(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))~~ 10 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))~~ 3,000 hours to ~~((three thousand six hundred))~~ 2,600 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))~~ 3,000 hours of experience, over a period of not less than ~~((three))~~ two years. Of those ~~((four thousand))~~ 3,000 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))~~ The remaining 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))~~ 100 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.

(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.

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

WAC 246-809-610 Eligible continuing education activities. (1) The continuing education (CE) program or course for licensed counselors and associates must:

- (a) Be relevant to the profession; and
- (b) Contribute to the advancement, extension and enhancement of their professional competence.

(2) Courses or workshops primarily designed to increase practice income or office efficiency are not eligible for CE credit.

(3) Acceptable CE courses (including distance learning), seminars, workshops and postgraduate institutes are those which are:

- (a) Programs having a featured instructor, speaker(s) or panel approved by an industry-recognized local, state, national, international organization or institution of higher learning; or
- (b) Distance learning programs, approved by an industry-recognized local, state, national or international organization or institution of higher learning. These programs must require tests of comprehension upon completion. (~~Distance learning programs are limited to twenty-six hours per reporting period.~~)

(4) Training programs sponsored by the agency where a licensed counselor or associate is employed are acceptable but are limited to (~~twenty-six~~) 26 hours per reporting period.

(5) Other learning experience, such as serving on a panel, board or council, community service, research, peer consultation, or publishing articles for professional publications are acceptable but are limited to six hours per reporting period.

AMENDATORY SECTION (Amending WSR 21-09-037, filed 4/13/21, effective 5/14/21)

WAC 246-809-630 Continuing education requirements. (1) An associate must complete (~~eighteen~~) 18 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~~) 36 hours of continuing education (CE) every two years.

- (a) At least six of the (~~thirty-six~~) 36 hours must be in professional ethics and law, which may include topics under RCW 18.130.180.
- (b) All licensed counselors must complete a minimum of two hours in health equity continuing education training every four years. The training content must be consistent with requirements established in WAC 246-12-830.

(c) 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, 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)~~) 36 hours of CE.

(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.

AMENDATORY SECTION (Amending WSR 21-09-037, filed 4/13/21, effective 5/14/21)

WAC 246-809-632 Licensed associate continuing education. (1)

All licensed associates must complete a total of (~~(eighteen)~~) 18 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 maybe completed anytime within the two-year period before each of these renewals. The six hours may contribute to the total (~~(eighteen)~~) 18 hours of CE for the year in which the CE was completed.

(3) All licensed associates must complete a minimum of two hours in health equity continuing education training every four years. The training content must be consistent with requirements established in WAC 246-12-830.

(4) 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.

(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.

(c) The hours spent completing training in suicide assessment, treatment, and management count toward the total ((eighteen)) 18 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 <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))

AMENDATORY SECTION (Amending WSR 02-11-108, filed 5/20/02, effective 6/20/02)

WAC 246-809-650 ((How do I document my courses?)) Coursework documentation. Acceptable documentation for all licenses under this chapter shall include transcripts, letters from course instructors, certificate of completion, or other formal certification, as required in chapter 246-12 WAC((, Part 7)).

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

WAC 246-809-730 Retired active credential. (1) To obtain a retired active license a licensed counselor must comply with chapter 246-12 WAC(~~, Part 5~~).

(2) A licensed counselor with a retired active license may practice no more than (~~ninety~~) 90 days each year in Washington, or practice only in emergency circumstances such as earthquakes, floods, time of declared war or other states of emergency; and

(3) A licensed counselor with a retired active license must renew yearly on their birthday, and must report (~~eighteen~~) 18 hours of continuing education including six hours in professional ethics and law as required under WAC 246-809-630 every two years.