

WSR 22-17-097

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed August 18, 2022, 5:07 p.m., effective September 18, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-811-010, 246-811-030, 246-811-035, and 246-811-046; and new WAC 246-811-025 and 246-811-050. The department of health amended the rules for substance use disorder professionals and substance use disorder professional trainees in chapter 246-811 WAC to align with and implement EHB 1311 (chapter 165, Laws of 2021). The adopted rules expand the current regulatory framework to allow certification for substance use disorder professionals through an apprenticeship program.

These rule amendments align department certification requirements with statutory changes and implement EHB 1311 by: (1) Creating definitions specific to apprenticeships; (2) setting hour requirements for apprenticeship instruction and experience; (3) clarifying certification requirements for individuals completing apprenticeship programs; and (4) making other amendments as appropriate to align the chapter with the apprenticeship program requirements.

Citation of Rules Affected by this Order: New WAC 246-811-025 and 246-811-050; and amending WAC 246-811-010, 246-811-030, 246-811-035, and 246-811-046.

Statutory Authority for Adoption: RCW 18.205.060.

Other Authority: EHB 1311 (chapter 165, Laws of 2021).

Adopted under notice filed as WSR 22-12-085 on May 31, 2022.

A final cost-benefit analysis is available by contacting Ted Dale, Office of Health Professions, P.O. Box 47852, Olympia, WA 98504, phone 360-236-2991, TTY 711, email ted.dale@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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 4, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 4, Repealed 0.

Date Adopted: August 18, 2022.

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

OTS-3521.2

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

WAC 246-811-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly states otherwise.

(1) "Agency" means a community behavioral health agency or facility operated, licensed, or certified by the state of Washington, a federally recognized Indian tribe located with the state, a county, a federally qualified health center, or a hospital.

(2) "Apprentice" means an individual enrolled in an approved and registered apprenticeship program.

(3) "Approved and registered apprenticeship program" means a substance use disorder apprenticeship program approved by the secretary under chapter 18.205 RCW and registered by the department of labor and industries under chapter 49.04 RCW.

(4) "Approved school" means any college or university accredited by a national or regional accrediting body, at the time the applicant completed the required education or other educational programs approved by the secretary.

~~((3))~~ (5) "Competent instructor" has the same meaning as provided in WAC 296-05-003.

(6) "Counseling" means employing any therapeutic techniques including, but not limited to, social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee, that offer, assist, or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential.

~~((4))~~ (7) "Core competencies of substance use disorder counseling" means competencies oriented to assist individuals with substance use disorder in their recovery. Core competencies include the following nationally recognized areas:

(a) Knowledge;

(b) Skills;

(c) Attitudes of professional practice, including assessment and diagnosis of substance use disorder;

(d) Substance use disorder treatment planning and referral;

(e) Patient and family education in substance use disorder;

(f) Individual and group counseling;

(g) Relapse prevention counseling; and

(h) Case management.

~~((5))~~ (8) "Department" means the department of health.

(9) "Direct supervision" means the supervisor is on the premises and available for immediate consultation.

~~((6))~~ (10) "Enrolled" means participating in an approved school ((and progressing toward the completion of the course work, or completion of the course work to be certified as)) or approved and registered apprenticeship program, whether a substance use disorder professional trainee is engaged in or has completed course work as described in WAC 246-811-030 ((2)) (3)(a) through (w).

~~((7))~~ (11) "Individual formal meetings" means a meeting with an approved supervisor, involving one approved supervisor and no more than four supervisees.

~~((8))~~ (12) "Official transcript" means the transcript from an approved college or school, in an envelope readily identified as having been sealed by the school.

((9)) (13) "Out-of-state" means any state or territory of the United States.

((10)) (14) "Probationary license" means a temporary license issued to out-of-state applicants qualifying for licensure reciprocity in Washington state under the restrictions and conditions of RCW 18.205.140 and this chapter.

((11)) (15) "Reciprocity" means licensure of out-of-state licensed counselors based on substantial equivalence between Washington state scope of practice and the scope of practice of the other state or territory, subject to a probationary licensure period to complete outstanding Washington state licensure requirements as determined necessary by the secretary to gain full licensure.

((12)) (16) "Recovery" means a process of change through which individuals improve their health and wellness, live self-directed lives, and strive to reach their full potential. Recovery often involves achieving remission from active substance use disorder.

((13)) (17) "Related field" means health education, behavioral science, sociology, psychology, marriage and family therapy, mental health counseling, social work, psychiatry, nursing, divinity, criminal justice, and counseling education.

((14)) (18) "Related/supplemental instruction" or "RSI" has the same meaning as provided in WAC 296-05-003.

(19) "Substance use disorder counseling" means employing the core competencies of substance use disorder counseling to assist or attempt to assist individuals with substance use disorder in their recovery.

((15)) (20) "Substance use disorder professional" or "SUDP" means an individual certified in substance use disorder counseling under chapter 18.205 RCW and this chapter.

((16)) (21) "Substance use disorder professional trainee" or "SUDPT" means an individual (~~holding a credential~~) credentialed as an SUDPT and working toward the education and experience requirements for certification as a substance use disorder professional under chapter 18.205 RCW and this chapter.

[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, § 246-811-010, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.205.100 and 18.205.060. WSR 16-14-052, § 246-811-010, filed 6/29/16, effective 7/30/16. Statutory Authority: Chapter 18.205 RCW. WSR 09-14-111, § 246-811-010, filed 6/30/09, effective 7/1/09. Statutory Authority: RCW 18.205.060(1). WSR 99-13-084, § 246-811-010, filed 6/14/99, effective 7/15/99.]

NEW SECTION

WAC 246-811-025 Certification of a substance use disorder professional. (1) An applicant for a substance use disorder professional certificate shall submit to the department:

- (a) An application on forms provided by the department;
- (b) Official transcripts or apprenticeship certificate of completion to verify meeting educational requirements under WAC 246-811-030;
- (c) Verification of meeting supervised experience hour requirements under WAC 246-811-046 or 246-811-050 on forms provided by the department;

(d) Official verification of meeting examination requirements under WAC 246-811-060; and

(e) The fee required under WAC 246-811-990.

(2) An applicant for a substance use disorder professional certificate under the alternative training path shall submit to the department:

(a) An application on forms provided by the department;

(b) Verification of meeting eligibility requirements for the alternative training path under WAC 246-811-076;

(c) Official verification of meeting educational requirements under WAC 246-811-077;

(d) Verification of obtaining the 1,000 supervised experience hours required under WAC 246-811-046 on forms provided by the department;

(e) Official verification of meeting examination requirements under WAC 246-811-060; and

(f) The fee required under WAC 246-811-990.

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

WAC 246-811-030 Educational requirements. ~~((+1))~~ Except as provided for in WAC 246-811-077 and 246-811-078, to be eligible for certification as a substance use disorder professional an applicant shall meet the education requirements in this section.

(1) The minimum education requirements for a substance use disorder professional credential are:

(a) An associate's degree in human services or related field from an approved school; ~~((+))~~

(b) Successful completion of ~~((ninety))~~ 90 quarter or ~~((sixty))~~ 60 semester college credits in courses from an approved school; or

(c) Successful completion of an approved and registered apprenticeship program.

(2) The minimum amount of instruction required in topics related to the substance use disorder profession is at least:

(a) Forty-five quarter ~~((+))~~ college credits;

(b) Thirty semester college credits ~~((must be in courses relating to the substance use disorder profession and shall)); or~~

(c) Four hundred fifty hours of related/supplemental instruction provided by a competent instructor in an approved and registered apprenticeship program.

(3) Education and apprenticeship program course work must include the following topics specific to individuals with substance use disorder in their recovery:

(a) Understanding addiction;

(b) Pharmacological actions of alcohol and other drugs;

(c) Substance abuse and addiction treatment methods;

(d) Understanding addiction placement, continuing care, and discharge criteria, including American Society of Addiction Medicine (ASAM) criteria;

(e) Cultural diversity including people with disabilities and its implication for treatment;

- (f) Substance use disorder clinical evaluation (screening and referral to include comorbidity);
- (g) HIV/AIDS brief risk intervention for ~~((the chemically dependent))~~ individuals with a substance use disorder;
- (h) Substance use disorder treatment planning;
- (i) Referral and use of community resources;
- (j) Service coordination (implementing the treatment plan, consulting, continuing assessment and treatment planning);
- (k) Individual counseling;
- (l) Group counseling;
- (m) Substance use disorder counseling for families, couples and significant others;
- (n) Client, family and community education;
- (o) Developmental psychology;
- (p) Psychopathology/abnormal psychology;
- (q) Documentation, to include, screening, intake, assessment, treatment plan, clinical reports, clinical progress notes, discharge summaries, and other client related data;
- (r) Substance use disorder confidentiality;
- (s) Professional and ethical responsibilities;
- (t) Relapse prevention;
- (u) Adolescent substance use disorder assessment and treatment;
- (v) Substance use disorder case management; and
- (w) Substance use disorder rules and regulations.

[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, § 246-811-030, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.205.100 and 18.205.060. WSR 16-14-052, § 246-811-030, filed 6/29/16, effective 7/30/16. Statutory Authority: Chapter 18.205 RCW. WSR 09-14-111, § 246-811-030, filed 6/30/09, effective 7/1/09. Statutory Authority: RCW 18.205.060(1). WSR 99-13-084, § 246-811-030, filed 6/14/99, effective 7/15/99.]

AMENDATORY SECTION (Amending WSR 21-20-030, filed 9/24/21, effective 10/25/21)

- WAC 246-811-035 Certification of a substance use disorder professional trainee.** (1) ~~((The department of health will issue))~~ To apply for a substance use disorder professional trainee certificate ~~((to))~~ an ((individual who)) applicant shall:
- (a) Submit((s)) an application on forms provided by the department ((provides)), including any written documentation needed to provide proof of meeting the eligibility requirements as indicated on the application;
 - ~~(b) ((Includes written documentation to meet the eligibility criteria;~~
 - ~~(c))~~ Declare((s)) that ((he or she is)) they are enrolled in an approved school or approved and registered apprenticeship program and gaining the experience required to receive a substance use disorder professional credential; and
 - (c) Pay applicable fees in WAC 246-811-990.
- (2) To apply for annual renewal, a substance use disorder professional trainee must submit to the department applicable fees in WAC

246-811-990 and a signed declaration with their annual renewal that states they:

(a) Are enrolled in an approved ((education)) educational program or approved and registered apprenticeship program((τ)); or

(b) Have completed the educational requirements((τ)) in WAC 246-811-030 and are obtaining the experience requirements for a substance use disorder professional credential in WAC 246-811-046 or 246-811-050.

(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 18.225.040, 18.205.060, and 2021 c 57; RCW 18.225.145, 18.205.095. WSR 21-20-030, § 246-811-035, filed 9/24/21, effective 10/25/21. 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.]

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

WAC 246-811-046 Number of experience hours required for certification as a substance use disorder professional. Except as provided in WAC 246-811-050 and 246-811-070(1), an applicant ((~~must~~)) for substance use disorder professional certification shall complete the following experience requirements based on their level of formal education((τ)):

(1) Two thousand five hundred hours of substance use disorder counseling, for individuals who have an associate degree; ((~~or~~))

(2) Two thousand hours of substance use disorder counseling for individuals who have a baccalaureate degree in human services or a related field from an approved school; ((~~or~~))

(3) One thousand five hundred hours of substance use disorder counseling for individuals who possess a master or doctoral degree in human services or a related field from an approved school; or

(4) One thousand hours of substance use disorder counseling for individuals who are credentialed according to WAC 246-811-076. The experience must be supervised by an approved supervisor meeting the requirements under WAC 246-811-049(8).

[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, § 246-811-046, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.205.100 and 18.205.060. WSR 16-14-052, § 246-811-046, filed 6/29/16, effective 7/30/16. Statutory Authority: Chapter 18.205 RCW. WSR 09-14-111, § 246-811-046, filed 6/30/09, effective 7/1/09. Statutory Authority: RCW 18.205.060(1). WSR 99-13-084, § 246-811-046, filed 6/14/99, effective 7/15/99.]

NEW SECTION

WAC 246-811-050 Certification of a substance use disorder professional or trainee through an apprenticeship program. (1) An apprentice accepted into an approved and registered apprenticeship program:

(a) May begin completing related/supplemental instruction at any time after becoming an apprentice; and

(b) Must be credentialed as a substance use disorder professional trainee under WAC 246-811-035 to obtain hours of supervised experience in substance use disorder counseling under subsection (2)(b) of this section.

(2) To be eligible for certification as a substance use disorder professional under WAC 246-811-025, an apprentice shall:

(a) Complete education requirements under WAC 246-811-030;

(b) Complete 2,500 hours of supervised experience in substance use disorder counseling;

(c) Meet supervision requirements under WAC 246-811-048; and

(d) Meet examination requirements under WAC 246-811-060.

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