

WSR 24-22-101

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed November 2, 2024, 2:25 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-16-044.

Title of Rule and Other Identifying Information: Creating new agency affiliated counselor credentials and making other updates to chapter 246-810 WAC, Counselors.

The department of health (department) is proposing amendments to chapter 246-810 WAC to implement E2SHB 1504 (chapter 170, Laws of 2021), 2SHB 1724 (chapter 425, Laws of 2023), and E2SHB 2247 (chapter 371, Laws of 2024).

The proposed amendments: (1) Establish requirements for new agency affiliated counselor (AAC) credentials, including supervised experience, education, and coursework requirements; (2) establish that student interns are eligible for the registered AAC credential; (3) add federally qualified health centers as an approved practice setting for AACs after January 1, 2028; and (4) clarify credential requirements for the certified counselor, certified adviser, and hypnotherapist professions, consistent with recommendations made by the certified counselors and hypnotherapists advisory committee; and make other updates to the chapter.

Hearing Location(s): On January 7, 2025, at 3:00 p.m., virtual. Register in advance for this webinar https://us02web.zoom.us/join/register/WN_AfWSgv5AQ0e8uOavlS_H6Q.

After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: January 14, 2025.

Submit Written Comments to: Carmen Leso, P.O. Box 47850, Olympia, WA 98504-7850, email <https://fortress.wa.gov/doh/policyreview/>, carmen.leso@doh.wa.gov, beginning the date and time of this filing, by January 7, 2025, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Carmen Leso, phone 360-742-1463, TTY 711, email carmen.leso@doh.wa.gov, by December 17, 2025 [2024].

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules are necessary to implement legislation and resolve conflicts between statutory authority and chapter 246-810 WAC. The department is required to implement the following bills:

- 2SHB 1724, which created two new credentials, the AAC certification and AAC license, and requires the department to create coursework standards and adopt other rules necessary to administer the professions;
- E2SHB 1504, which added that student interns, "as defined by the department," are eligible to become registered AACs; and
- E2SHB 2247, which added a new practice setting to the AAC professions.

The main purpose of the proposed rules is to implement the legislation listed above. This includes the following amendments to chapter 246-810 WAC:

- Establishing coursework requirements for the new AAC credentials;
- Establishing supervised experience requirements for the new AAC credentials;

- Updating the AAC fee schedule to include the new AAC credentials;
- Updating rules to allow student interns to be credentialed as registered AACs; and
- Adding federally qualified health centers to the list of practice settings for AACs.

Additionally, the proposed rules make additional changes to the chapter, including:

- Clarifying and updating language throughout the whole chapter;
- Removing unnecessary barriers to certified counselor and certified adviser applicants by updating coursework requirements;
- Requiring applicants to have their foreign transcripts translated and evaluated by a credential evaluation service;
- Rearranging the chapter so that rules applicable to all professions in this chapter appear near the beginning of the chapter;
- Adding rule sections that clarify the application process;
- Amending document retention requirements;
- Updating and clarifying continuing education standards; and
- Making other amendments as appropriate.

Reasons Supporting Proposal: In addition to fulfilling the intent of 2SHB 1724, E2SHB 1504, and E2SHB 2247, the proposed rules for these professions will allow the department to consistently uphold professional standards that protect patient safety.

Statutory Authority for Adoption: RCW 18.19.050 and 18.19.090.

Statute Being Implemented: E2SHB 1504 (chapter 170, Laws of 2021), 2SHB 1724 (chapter 425, Laws of 2023), E2SHB 2247 (chapter 371, Laws of 2024), and RCW 18.19.020.

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: Carmen Leso, 111 Israel Road S.E., Tumwater, WA 98501, 360-742-1463.

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

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Carmen Leso, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-742-1463, TTY 711, email carmen.leso@doh.wa.gov, www.doh.wa.gov.

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(4).

Explanation of exemptions: The proposed rules impact only individual behavioral health providers or applicants, not businesses.

Scope of exemption for rule proposal:

Is fully exempt.

November 1, 2024
 Todd Mountin, PMP
 Deputy Chief of Policy
 for Umair A. Shah, MD, MPH
 Secretary of Health

OTS-5814.6

AMENDATORY SECTION (Amending WSR 11-22-087, filed 11/1/11, effective 12/2/11)

WAC 246-810-010 Definitions. The definitions in RCW 18.19.020 and this section apply throughout this chapter unless the ~~((content))~~ context clearly requires otherwise.

(1) "Agency" means:

(a) An agency or facility operated, licensed, or certified by the state of Washington to provide a specific counseling service or services;

(b) A federally recognized Indian tribe located within the state;

(c) A county as listed in chapter 36.04 RCW; or

(d) After January 1, 2028, a federally qualified health center as defined in WAC 182-548-1100 that is located in Washington state.

(2) "Agency affiliated counselor" means a person registered, certified, or licensed under chapter 18.19 RCW, and this chapter, who is engaged in counseling and employed by, or a student intern working in, an agency listed in WAC 246-810-016 or an agency recognized under WAC 246-810-017 to provide a specific counseling service or services.

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

(4) "Certified adviser" means a person certified under chapter 18.19 RCW, and this chapter, who is engaged in private practice counseling to the extent authorized in WAC 246-810-021.

~~((4))~~ (5) "Certified agency affiliated counselor" means an individual certified under chapter 18.19 RCW, and this chapter, who is practicing counseling with a recognized agency.

(6) "Certified counselor" means a person certified under chapter 18.19 RCW, and this chapter, who is engaged in private practice counseling to the extent authorized in WAC 246-810-0201.

~~((5))~~ (7) "Client" means an individual who receives or participates in counseling or group counseling.

~~((6))~~ (8) "Consultation" means the professional assistance and practice guidance that a certified counselor receives from a counseling-related professional credentialed under chapter 18.130 RCW and listed in WAC 246-810-026(2). ~~((This may include:~~

~~(a) Helping the certified counselor focus on counseling practice objectives;~~

~~(b) Refining counseling modalities;~~

~~(c) Providing support to progress in difficult or sensitive cases;~~

~~(d) Expanding the available decision-making resources; and~~

~~(e) Assisting in discovering alternative approaches.~~

~~((7))~~ (9) "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. For the purpose of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

~~((8))~~ (10) "Counselor" means an individual who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, agency affiliated counselors, certified counselors, certified advisers, and hypnotherapists ~~(, and until July 1, 2010, registered counselors)~~.

~~((9))~~ (11) "Department" means the Washington state department of health.

~~((10))~~ "Fee" as referred to in RCW 18.19.030 means compensation received by the counselor for counseling services provided, regardless of the source.

~~((11))~~ (12) "Hypnotherapist" means a person registered under chapter 18.19 RCW, and this chapter, who is practicing hypnosis as a modality.

~~((12))~~ (13) "Licensed agency affiliated counselor" means an individual licensed under chapter 18.19 RCW, and this chapter, who is practicing counseling with a recognized agency.

(14) "Licensed health care practitioner" means a licensed practitioner under the following chapters:

(a) Physician licensed under chapter 18.71 RCW ~~((-))~~;

(b) Osteopathic physician licensed under chapter 18.57 RCW ~~((-))~~;

(c) Psychiatric advanced practice registered nurse ~~((practitioner-er))~~ licensed under chapter 18.79 RCW ~~((-))~~;

(d) Naturopathic physician licensed under chapter 18.36A RCW ~~((-))~~;

(e) Psychologist licensed under chapter 18.83 RCW ~~((-))~~; or

(f) Independent clinical social worker, marriage and family therapist, mental health counselor, or advanced social worker licensed under chapter 18.225 RCW.

~~((13))~~ "Private practice counseling" means the practice of counseling by a certified counselor or certified adviser as specified in WAC 246-810-0201 or 246-810-021.

~~((14))~~ (15) "Mental health professional" has the same meaning as defined in RCW 71.05.020.

(16) "Psychotherapy" means the practice of counseling using diagnosis of mental disorders according to the fourth edition of the *Diagnostic and Statistical Manual of Mental Disorders*, and the development of treatment plans for counseling based on diagnosis of mental disorders in accordance with established practice standards.

~~((15))~~ "Recognized" means acknowledged or formally accepted by the secretary.

~~((16))~~ (17) "Recognized agency or facility" means an agency or facility that has requested and been ~~((recognized))~~ authorized under WAC 246-810-017 to employ agency affiliated counselors to perform a specific counseling service, or services for those purposes only.

~~((17))~~ (18) "Registered agency affiliated counselor" means any individual registered under chapter 18.19 RCW, and this chapter, who is practicing counseling with a recognized agency. This includes student interns and juvenile probation counselors who are employees of the juvenile court under RCW 13.04.035 and 13.04.040 and juvenile court employees, providing functional family therapy, aggression replacement training, or other evidence-based programs approved by the department of children, youth, and families.

(19) "Secretary" means the secretary of the department of health or the secretary's designee.

~~((18))~~ (20) "Student intern" means a person currently completing an internship or practicum as a component of their educational de-

gree program. A student intern may be a registered agency affiliated counselor.

(21) "Supervised experience" means any counseling experience that was attained with an active credential, during or after completion of a qualifying educational program, under the supervision of a credentialed mental health professional who can independently assess and diagnose as part of their scope of practice.

(22) "Supervision" means the oversight that a counseling-related professional credentialed under chapter 18.130 RCW provides.

~~((19))~~ (23) "Unprofessional conduct" means the conduct described in RCW 18.130.180.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-011 Exempt activities and individuals. ~~((This chapter does not prevent or restrict:~~

~~(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;~~

~~(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;~~

~~(3) The practice of counseling by a person for no compensation;~~

~~(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;~~

~~(5) Evaluation, consultation, planning, policymaking, research, or related services conducted by social scientists for private corporations or public agencies;~~

~~(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;~~

~~(7) The practice of counseling by peer counselors who use their own experience to encourage and support people with similar conditions or activities related to the training of peer counselors; and~~

~~(8) Counselors who reside outside Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they do not hold themselves out to be registered or certified in Washington state.)~~ Nothing in this chapter may be construed to prohibit or restrict the activities and individuals outlined in RCW 18.19.040.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-012 Application process. (1) ~~((Applicants))~~ An applicant for an agency affiliated counselor, certified counselor, or certified adviser ~~((, or hypnotherapist must apply))~~ credential shall submit to the department:

(a) An application on forms ((established)) provided by the ((secretary)) department under RCW 18.19.090;

(b) Official transcripts to verify completion of any coursework and degrees necessary for the credential;

(c) Documentation to verify completion of any supervised experience necessary for the credential;

(d) Employment verification if necessary for the credential;

(e) Applicable fee(s) required under WAC 246-810-990; and

(f) Any additional supporting documentation requested by the department.

~~(2) ((The application for agency affiliated counselor, certified counselor, or certified adviser, must include a description of the applicant's orientation, discipline, theory, or technique.~~

~~(3) The secretary may require additional documentation to determine whether an applicant meets the qualifications for the credential and if there are any grounds for denial of the credential.~~

~~(4) Each applicant must pay the applicable fee as identified in WAC 246-810-990.)~~ A student intern may choose to practice:

(a) With a credential as a registered agency affiliated counselor, after applying under subsection (1) of this section; or

(b) Without a credential, under the student exemption in RCW 18.19.040.

NEW SECTION

WAC 246-810-0121 Foreign transcript evaluation requirements.

(1) For degree(s) obtained outside the United States and its territories, the applicant must have the transcript translated and evaluated by:

(a) An organization that is a current member of the National Association of Credential Evaluation Services (NACES); or

(b) An organization that is a current member of the Association of International Credential Evaluators, Inc. (AICE).

(2) The evaluating organization must validate the degree to determine its equivalence to an academic program approved by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education (USDOE). The department shall determine if the degree satisfies the educational requirements of this chapter, depending on the degree's United States equivalent.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-013 State agency employee credentialing requirements. (1) ~~((Until July 1, 2010, an employee of a state agency who is practicing counseling, as part of his or her position, must be creden-~~

~~tialed as a registered counselor or an agency affiliated counselor unless they are exempt under WAC 246-810-011.~~

~~(2) On and after July 1, 2010,)) An employee of a state agency ((practice)) who is practicing counseling((~~r~~)) as part of ((~~his or her position,~~)) their employment must be credentialed as an agency affiliated counselor unless they are exempt under WAC 246-810-011.~~

~~((3)) (2) A person may not, for a fee or as a part of ((his or her position as an employee of)) their employment with a state agency, practice hypnotherapy without being registered to practice as a hypnotherapist unless they are exempt under WAC 246-810-011.~~

NEW SECTION

WAC 246-810-0131 Requirements to report suspected abuse or neglect of a child or vulnerable adult. (1) As required by chapter 26.44 RCW, all counselors shall immediately report abuse or neglect of a child if the counselor has reasonable cause to believe that an incident has occurred.

(2) As required by chapter 74.34 RCW, all counselors must report suspected abandonment, abuse, neglect, or financial exploitation of a vulnerable adult when there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect has occurred.

NEW SECTION

WAC 246-810-0132 Sexual misconduct regulations. A counselor shall not engage, or attempt to engage, in sexual misconduct with a current or former patient, client, or key party, inside or outside the practice setting. The definitions and prohibitions on sexual misconduct described in WAC 246-16-100 apply to counselors, with the exception of (4) and (5) in WAC 246-16-100. A counselor shall never engage, or attempt to engage, in the activities listed in WAC 246-16-100(1).

NEW SECTION

WAC 246-810-0133 Mandatory reporting. An individual credentialed under this chapter and other mandatory reporters under chapter 246-16 WAC must report unprofessional conduct in compliance with the Uniform Disciplinary Act in chapter 18.130 RCW and the standards of professional conduct in chapter 246-16 WAC.

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

WAC 246-810-015 Agency affiliated counselor: Scope of practice and ((credentialing)) application requirements. (1) An agency affiliated counselor may only provide counseling services ((as part of his or her employment as an agency affiliated counselor for a recognized agency)) within an agency and as defined in RCW 18.19.215.

~~(2) An applicant ((for an agency affiliated counselor must be employed by, or have an offer of employment from, an agency or facility identified in WAC 246-810-016.~~

~~(3)(a) Applicants must)) shall submit an application to the department within the first ((thirty)) 30 days of employment, or student internship placement, at an agency in order to continue working while the application is processed.~~

~~((b) Applicants must complete any outstanding deficiencies within ninety days of the date the department issues a deficiency letter. If the applicant does not satisfy the outstanding licensure requirements within ninety days, the applicant must stop working.)) (3) If the department requests additional information or documentation, the applicant shall resolve the request to continue working. If the credential is not issued within 90 days of the department's request, the applicant shall stop working.~~

NEW SECTION

WAC 246-810-0151 Registered agency affiliated counselor credentialing requirements. An applicant for a registered agency affiliated counselor credential must:

- (1) Be employed by, or have a current offer of employment from, an agency or facility identified in WAC 246-810-016; or
- (2) Be a student intern working in an agency for the duration of their student internship or practicum under RCW 18.19.090.

NEW SECTION

WAC 246-810-0152 Certified agency affiliated counselor credentialing requirements. (1) An applicant for a certified agency affiliated counselor credential must:

- (a) Be employed by, or have a current offer of employment from, an agency or facility identified in WAC 246-810-016;
 - (b) Have a bachelor's degree in counseling or one of the social sciences from an accredited college or university as specified in RCW 18.19.090;
 - (c) Meet the minimum coursework requirements in WAC 246-810-0153; and
 - (d) Have a minimum of five years' supervised experience gained in accordance with subsection (2) of this section.
- (2) Supervised experience must be:
- (a) In direct treatment of persons with a mental disorder;
 - (b) Gained under the supervision of a mental health professional who can independently assess and diagnose within the scope of practice of their credential;
 - (c) Obtained after the completion of their degree or through an internship or practicum that is part of their degree program requirements; and
 - (d) Obtained under a credential to practice counseling or through a supervised internship or practicum.
- (3) For an applicant whose experience was obtained prior to January 1, 2025, the department accepts supervised experience provided by

a registered agency affiliated counselor who was designated as a mental health professional.

(4) For an applicant who obtains supervised experience in private practice, supervision must be provided by a mental health professional as defined in RCW 71.05.020.

(5) Experience earned out-of-state may be considered if:

(a) The applicant held a credential in that state that was substantially equivalent to a counselor as defined in this chapter or a mental health professional as defined in RCW 71.05.020; and

(b) Supervised experience met the requirements described in subsection (2) of this section.

NEW SECTION

WAC 246-810-0153 Coursework requirements for certified agency affiliated counselors. (1) An applicant for agency affiliated counselor certification shall complete a counseling or social science degree from an approved educational program. The degree must have included four courses from at least two knowledge areas listed in this subsection and shown in Table 1. The knowledge areas include:

(a) Human behavior and counseling, which includes, but is not limited to:

- (i) Counseling;
- (ii) Psychology;
- (iii) Applied behavior science;
- (iv) Social work;
- (v) Social welfare;
- (vi) Behavioral health care; and
- (vii) Human development;

(b) Justice in society, which includes, but is not limited to:

- (i) Ethics;
- (ii) Political science;
- (iii) Philosophy;
- (iv) Criminal justice; and
- (v) Social justice;

(c) Cultural competence, which includes, but is not limited to:

- (i) Communications;
- (ii) Gender studies;
- (iii) Human services;
- (iv) Ethnic studies;
- (v) History of culture(s); and
- (vi) Sociology.

Table 1

Knowledge Areas	Examples of Course Topics. Requirements may be met by courses in topic areas including, but not limited to, those listed below.
Human Behavior and Counseling	Counseling, psychology, applied behavior science, social work, social welfare, behavioral health care, human development
Justice in Society	Ethics, political science, philosophy, criminal justice, social justice
Cultural Competence	Communications, gender studies, human services, ethnic studies, history of culture(s), sociology

(2) An applicant who has a bachelor's degree in psychology, social work, or behavioral health care is considered to have met the coursework requirements outlined in this section.

- (3) An applicant is deemed to have met coursework requirements under RCW 18.19.090(6) if they:
- (a) Satisfy the requirements of RCW 18.19.090(3) by the effective date of this rule; and
 - (b) Apply for certification by July 1, 2027.

NEW SECTION

- WAC 246-810-0154 Licensed agency affiliated counselor credentialing requirements.** (1) An applicant for a licensed agency affiliated counselor credential must:
- (a) Be employed by, or have a current offer of employment from, an agency or facility identified in WAC 246-810-016;
 - (b) Have an advanced degree in counseling or one of the social sciences from an accredited college or university as specified in RCW 18.19.090;
 - (c) Meet the minimum coursework requirements in WAC 246-810-0155; and
 - (d) Have a minimum of two years of supervised experience gained under subsection (2) of this section.
- (2) Supervised experience must be:
- (a) In direct treatment of persons with a mental disorder;
 - (b) Gained under the supervision of a mental health professional who can independently assess and diagnose within the scope of practice of their credential;
 - (c) Obtained after the completion of their degree or through an internship or practicum that is part of their degree program requirements; and
 - (d) Obtained under a credential to practice counseling or through a supervised internship or practicum.
- (3) For an applicant whose supervised experience was obtained prior to January 1, 2025, the department accepts supervised experience provided by a registered agency affiliated counselor who was designated as a mental health professional.
- (4) For an applicant who obtains supervised experience in private practice, the supervision must be provided by a mental health professional as defined in RCW 71.05.020.
- (5) Supervised experience earned out-of-state may be considered if:
- (a) The applicant held a credential in that state that was substantially equivalent to a counselor or a mental health professional as defined in RCW 71.05.020; and
 - (b) Supervised experience met the requirements described in subsection (2) of this section.

NEW SECTION

- WAC 246-810-0155 Coursework requirements for licensed agency affiliated counselors.** An applicant for the agency affiliated counselor license shall meet one of the following coursework pathways by completing graduate-level classes, for credit, from an approved educational program:

- (1) Completion of a course(s) that includes assessment and diagnosis in addition to one of the following courses:
- (a) Counseling couples and families;
 - (b) Counseling groups; or
 - (c) Counseling individuals; or
- (2) Completion of at least five of the following courses:
- (a) Assessment and diagnosis;
 - (b) Career development counseling;
 - (c) Chronic mental illness;
 - (d) Counseling couples and families;
 - (e) Counseling groups;
 - (f) Counseling individuals;
 - (g) Developmental disabilities;
 - (h) Developmental psychology (including child, adolescent, adult, or life span);
 - (i) Domestic violence;
 - (j) Ethics and law;
 - (k) Group dynamics;
 - (l) Learning disabilities;
 - (m) Mental health consultation;
 - (n) Multicultural considerations in counseling;
 - (o) Organizational psychology;
 - (p) Physiological psychology;
 - (q) Psychopathology or abnormal psychology;
 - (r) Research and evaluation;
 - (s) Sexuality and lifestyle choices;
 - (t) Social and cultural foundations;
 - (u) Substance use disorders; or
 - (v) Treating special populations.
- (3) An applicant is deemed to have met coursework requirements under RCW 18.19.090(4) if they:
- (a) Qualified as a mental health professional under RCW 18.19.090(6) by the effective date of this rule; and
 - (b) Apply for licensure by July 1, 2027.

AMENDATORY SECTION (Amending WSR 11-22-087, filed 11/1/11, effective 12/2/11)

WAC 246-810-016 Agencies, facilities, federally recognized Indian tribes located within the state, or counties that can employ agency affiliated counselors. Agencies or facilities that may employ an agency affiliated counselor are:

- (1) Washington state departments and agencies (~~(listed in the Agency, Commission & Organization Directory available on the state of Washington website.)~~);
- (2) Federally recognized Indian tribes located within the state(~~(-)~~);
- (3) Counties as listed in chapter 36.04 RCW(~~(-)~~);
- (4) Community and technical colleges governed by the Washington state board for community and technical colleges(~~(-)~~);
- (5) Colleges and universities governed by the Washington state (~~(higher education coordinating board.)~~) student achievement council;
- (6) Hospitals licensed under chapter 70.41 RCW(~~(-)~~);
- (7) Home health care agencies, home care agencies, and hospice care agencies licensed under chapter 70.127 RCW(~~(-)~~);

(8) Agencies and facilities licensed or certified under chapters 71.05 or 71.24 RCW(~~(-)~~);

(9) Psychiatric hospitals, residential treatment facilities, hospitals, and alcohol and (~~chemical dependency~~) substance use disorder treatment entities licensed under chapter 71.12 RCW(~~(-)~~);

(10) After January 1, 2028, federally qualified health centers located in Washington state; and

(11) Other agencies or facilities recognized by the secretary as provided in WAC 246-810-017.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-017 Process to become a recognized agency or facility. (1) To become a recognized agency or facility, an agency or facility must demonstrate to the satisfaction of the secretary that it is operated, licensed, or certified by the state of Washington to provide specific counseling services.

(2) When reviewing requests for recognition, the secretary may:

(a) Require an agency or facility to complete forms and documentation as provided by the secretary; and

(b) Consult with other state agencies and entities.

(3) In determining whether or not to recognize the agency or facility, the secretary may consider multiple criteria, including, but not limited to:

(a) Counseling quality assurance standards and requirements that are applicable to the agency or facility;

(b) Protections for ensuring patient safety in the delivery of supervised counseling services by counselors employed by the agency or facility; and

(c) Mechanisms for receiving and reporting complaints regarding counselors, investigating counselor conduct and practices, and taking corrective and disciplinary actions against counselors.

(4) The department will maintain a list of recognized agencies and facilities that may employ agency affiliated counselors to perform a specific counseling service or services under this section.

(5) Recognized agencies or facilities that cease to be operated, licensed, or certified by the state of Washington will no longer be recognized (~~(and will be removed from the list of recognized agencies)~~).

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-018 (~~(An agency affiliated counselor must report an employment change.)~~) Reporting changes in employment or internship.

(1) An agency affiliated counselor(~~(s must)~~) shall notify the department within (~~(thirty)~~) 30 calendar days if they are no longer employed by the agency identified on their application, are now employed with another agency, or both. An agency affiliated counselor(~~(s)~~) may not practice counseling unless they are employed by, or a student intern working in, an agency.

(2) A student intern practicing as a registered agency affiliated counselor shall notify the department within 30 days of the completion of their internship or practicum.

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

WAC 246-810-019 Co-occurring disorder enhancement specialist eligibility. An agency affiliated counselor (~~(s licensed under chapter 18.19 RCW and this chapter)~~) who meets the conditions of RCW 18.205.105 (1)(e) (~~((are))~~) is eligible to apply for a co-occurring disorder specialist enhancement to their existing credential according to the conditions of RCW 18.205.160 and chapter 246-804 WAC.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-0201 Practice scope and limits for certified counselors. The scope of practice (~~((of))~~) for a certified counselor (~~((s))~~) is found in RCW 18.19.200 and consists exclusively of the following:

(1) Appropriate screening of the client's level of functional impairment using the global assessment of functioning as described in the fourth edition of the *Diagnostic and Statistical Manual of Mental Disorders*. Recognition of a mental or physical disorder or a global assessment of functioning score of (~~((sixty))~~) 60 or less requires that the certified counselor refer the client for diagnosis and treatment to a licensed health care practitioner unless otherwise permitted in this section.

(2) If the client has a global assessment of functioning score greater than (~~((sixty))~~) 60, a certified counselor may counsel and guide the client in adjusting to life situations, developing new skills, and making desired changes, in accordance with the theories and techniques of a specific counseling method and established practice standards.

(3) If the client has a global assessment of functioning score of (~~((sixty))~~) 60 or less, a certified counselor may counsel and guide the client in adjusting to life situations, developing new skills, and making desired changes, in accordance with the theories and techniques of a specific counseling method and established practice standards if:

(a) The client has been referred to the certified counselor by a licensed health care practitioner and care is provided as part of a plan of treatment developed by the referring practitioner who is actively treating the client. The certified counselor must adhere to any conditions related to the certified counselor's role as specified in the plan of care; or

(b) The certified counselor referred the client to a licensed health care practitioner for diagnosis and treatment (~~((from a licensed health care practitioner))~~) and the client refused, in writing, to seek diagnosis and treatment from the other provider. The certified counselor may provide services to the client consistent with a treatment plan developed by the certified counselor and (~~((the))~~) their consultant or supervisor (~~((with whom the certified counselor has a written consultation or supervisory agreement))~~).

(4) A certified counselor must not be the sole treatment provider for a client with a global assessment of functioning score of less than ~~((fifty))~~ 50.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-021 Practice scope and limits for certified advisers. The scope of practice ~~((of))~~ for a certified adviser~~((s))~~ is outlined in RCW 18.19.200 and consists exclusively of the following:

(1) Appropriate screening of the client's level of functional impairment using the global assessment of functioning as described in the fourth edition of the *Diagnostic and Statistical Manual of Mental Disorders*. Recognition of a mental or physical disorder or a global assessment of functioning score of ~~((sixty))~~ 60 or less requires that the certified adviser refer the client to a licensed health care practitioner.

(2) If the client has a global assessment of functioning score greater than ~~((sixty))~~ 60, a certified adviser may counsel and guide the client in adjusting to life situations, developing new skills, and making desired changes, in accordance with the theories and techniques of a specific counseling method and established practice standards.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-0221 Qualifications to become a certified counselor.

~~(1) ((Until July 1, 2010, an applicant for certified counselor who has been a registered counselor for a minimum of five years must:~~

~~(a) Hold a valid, active registration that is in good standing or be in compliance with any disciplinary process and orders;~~

~~(b) Show evidence of having completed at least six clock hours of course work that included risk assessment, ethics, appropriate screening using the global assessment of functioning scale, client referral, and Washington state law;~~

~~(c) Pass an examination in risk assessment, ethics, appropriate screening using the global assessment of functioning scale, client referral, and Washington state law; and~~

~~(d) Have a written consultation agreement which meets the requirements in WAC 246-810-025 with a credential holder who meets the qualifications to be a consultant in WAC 246-810-026.~~

~~(2) Unless eligible for certification under subsection (1)(a) of this section, applicants) An applicant for a certified counselor ~~((must))~~ credential shall:~~

(a) Have a bachelor's degree in a counseling-related field, as defined in WAC 246-810-024;

(b) Pass an examination in risk assessment, ethics, and appropriate screening using the global assessment of functioning scale, client referral, and Washington state law; and

(c) Have a written supervisory agreement which meets the requirements in WAC 246-810-025 with a credential holder who meets the qualifications to be a supervisor in WAC 246-810-026.

(2) An individual who obtained a certified counselor credential prior to July 1, 2010, may practice under a consultation agreement as described in WAC 246-810-025.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-023 Qualifications to become a certified adviser.

~~((Applicants))~~ An applicant for a certified adviser ~~((must))~~ credential shall:

- (1) Have an associate degree which included a supervised internship in a counseling-related field as defined in WAC 246-810-024;
- (2) Pass an examination in risk assessment, ethics, and appropriate screening using the global assessment of functioning scale, client referral, and Washington state law; and
- (3) Have a written supervisory agreement which meets the requirements in WAC 246-810-025 with a credential holder who meets the qualifications to be a supervisor in WAC 246-810-026.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-024 Counseling-related degrees that meet the requirements for certified counselor and certified adviser. (1) An applicant for a certified counseling credential shall have a counseling-related bachelor's degree ~~((must be from a recognized))~~ in a field specified in subsection (3) of this section from an approved educational program or institution. The degree must have required the equivalent of at least four years of full-time study ~~((and at least one third of the courses must have included one or more of subjects listed in subsection (4) of this section)).~~

(2) An applicant for a certified adviser credential shall have a counseling-related associate degree ~~((must be from a recognized))~~ in a field specified in subsection (3) of this section from an approved educational program or institution. The degree must have the equivalent of at least two years of full-time study and include a supervised internship. ~~((At least one fourth of the required courses must have included one or more of the subjects listed in subsection (4) of this section.))~~

(3) ~~((An advanced or graduate degree from a recognized educational program or institution in any of the subject areas listed in subsection (4) of this section will meet the education requirements for certified counselor or certified adviser.~~

~~(4) Counseling-related subjects:~~

- ~~(a) Addiction counseling;~~
- ~~(b) Adolescent and child counseling;~~
- ~~(c) Anger management counseling;~~
- ~~(d) Applied behavioral science;~~
- ~~(e) Behavior management or behavior modification;~~
- ~~(f) Biofeedback;~~
- ~~(g) Child development;~~
- ~~(h) Clinical social work;~~
- ~~(i) Community mental health;~~

~~(j) Counseling persons with developmental or intellectual disabilities;~~

~~(k) Counseling ethics;~~

~~(l) Developmental psychology;~~

~~(m) Domestic violence counseling;~~

~~(n) Elder counseling;~~

~~(o) Grief counseling;~~

~~(p) Human development;~~

~~(q) Human services counseling;~~

~~(r) Learning disabilities counseling;~~

~~(s) Marriage and family counseling;~~

~~(t) Mental health counseling;~~

~~(u) Ministerial or pastoral counseling;~~

~~(v) Multicultural counseling;~~

~~(w) Organizational psychology;~~

~~(x) Personality theory;~~

~~(y) Physiological psychology;~~

~~(z) Psychiatry and psychiatric nursing;~~

~~(aa) Psychological measurement and research;~~

~~(bb) Psychology;~~

~~(cc) Psychopathology and abnormal psychology;~~

~~(dd) Sexual disorder counseling;~~

~~(ee) Social work;~~

~~(ff) Special education;~~

~~(gg) Stress disorder counseling;~~

~~(hh) Substance and chemical abuse counseling; and~~

~~(ii) Transpersonal psychology.~~

~~(5) The secretary may accept other equivalent counseling-related education or training programs in the subjects listed in subsection (4) of this section.) Fields recognized as related to counseling include, but are not limited to:~~

~~(a) Behavioral science;~~

~~(b) Counseling;~~

~~(c) Psychiatry and psychiatric nursing;~~

~~(d) Psychology;~~

~~(e) Social work;~~

~~(f) Special education;~~

~~(g) Substance use disorders; and~~

~~(h) Other counseling-related fields as determined by the department under WAC 246-810-0241, based on coursework completed.~~

NEW SECTION

WAC 246-810-0241 Counseling-related coursework that meets the requirements for certified counselor and certified adviser. When a certified counselor applicant or certified adviser applicant's counseling-related degree is not listed in WAC 246-810-024, the department uses the following coursework standards to determine whether the degree contained enough counseling coursework to qualify the applicant for certification.

(1) For certified counselors, an applicant's degree must be considered as counseling-related if the degree contains at least 45 quarter, or 30 semester, college credits in counseling-related subjects listed in subsection (3) of this section.

(2) For certified advisers, an applicant's degree must be considered as counseling-related if the degree contains at least 23 quarter, or 15 semester, college credits in counseling-related subjects listed in subsection (3) of this section.

- (3) Counseling-related subjects include:
- (a) Addictive behavior counseling;
 - (b) Anger management counseling;
 - (c) Applied behavioral science;
 - (d) Behavior management or behavior modification;
 - (e) Biofeedback;
 - (f) Career counseling;
 - (g) Child development;
 - (h) Clinical social work;
 - (i) Community mental health;
 - (j) Counseling children and adolescents;
 - (k) Counseling ethics;
 - (l) Crisis counseling and abuse;
 - (m) Developmental disability counseling;
 - (n) Developmental psychology;
 - (o) Elder counseling;
 - (p) Grief counseling;
 - (q) Human growth and development;
 - (r) Human services counseling;
 - (s) Marriage and family counseling;
 - (t) Mental health counseling;
 - (u) Ministerial or pastoral counseling;
 - (v) Multicultural considerations in counseling;
 - (w) Organizational psychology;
 - (x) Personality theory;
 - (y) Physiological psychology;
 - (z) Psychiatry and psychiatric nursing;
 - (aa) Psychological measurement and research;
 - (bb) Psychology;
 - (cc) Psychopathology and abnormal psychology;
 - (dd) Sexuality and counseling;
 - (ee) Social work;
 - (ff) Special education;
 - (gg) Stress disorder counseling;
 - (hh) Substance use disorder counseling; and
 - (ii) Transpersonal psychology.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-025 Supervision and consultation requirements for certified counselors and supervision requirements for certified advisers. ~~((1) Supervision.))~~ Certified counselors ~~((who do not meet the requirements in WAC 246-810-0221(1))~~) and certified advisers ~~((must))~~ shall meet the following supervision or consultation requirements:

~~((a))~~ (1) Written agreement. A certified counselor or certified adviser shall have a written agreement ((between)) with a qualified supervisor ((and the certified counselor or certified adviser is required and must be reviewed and renewed)) or, for a certified counselor eligible under WAC 246-810-0221(2), a qualified consultant. Both

parties shall review, update, and renew the agreement at least every two years. The agreement must address:

- ~~((i)) (a) The agreement duration;~~
- ~~((ii)) (b) Expectations of both parties;~~
- ~~((iii) Frequency and modalities of supervision)) (c) Client confidentiality;~~
- ~~((iv) Recordkeeping)) (d) Potential conflict of interest;~~
- ~~((v)) (e) Financial arrangements;~~
- ~~((vi) Client confidentiality; and~~
- ~~(vii) Potential conflict of interest.~~

~~(b) Frequency of supervision.
(i) During the first five years of practice, a minimum of two hours of supervision is required in any calendar month in which the certified counselor or certified adviser has had forty or more client contact hours.~~

~~(ii) After five years of practice, a minimum of one hour of supervision is required in any calendar month in which the certified counselor or certified adviser has forty or more client contact hours.~~

~~(iii) A minimum of two hours of supervision is required in any calendar quarter, regardless of the years in practice or number of client contact hours.~~

~~(iv) Up to half of the required supervision time may be supervision of practice in a group setting.~~

~~(c) Recordkeeping. A written record of supervision hours and topics must be maintained by both the supervisor and the certified counselor or certified adviser.~~

~~(2) Consultation. Certified counselors who meet the requirements of WAC 246-810-0221(1), must meet the following consultation requirements:~~

~~(a) Written agreement. A written agreement between a consultant who meets the requirements in WAC 246-810-026 and the certified counselor is required, and must be reviewed and renewed at least every two years. The agreement must address:~~

- ~~(i) The agreement duration;~~
- ~~(ii) Expectations of both parties;~~
- ~~(iii) Frequency and modalities of consultation;~~
- ~~(iv) Recordkeeping;~~
- ~~(v) Financial arrangements;~~
- ~~(vi) Client confidentiality; and~~
- ~~(vii) Potential conflict of interest.~~

~~(b) Frequency. The certified counselor will determine the consultation he or she needs. However, a minimum of one hour of consultation is required during any calendar quarter in which the certified counselor has forty or more client contact hours.~~

~~(c) Recordkeeping. A written record of consultation hours and topics must be maintained by the consultant and the certified counselor.)~~

(f) Frequency and modalities of supervision or consultation under subsection (2) of this section; and

(g) Recordkeeping under subsection (3) of this section.

(2) Frequency and modalities of supervision or consultation.

(a) Supervision frequency and modalities:

(i) During the first five years of practice, a minimum of two hours of supervision is required in any calendar month in which the certified counselor or certified adviser has had 40 or more client contact hours.

(ii) After five years of practice, a minimum of one hour of supervision is required in any calendar month in which the certified counselor or certified adviser has 40 or more client contact hours.

(iii) A minimum of two hours of supervision is required in any calendar quarter, regardless of the years in practice or number of client contact hours.

(iv) Up to half of the required supervision time may be supervision of practice in a group setting;

(b) Consultation frequency and modalities for certified counselors eligible under WAC 246-810-0221(2). When a certified counselor has 40 or more direct client contact hours per calendar quarter they must complete at least one hour of consultation. The certified counselor is responsible for determining the appropriate frequency of additional consultation.

(3) Recordkeeping. A certified counselor or certified adviser and supervisor or consultant shall maintain a written record of meeting hours and topics. This written record must be maintained by both the supervisor or consultant and the certified counselor or certified adviser.

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

WAC 246-810-026 Qualifications to be a certified counselor supervisor, certified adviser supervisor, or a certified counselor consultant. (1) The following qualifications are required to be a certified counselor supervisor, certified adviser supervisor, or a certified counselor consultant.

~~((1))~~ (a) The supervisor or consultant ~~((must))~~ for a certified counselor shall have held a Washington state credential in counseling-related fields for a minimum of five years.

(b) All credentials held by the supervisor or consultant must be in good standing~~((=))~~ and at least one credential must be active.

(2) For purposes of this section, counseling-related fields ~~((means a credential))~~ include the following credentials issued under chapter 18.130 RCW ~~((for))~~:

(a) ~~((Certified counselor))~~ Advanced practice registered nurse;
(b) ~~((Hypnotherapist))~~ Advanced social worker;
(c) ~~((Mental health))~~ Certified counselor;
(d) ~~((Marriage and family therapist))~~ Hypnotherapist;
(e) Independent clinical social ~~((work))~~ worker;
(f) ~~((Advanced social work))~~ Marriage and family therapist;
(g) ~~((Psychologist))~~ Medical physician or physician assistant;
(h) ~~((Substance use disorder professional))~~ Mental health counselor;

(i) ~~((Sex offender treatment provider))~~ Naturopathic physician;

(j) ~~((Sex offender treatment provider affiliate;~~

~~(k) Medical physician;~~

~~(l) Osteopathic physician;~~

~~(m) Advanced registered nurse practitioner;~~

~~(n) Naturopathic physician; and~~

~~(o) Until July 1, 2010, registered counselor)~~ Osteopathic physician;

(k) Psychologist or psychological associate;

(l) Sex offender treatment provider or affiliate; and

(m) Substance use disorder professional.

Additional credentials may be accepted by the secretary as counseling-related.

(3) The supervisor or consultant may not be a blood or legal relative or cohabitant of the credential holder, or someone who has acted as the credential holder's counselor within the past two years. A supervisor or consultant may not have a reciprocal supervisory or consultant arrangement with another credential holder.

(4) Prior to the commencement of any supervision or consultation, the supervisor or consultant (~~(must)~~) shall provide the certified counselor or certified adviser with a declaration on a form provided by the department.

(5) (~~The~~) A supervisor (~~(must)~~) shall have completed education and training in:

(a) Supervision or management of individuals who provide counseling or mental health services;

(b) Risk assessment;

(c) Screening using the global assessment of functioning scale;

(d) Professional ethics; and

(e) Washington state law.

(6) (~~The~~) A consultant must have completed education and training in:

(a) Risk assessment;

(b) Screening using the global assessment of functioning scale;

(c) Professional ethics; and

(d) Washington state law.

AMENDATORY SECTION (Amending WSR 23-23-033, filed 11/3/23, effective 1/1/24)

WAC 246-810-027 Continuing education requirements for a certified counselor or certified adviser. (1) A certified counselor or a certified adviser (~~(must)~~) shall complete 36 credit hours of continuing education courses every two years.

(2) At least six hours of the 36 credit hours must be in law and professional ethics related to counseling.

(3) At least once every six years a certified counselor or a certified adviser must complete three hours of training in suicide assessment, including screening and referral, as specified in WAC 246-810-0298.

(a) Except as provided in (b) of this subsection, the (~~(first)~~) initial suicide assessment training must be completed during the first full continuing education reporting period after initial (~~(license)~~) certification.

(b) An individual applying for initial certification as a certified counselor or a certified adviser may delay completion of the first required training for six years after initial certification if they can demonstrate successful completion of a three-hour training in suicide assessment, screening, and referral that:

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

(ii) Meets the requirements listed in WAC 246-810-0298.

(c) The hours spent completing training in suicide assessment count towards the total 36 hours of continuing education.

(4) ~~((Beginning January 1, 2024,))~~ At least once every four years, a certified counselor or certified adviser must complete two hours of health equity training as specified in WAC 246-810-0299.

~~((5) Nothing in this section is intended to expand or limit the existing scope of practice of a certified counselor or a certified adviser as defined by WAC 246-810-0201 and 246-810-021.)~~

AMENDATORY SECTION (Amending WSR 19-05-020, filed 2/11/19, effective 3/14/19)

WAC 246-810-029 Acceptable continuing education courses for certified counselor and certified adviser. (1) ~~((A))~~ Continuing education ~~((program or))~~ courses must ~~((be relevant))~~:

(a) Be directly related to counseling; and ~~((must))~~

(b) Contribute to the advancement, extension, and enhancement of the professional competence of the credential holder.

(2) Relevant courses include those that are related to counseling theory and practice, modality(ies) of the counseling services the credential holder will provide, professional ethics, courses related to risk assessment, screening using the global assessment of functioning scale, referral of clients, and Washington state law applicable to counseling.

~~((2))~~ (3) Acceptable continuing education courses (including distance learning), seminars, workshops, training programs, and institutes ~~((must))~~ are those which have a featured instructor, speaker(s), or panel approved by an ~~((industry-recognized))~~ accredited institution of higher learning~~((r))~~ or ~~((a))~~ an industry-recognized local, state, national, or international organization.

~~((3))~~ (4) Distance learning programs approved by an industry-recognized local, state, national, or international organization or accredited educational ~~((organization may meet these requirements. The programs))~~ institution must require a test of comprehension upon completion. ~~((Distance learning programs are limited to twenty hours per reporting period.~~

~~((4))~~ (5) Other learning experiences, such as serving on a panel, board or council, community service, research, peer consultation, or publishing articles for professional publications are acceptable if the experience contributes to the advancement, extension, and enhancement of the professional competence of the ~~((certified counselor or certified adviser))~~ credential holder. The "learning experience" category is limited to six hours per reporting period.

AMENDATORY SECTION (Amending WSR 14-09-102, filed 4/22/14, effective 4/22/14)

WAC 246-810-0293 ((Recognized)) Accredited institutions of higher learning and local, state, national, and international organizations approved for continuing education. Activities that meet the requirements of WAC 246-810-029 and are ~~((offered by the following entities are eligible for continuing education credit))~~ eligible for continuing education must be provided by institutions of higher learning or industry-recognized local, state, national, or international organizations. These organizations include, but are not limited to:

- (1) ~~((Washington Association for Marriage and Family Therapy))~~ American Association for Marriage and Family Therapy;
- (2) ~~((Washington State Society for Clinical Social Work))~~ American Counseling Association;
- (3) ~~((Washington Chapter of the National Association of Social Work))~~ American Mental Health Counselors Association;
- (4) ~~American ((Mental Health Counselors Association))~~ Psychological Association;
- (5) ~~((American Association for Marriage and Family Therapy))~~ Association for Humanistic Psychology;
- (6) ~~((Clinical Social Work Association))~~ Association for Integrative Psychology;
- (7) ~~((National Association of Social Workers))~~ Association of Social Work Boards;
- (8) ~~((Washington Mental Health Counselors Association))~~ Clinical Social Work Association;
- (9) ~~((National Board for Certified Counselors))~~ Institutions of higher learning that are accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation;
- (10) ~~((Association for Humanistic Psychology))~~ National Association of Social Workers;
- (11) ~~((The Association for Integrative Psychology))~~ National Association of Alcohol and Drug Addiction Counselors;
- (12) ~~((Society for Social Work Leadership in Health Care))~~ National Board for Certified Counselors;
- (13) ~~((Institutions of higher learning that are accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation))~~ Society for Social Work Leadership in Health Care;
- (14) ~~((Washington Professional Counselors Association))~~ State Association and National Association for the Treatment of Sexual Abusers;
- (15) ~~((State Association and National Association for the Treatment of Sexual Abusers))~~ Substance Abuse and Mental Health Services Administration;
- (16) ~~((National Association of Alcohol and Drug Addiction Counselors))~~ Washington Association for Marriage and Family Therapy; ((and))
- (17) Washington Chapter of the National Association of Social Work;
- (18) Washington Mental Health Counselors Association;
- (19) Washington Professional Counselors Alliance;
- (20) Washington State Society for Clinical Social Work; and
- (21) Other organizations recognized by the secretary ((and included on a list maintained by the department)).

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-0295 Continuing education credit for preparing and presenting a lecture or course. (1) A certified counselor or certified adviser who prepares and presents lectures or education that contributes to the professional competence of other counselors or mental health providers may accumulate the same number of continuing educa-

tion hours obtained (~~(for continuing education purposes)~~) by attendees.

(2) The hours for presenting a lecture or education on a specific topic may only be used for continuing education credit once during each reporting period.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-0297 Continuing education documentation for certified counselor or certified adviser. (1) Acceptable continuing education documentation for a certified counselor or certified adviser includes transcripts, signed letters from course instructors, certificate of completion, or other formal certification, as required in chapter 246-12 WAC (~~(, Part 7)~~).

(2) The credential holder (~~(must)~~) shall provide documentation (~~(which demonstrates fulfillment)~~) of completing continuing education requirements if requested by the secretary.

AMENDATORY SECTION (Amending WSR 23-23-033, filed 11/3/23, effective 1/1/24)

WAC 246-810-0298 Suicide assessment training standards. (1) Approved qualifying training in suicide assessment, including screening and referral, must be on the department's model list developed in accordance with RCW 43.70.442.

(2) A certified counselor or certified adviser who is an employee of a state or local government employer is exempt from the requirements of this section if they receive a total of at least three hours of training in suicide assessment including screening and referral from their employer every six years.

(3) A certified counselor or certified adviser who is an employee of a licensed or certified behavioral health agency under chapter 71.05 or 71.24 RCW is exempt from the requirements of this section if they receive a total of at least three hours of training in suicide assessment, including screening and referral from their employer every six years.

(4) For purposes of this section, the training may be provided in one three-hour block or shorter training sessions.

(5) A certified counselor or certified adviser that obtained training under the exemptions listed in subsections (2) and (3) of this section may obtain continuing education credit subject to documentation as defined in WAC 246-810-0297.

AMENDATORY SECTION (Amending WSR 23-23-033, filed 11/3/23, effective 1/1/24)

WAC 246-810-0299 Health equity training standards. (1) (~~(Beginning January 1, 2024,)~~) A certified counselor or certified adviser must complete training in health equity as a part of their continuing education requirements. The certified counselor or certified adviser

must complete at least two hours of health equity trainings every four years. The training may be in person or virtual but must meet the course requirements in WAC 246-12-830, including strategies to reduce implicit bias and assess the providers ability to apply health equity concepts into practice.

(2) The hours spent completing training in health equity education count towards the total of 36 hours of continuing education.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-031 Disclosure statement to be provided to clients by certified counselors and certified advisers. (1) Certified counselors and certified advisers must provide a disclosure statement to each client prior to starting a program of treatment.

(2) The following must appear in the certified counselor's or certified adviser's disclosure statement:

(a) ~~((The name of the certified counselor or certified adviser))~~ Their name and the name of their firm, agency, or business, if any~~((-))~~;

(b) ~~((The certified counselor's or certified adviser's))~~ Their business address and telephone number~~((-))~~;

(c) ~~((The certified counselor's or certified adviser's))~~ Their Washington state credential number~~((-))~~;

(d) ~~((The certified counselor's or certified adviser's))~~ Their education, training, and experience~~((-))~~;

(e) The name and description of the types of counseling provided ~~((by the certified counselor or certified adviser))~~, including the therapeutic orientation, methods, and techniques employed in their practice, and a list of resources relevant to the therapeutic orientation~~((-))~~;

(f) The type and duration of counseling expected, if known at the time of providing the disclosure information~~((-))~~;

(g) Fee information, including:

(i) The cost for each counseling session;

(ii) Billing practices, including any advance payments and refunds;

(iii) A statement that clients are not liable for any fees or charges for services rendered prior to receipt of the disclosure statement~~((-))~~;

(h) The limits of confidentiality under RCW 18.19.180~~((-))~~;

(i) Disclosure of ~~((the certified counselor's or certified adviser's))~~ their supervisory or consultation agreement as defined in WAC 246-810-025~~((-))~~;

(j) Disclosure that ~~((the certified counselor or certified adviser is))~~ they are not credentialed to diagnose mental disorders or to conduct psychotherapy as defined in WAC 246-810-010~~((-14-))~~;

(k) ~~((All of the following:~~

~~((i-))~~ That counselors practicing counseling for a fee must be credentialed with the department ~~((of health))~~ for the protection of the public health and safety~~((-))~~;

~~((ii-))~~ (1) That credentialing of an individual with the department ~~((of health))~~ does not include a recognition of any practice standards, nor necessarily imply the effectiveness of any treatment~~((-))~~;

~~((iii))~~ (m) The purpose of ~~((the Counselor Credentialing Act,))~~ chapter 18.19 RCW~~((7))~~ is to:

~~((A))~~ (i) Provide protection for public health and safety; and
~~((B))~~ (ii) Empower the citizens of the state of Washington by providing a complaint process against those counselors who would commit acts of unprofessional conduct~~((7))~~;

~~((iv))~~ (n) That clients have the right to choose counselors who best suit their needs and purposes~~((7))~~;

~~((1))~~ (o) A copy of the acts of unprofessional conduct in RCW 18.130.180 and the name, address, and contact telephone number within the department ~~((of health))~~ for complaints~~((7))~~; and

~~((m))~~ (p) Signature and date blocks for the client, and the certified counselor or certified adviser, including an attestation that the client agrees that the required disclosure statement has been provided and that the client has read and understands the information.

(3) Any changes to the disclosure statement form or information requires all current clients to sign the updated form.

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

WAC 246-810-032 Failure to provide client disclosure information. Failure to provide to the client any of the disclosure information as set forth in WAC ~~((246-810-030 and))~~ 246-810-031, and as required by the law shall constitute an act of unprofessional conduct as defined in RCW 18.130.180(7).

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-035 Record requirements. (1) A counselor providing professional services to a client or providing services billed to a third-party ~~((payer))~~ payee, must document services, except as provided in subsection (2) of this section. The documentation must include:

- (a) Client name;
- (b) The fee arrangement and record of payments;
- (c) Dates counseling was received;
- (d) Disclosure form, if required by WAC 246-810-031, signed by the counselor and client;
- (e) The presenting problem(s), or purpose of counseling;
- (f) Notation and results of formal consults, including information obtained from other persons or agencies through a release of information; and

(g) Progress notes sufficient to support responsible clinical practice for the type of theoretical orientation~~((7))~~ or therapy the counselor uses.

(2) If a client requests that no treatment records be kept, and the counselor agrees to the request, the request must be in writing and only the following must be retained:

- (a) Client name;
- (b) Fee arrangement and record of payments;
- (c) Dates counseling was received;

(d) Disclosure form, if required by WAC 246-810-031, signed by the counselor and client; and

(e) Written request that no records be kept.

(3) The counselor may not agree to the request if maintaining records is required by other state or federal law.

(4) All records must be kept ~~((for a period of five years following the last visit. Within this five year period, all records must be))~~ secured, with properly limited access.

(5) All records must be kept for a period of six years following the last visit. For minor clients, records must be retained for six years after the date they turned 21 years old.

(6) Special provisions must be made for the retention or transfer of active or inactive records and for continuity of services in the event of a counselor's death, incapacitation, or cessation of practice. Such special provisions may be made by having another counselor review records with a client and recommend a course of action; or other appropriate means as determined by the counselor.

~~((5))~~ (7) After the ~~((five))~~ six-year retention period, the counselor may dispose of the record. Disposal must be done in a secure and confidential manner that includes:

(a) Shredding;

(b) Deleting, erasing, or reformatting electronic media; ~~((and))~~

or

(c) ~~((Other readable))~~ Rendering unusable or unreadable any other forms of media ~~((that are defaced or rendered unusable or unreadable))~~.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-045 Requirements for client fees paid in advance.

(1) ~~((The practice of collecting fees in advance and refund policies must be included in the disclosure statement to the client before any funds are collected.~~

~~((2))~~ Counselors who collect fees in advance of the service provided must separate such funds from operating~~((/))~~ or expense funds. ~~((Failure to properly account for such funds may be a violation of the Securities Act, RCW 21.20.005.))~~ The counselor may not spend the funds until the service is provided. Any funds left in the account~~((r))~~ for services not provided must be returned to the client within ~~((thirty))~~ 30 days of the request.

~~((3))~~ (2) Room rental fees or similar expenses, for example, as relating to group therapy, are not considered fees paid in advance.

NEW SECTION

WAC 246-810-090 Application process for hypnotherapists. An applicant for a hypnotherapist credential shall submit to the department:

(1) An application on forms provided by the department under RCW 18.19.090;

(2) Applicable fee(s) required under WAC 246-810-990; and

(3) Any additional supporting documentation requested by the department.

AMENDATORY SECTION (Amending WSR 23-07-057, filed 3/9/23, effective 6/1/23)

WAC 246-810-990 Counselors fees and renewal cycle. (1) ~~((Under chapter 246-12 WAC, a counselor must renew their))~~ Credentials in this chapter must be renewed every year on the practitioner's birthday as provided by chapter 246-12 WAC.

(2) Examination and reexamination fees are the responsibility of the applicant ~~((and are paid directly to the testing company))~~.

(3) The following nonrefundable fees will be charged:

Title	Fee
Registered hypnotherapist:	
Application and registration	\$155.00
Renewal	\$80.00
Late renewal penalty	\$75.00
Expired registration reissuance	\$75.00
Duplicate registration	\$10.00
Verification of registration	\$25.00
Certified counselor:	
Application and certification	\$680.00
Examination or reexamination	\$85.00
Renewal	\$800.00
Late renewal penalty	\$300.00
Expired credential reissuance	\$100.00
Duplicate credential	\$10.00
Verification of credential	\$25.00
Certified adviser:	
Application and certification	\$620.00
Examination or reexamination	\$85.00
Renewal	\$745.00
Late renewal penalty	\$300.00
Expired credential reissuance	\$100.00
Duplicate credential	\$10.00
Verification of credential	\$25.00
((Registered)) <u>Agency affiliated counselor:</u>	
Application and ((registration)) <u>credentialing</u>	\$175.00
Renewal	\$185.00
Late renewal penalty	\$95.00
Expired ((registration)) <u>credential</u> reissuance	\$50.00
Duplicate ((registration)) <u>credential</u>	\$10.00
Verification of ((registration)) <u>credential</u>	\$25.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-810-040	Requirements to report suspected abuse or neglect of a child or vulnerable adult.
WAC 246-810-049	Sexual misconduct regulations.
WAC 246-810-060	Mandatory reporting.
WAC 246-810-061	Health care institutions.
WAC 246-810-062	Counselor associations or societies.
WAC 246-810-063	Health care service contractors and disability insurance carriers.
WAC 246-810-064	Professional liability carriers.
WAC 246-810-065	Courts.
WAC 246-810-066	State and federal agencies.
WAC 246-810-089	Transitional dates for a registered counselor credential.