

WSR 25-01-103

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed December 16, 2024, 9:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-10-011.

Title of Rule and Other Identifying Information: Substance use disorder profession (SUDP); proposing updates to reduce barriers to entering and remaining in the SUDP workforce and to streamline and shorten the credentialing process. Amending chapter 246-811 WAC, including repealing sections and creating new sections.

The department of health (department) is proposing rule amendments to implement legislation, including 2SHB 1724 (chapter 425, Laws of 2023), E2SHB 2247 (chapter 371, Laws of 2024), and 2SSB 6228 (chapter 366, Laws of 2024). The department proposes amending requirements including: Ethical and professional standards; the application process; education requirements; supervised experience requirements; approved supervisor requirements; continuing education requirements; and fees.

Hearing Location(s): On February 5, 2025, at 9:30 a.m. Register in advance for this webinar https://us02web.zoom.us/webinar/register/WN_shDgg2EkQ5iauBbZB0E6Vw. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: February 12, 2025.

Submit Written Comments to: Claire Wilson, Office of Health Professions, P.O. Box 47852, Olympia, WA 98504-7852, email claire.wilson@doh.wa.gov, <https://fortress.wa.gov/doh/policyreview/>, beginning the date and time of this filing, by February 5, 2025, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Claire Wilson, phone 564-669-0392, TTY 711, email claire.wilson@doh.wa.gov, by January 22, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: During the 2023 legislative session, the legislature passed 2SHB 1724, requiring the department to create recommendations on how to reduce barriers to joining and remaining in the behavioral health workforce and to streamline the credentialing process. The bill also required the department to implement those recommendations in permanent rule. In 2024, E2SHB 2247 and 2SSB 6228 made statutory changes to support the behavioral health workforce.

The department's proposed rules support the goals of these pieces of legislation by making amendments to support the SUDP workforce, ensure that SUDP trainees have appropriate support in their professional growth, and streamline the application process for in-state and out-of-state applications.

The department proposes amendments including:

- (1) Establishing ethical standards;
- (2) Clarifying sexual misconduct standards;
- (3) Amending education requirements to streamline the application process;
- (4) Removing SUDP trainee renewal limits and amending the renewal process;
- (5) Establishing requirements for supervision of SUDP trainees;
- (6) Updating requirements for approved supervisors;
- (7) Decreasing and streamlining continuing education requirements;

(8) Establishing requirements specifically for out-of-state applicants;

(9) Establishing the process for entities to become approved and registered apprenticeship programs; and

(10) Limiting the credential application and renewal fees to \$100 per year.

Reasons Supporting Proposal: In addition to fulfilling the intent of 2SHB 1724, E2SHB 2247, and 2SSB 6228, the proposed rules for this profession will allow the department to consistently uphold standards that protect public safety.

Statutory Authority for Adoption: RCW 18.205.060 and 43.70.250.

Statute Being Implemented: Chapter 18.205 RCW; 2SHB 1724 (chapter 425, Laws of 2023), E2SHB 2247 (chapter 371, Laws of 2024), and 2SSB 6228 (chapter 366, Laws of 2024).

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: Claire Wilson, 111 Israel Road S.E., Tumwater, WA 98501, 564-669-0392.

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 Claire Wilson, Office of Health Professions, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-669-0392, TTY 711, email claire.wilson@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.

December 16, 2024
 Kristin Peterson, JD
 Chief of Policy
 for Umair A. Shah, MD, MPH
 Secretary of Health

OTS-5905.4

AMENDATORY SECTION (Amending WSR 22-17-097, filed 8/18/22, effective 9/18/22)

WAC 246-811-010 Definitions. The definitions in RCW 18.205.020 and 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 state, national, or regional accrediting body, at the time the applicant completed the required education or other educational programs approved by the secretary.

(5) "Approved supervisor" is a certified substance use disorder professional who meets the requirements of WAC 246-811-049 and provides oversight to substance use disorder professional trainees under WAC 246-811-048.

(6) "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.))~~

(7) "Continuing competency enhancement plan" is a plan listing professional development goals to continue proficiency. This plan is based on core competencies of substance use disorder counseling listed in WAC 246-811-047 and on forms provided by the department.

(8) "Continuing education" means a program or course (including distance learning), seminar, workshop, or professional conference approved by an industry-recognized organization or institution of higher learning listed in this chapter.

(9) "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.

~~((8))~~ (10) "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.

(11) "Department" means the department of health.

~~((9))~~ (12) "Direct ((supervision)) observation" means the supervisor is on the premises and ((available for immediate consultation)) within sight and hearing of the trainee.

~~((10))~~ (13) "Enrolled" means actively participating in an approved school or approved and registered apprenticeship program, ~~(whether)~~ where a substance use disorder professional trainee is engaged in or has completed course work as described in WAC 246-811-030 (3) (a) through (w).

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

~~(12))~~ (14) "Group supervision" means a meeting with an approved supervisor involving one approved supervisor and no more than four individual supervisees.

(15) "Industry-recognized" is any local, state, national, or international organization or institution of higher learning including, but not limited to, the following:

(a) The Association for Addiction Professionals (NAADAC);

(b) National Association of Addiction Treatment Providers (NAATP);

(c) International Certification and Reciprocity Consortium (IC&RC);

(d) Northwest Indian alcohol/drug specialist certification board;

(e) National Association of Social Workers (NASW);

(f) Institutions of higher learning that are accredited by a national or regional accrediting body recognized by the northwest commission on colleges and universities;

(g) Division of behavioral health and recovery (DBHR), health care authority; and

(h) Addiction technology transfer center network.

(16) "Official transcript" means the transcript from an approved college or school, in an envelope readily identified as having been sealed by the school or an official electronic transfer directly from the school.

~~((13))~~ (17) "Out-of-state" means any state or territory of the United States.

~~((14))~~ (18) "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.

~~((15))~~ (19) "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.

~~((16))~~ (20) "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.

~~((17))~~ (21) "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.

~~((18))~~ (22) "Related/supplemental instruction" or "RSI" has the same meaning as provided in WAC 296-05-003.

~~((19))~~ (23) "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.

~~((20))~~ (24) "Substance use disorder professional" or "SUDP" means an individual certified in substance use disorder counseling under chapter 18.205 RCW and this chapter.

~~((21))~~ (25) "Substance use disorder professional trainee" or "SUDPT" means an individual 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.

(26) "Substantially equivalent licensing standards" means out-of-state licensing standards evaluated by the department to be consistent with the education, experience, and examination requirements for substance use disorder professional certification under chapter 18.205 RCW and this chapter.

NEW SECTION

WAC 246-811-015 Ethical standards. (1) An individual certified under this chapter shall follow an industry-recognized code of ethics, such as NAADAC or the NASW, while acting as a substance use disorder professional or trainee.

(2) An individual certified under this chapter shall have a working knowledge and understanding of the requirements, definitions, and prohibited behaviors qualifying as unprofessional conduct under RCW 18.130.180.

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

WAC 246-811-020 Sexual misconduct. (1) The definitions and prohibitions on sexual misconduct described in chapter 246-16 WAC apply to substance use disorder professionals and a substance use disorder professional trainee except WAC 246-16-100 (4) and (5).

(2) A substance use disorder professional or a substance use disorder professional trainee shall never engage, or attempt to engage, in:

(a) The activities listed in WAC 246-16-100 (1) and (2) with a former patient, former client, or former key party; or

(b) A nontreatment relationship with a former client or former key party that could create a conflict of interest or imbalance of power.

(3) A substance use disorder professional or substance use disorder professional trainee shall never engage in any form of sexual or romantic relationship with any current or former client. This prohibition shall include in-person and electronic interactions or relationships.

(4) A substance use disorder professional or substance use disorder professional trainee shall be prohibited from engaging in counseling relationships with friends or family members and shall not accept as a client anyone with whom they have engaged in a romantic, sexual, social, or familial relationship.

AMENDATORY SECTION (Amending WSR 22-17-097, filed 8/18/22, effective 9/18/22)

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

- ~~((a))~~ (i) An application on forms provided by the department;
- (ii) The fee required under WAC 246-811-990; and
- (iii) Any supporting documentation requested by the department.

(b) After the application has been submitted, the department must receive the following supporting documentation from third parties:

(i) Official transcripts or apprenticeship certificate of completion to verify meeting educational requirements under WAC 246-811-030, received directly from the educational institution or approved and registered apprenticeship program;

~~((e))~~ (ii) Verification of meeting supervised experience hour requirements under WAC 246-811-046 or 246-811-050 on forms provided by the department, received directly from an approved supervisor(s); and

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

~~(e) The fee required under WAC 246-811-990), received directly from the testing entity.~~

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

- ~~((a))~~ (i) An application on forms provided by the department;
- (ii) The fee required under WAC 246-811-990; and
- (iii) Any supporting documentation requested by the department.

(b) After the application has been submitted, the department must receive the following supporting documentation from third parties:

(i) Verification of (~~meeting eligibility requirements for the alternative training path~~) holding an eligible credential under WAC 246-811-076;

~~((e))~~ (ii) Official verification of meeting educational requirements under WAC 246-811-077, received directly from the educational institution or approved and registered apprenticeship program;

~~((d))~~ (iii) Verification of obtaining the 1,000 supervised experience hours required under WAC 246-811-046 on forms provided by the department, received directly from an approved supervisor(s); and

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

~~(f) The fee required under WAC 246-811-990), received directly from the testing entity.~~

(3) An out-of-state applicant who meets the requirements of WAC 246-811-310 shall submit to the department:

- (a) An application on forms provided by the department;
- (b) Verification of out-of-state credential;
- (c) The fee(s) required under WAC 246-811-990; and
- (d) Any supplemental documentation requested by the department.

(4) An applicant for substance use disorder professional under this chapter shall not practice substance use disorder counseling until their credential has been issued. Practicing counseling on a pending credential is considered unlicensed practice under RCW 18.130.020 and is subject to disciplinary action.

AMENDATORY SECTION (Amending WSR 22-17-097, filed 8/18/22, effective 9/18/22)

WAC 246-811-030 Educational requirements. 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 or higher in human services, addiction studies, substance use disorder counseling, or related field from an approved school;

(b) Successful completion of 90 quarter or 60 semester college credits in courses from an approved school that meets the course work requirements of subsection (3) of this section; 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; 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 that does not result in an addiction studies or substance use disorder counseling degree 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 individuals with a substance use disorder)~~) Pathogen risk training;

(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.

(4) The department considers an associate degree or higher in addiction studies or substance use disorder counseling to meet the course work requirements in subsection (3) of this section.

(5) An applicant who has been credentialed as a substance use or addiction counselor in another state with substantially equivalent standards under WAC 246-811-310 is considered to meet the education requirements of this section.

AMENDATORY SECTION (Amending WSR 22-17-097, filed 8/18/22, effective 9/18/22)

WAC 246-811-035 Certification and renewal of a substance use disorder professional trainee. (1) To apply for a substance use disorder professional trainee certificate an applicant shall:

(a) Submit an application on forms provided by the department, including any written documentation needed to provide proof of meeting the eligibility requirements as indicated on the application;

(b) Declare that they are enrolled in an approved school or approved and registered apprenticeship program and ((gaining the)) are actively taking approved course work required for substance use disorder professional certification, or have completed the educational requirements in WAC 246-811-030;

(c) Attest that they are actively working to obtain the supervised experience required to receive a substance use disorder professional credential;

(d) Submit documentation of successful completion of an industry-recognized training in law, ethics, and boundaries lasting at least four hours; and

((e)) (e) Pay applicable fees in WAC 246-811-990.

(2) To apply for annual renewal, a substance use disorder professional trainee ((must)) shall submit to the department applicable fees in WAC 246-811-990 and:

(a) A signed declaration with their annual renewal, on forms provided by the department, that states they:

((a)) (i) Are currently enrolled in an approved educational program or approved and registered apprenticeship program and are actively taking approved course work required for substance use disorder professional certification; or

((b)) (ii) Have completed the educational requirements 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;

(b) Verification of supervised experience hours earned in the previous credential cycle on forms provided by the department and signed by an approved supervisor; and

(c) Transcripts for academic courses completed in the previous renewal cycle or documentation of participation in a registered apprenticeship program during the previous renewal cycle.

(3) ((A substance use disorder professional trainee certificate can only be renewed four times, except as provided in RCW 18.205.095)) An applicant for substance use disorder professional trainee under this chapter shall not practice substance use disorder counseling un-

til their credential has been issued. Practicing counseling on a pending credential is considered unlicensed practice under RCW 18.130.020 and is subject to disciplinary action.

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

WAC 246-811-045 Accumulation of experience. (1) ~~((The department will consider experience in the field of substance use disorder counseling up to seven years prior to the date of application))~~ All supervised experience earned in Washington state toward application for certification as a substance use disorder professional must be earned under either:

- (a) A substance use disorder professional trainee credential; or
- (b) Another credential listed in WAC 246-811-076.

(2) Accumulation of the experience hours is not required to be consecutive.

(3) Experience ~~((that will count toward certification))~~ must meet the requirements outlined in WAC 246-811-046 through 246-811-049.

(4) ~~((Supervised experience is the practice as referred to in RCW 18.205.090 (1)(c) and is the experience received under an approved supervisor))~~ A practicum or internship taken for credit as part of an education program for substance use disorder certification is applicable experience.

(5) ~~((A practicum or internship taken while acquiring the degree or semester/quarter hours is applicable.~~

~~(6))~~ Applicants who have held an active substance use disorder credential for ~~((the past five consecutive years or more))~~ at least one year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements of this chapter for Washington state licensure.

AMENDATORY SECTION (Amending WSR 22-17-097, filed 8/18/22, effective 9/18/22)

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))~~ to qualify for substance use disorder professional certification, an applicant shall complete the following experience requirements based on their level of formal education:

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

(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;

(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 ex-

perience must be supervised by an approved supervisor meeting the requirements under WAC 246-811-049(~~(+8)~~);

(5) Individuals participating in an approved and registered substance use disorder professional apprenticeship program may be asked to complete additional supervised experience as part of their apprenticeship, consistent with department of labor and industries requirements under chapter 296-05 WAC.

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

WAC 246-811-047 Competency—Experience requirements. (1) (~~It is the intent that~~) An individual applying for a substance use disorder professional (~~certificate has become competent~~) certification shall obtain and maintain competency in the core competencies of (~~chemical~~) substance use disorder counseling through the experience requirements in this section.

(2) Individuals must have the following experiences to gain the core competencies of substance use disorder counseling:

(a) Two hundred hours of clinical evaluation, of which (~~one hundred~~) 100 hours must be face-to-face patient contact hours;

(b) Six hundred hours of face-to-face counseling to include:

(i) Individual counseling;

(ii) Group counseling; and

(iii) Family, couples, and significant others;

(c) Fifty hours of discussion of professional and ethical responsibilities;

(d) Transdisciplinary foundations:

(i) Understanding addiction;

(ii) Treatment knowledge;

(iii) Application to practice; and

(iv) Professional readiness;

(e) Clinical skills, including:

(i) Treatment planning;

~~((f))~~ (ii) Referral;

~~((g))~~ (iii) Service coordination;

~~((h))~~ (iv) Client, family, and community education; and

~~((i))~~ (v) Documentation, to include, screening, intake, assessment, treatment plan, clinical reports, clinical progress notes, discharge summaries, and other client related data.

(3) Of the total experience hours required under WAC 246-811-046, (~~eight hundred fifty~~) 850 hours of experience must be divided among subsection (2) (a) through (c) of this section. The remaining experience hours must be divided among subsection (2) (d) (~~through (i)~~) and (e) of this section as determined by the supervisor.

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

WAC 246-811-048 Supervision requirements. (1) All of the experience required for substance use disorder professional certification

must be under the direct supervision of an approved supervisor as defined in WAC 246-811-049.

(2) A substance use disorder professional or an individual credentialed according to WAC 246-811-076 may provide substance use disorder assessment, counseling, and case management to patients consistent with his or her education, training, and experience as documented by the approved supervisor.

(a) The first ((fifty)) 50 hours of any face-to-face patient contact must be under direct ((supervision and within sight and hearing)) observation of an approved supervisor or a substance use disorder professional designated by the approved supervisor. If the approved supervisor identifies that additional training is necessary, they may require up to 10 additional hours of direct observation after the first 50 hours have been completed.

(b) An approved supervisor or the approved supervisor's designated certified substance use disorder professional must provide ((direct)) supervision when a supervisee is providing clinical services to patients ((until the approved supervisor documents in the employee file that the supervisee has obtained the necessary education, training, and experience)) and be immediately available for consultation.

(c) The first 50 hours of face-to-face patient contact described under subsection (a) of this section shall include at least:

(i) Ten hours in assessments;

(ii) Ten hours in individual counseling facilitation; and

(iii) Ten hours in group counseling facilitation.

(3) ((Approved supervisors must attest to the department that the supervisee has demonstrated competency in the areas listed in WAC 246-811-047(2) on forms provided by the department)) The approved supervisor and trainee shall schedule regular supervision meetings either remotely or in-person.

(a) The frequency of supervision meetings shall be at least once a week, which can either be group supervision or individual supervision meetings.

(b) The approved supervisor and trainee shall have at least two individual supervision meetings each month.

(c) The approved supervisor and trainee shall have at least one in-person supervision meeting each month.

(d) The length of each supervision meeting will be determined jointly by the approved supervisor and trainee, consistent with the trainee's education, experience, and skill level.

(4) Within the first week of a supervisor-trainee relationship, the supervisor and trainee shall develop a written plan for supervision and professional development that includes:

(a) Clinical development goals consistent with the trainee's education, experience, and skill level including, if applicable, prior experience earned at a different workplace under a different approved supervisor, as required in WAC 246-811-047;

(b) Ethical standards and expectations, including a detailed review of an industry-recognized code of ethics, such as the NAADAC or NASW code of ethics;

(c) Identification of the appropriate trainee-to-client ratio, consistent with the trainee's education, experience, and skill level;

(d) Identification of an alternate supervisor, if possible, in case the primary supervisor is unavailable for consultation; and

(e) Review of the trainee's academic progress and identification of appropriate training to assist the trainee in professional skills and competency development.

(5) The plan identified by the approved supervisor and trainee under subsection (4) of this section shall be updated and reviewed at least quarterly to track progress and reflect the trainee's development of clinical skills, education, and experience.

(6) An approved supervisor must attest to the department that the supervisee has demonstrated competency in the areas listed in WAC 246-811-047(2) on forms provided by the department.

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

WAC 246-811-049 Approved supervisors. (1) An approved supervisor is a certified substance use disorder professional (~~(or a person)~~) who meets (~~(or exceeds)~~) the requirements of this section. Out-of-state experience must be earned under the supervision of a person who meets or exceeds the requirements of a certified substance use disorder professional in the state of Washington, and who would be eligible to take the examination required for certification.

(2) An approved supervisor must have at least (~~(three thousand hours)~~) one year of experience (~~(in a state approved substance use disorder treatment agency in addition to the supervised experience hours required to become a substance use disorder professional)~~) as a certified substance use disorder professional, not including time as a trainee. The approved supervisor's substance use disorder professional certification shall not be subject to ongoing disciplinary action or restrictions.

(3) An approved supervisor (~~(may substitute twenty-eight clock hours of recognized supervisory training for one thousand hours of experience.~~

~~(4) An approved supervisor may substitute five hundred hours of experience with thirty-six hours of education specific to:~~

- ~~(a) Counselor development;~~
- ~~(b) Professional and ethical standards;~~
- ~~(c) Program development and quality assurance;~~
- ~~(d) Performance evaluation;~~
- ~~(e) Administration;~~
- ~~(f) Treatment knowledge; and~~
- ~~(g) Washington state law regarding substance use disorder treatment.~~

~~(5))~~ must complete at least eight hours of industry-recognized clinical supervisor training before or within their first year providing supervision to substance use disorder professional trainees.

(4) An approved supervisor (~~(is)~~) may not be a blood or legal relative, significant other, cohabitant of the supervisee, or someone who has acted as the supervisee's primary counselor.

~~((6))~~ (5) A substance use disorder professional trainee (SUDPT) must receive documentation of his or her approved supervisor's qualifications before training begins.

~~((7))~~ (6) An approved supervisor or other certified substance use disorder professional must review and sign all substance use disorder professional trainee clinical documentation.

~~((8))~~ (7) An approved supervisor is responsible for all patients assigned to the substance use disorder professional trainee they supervise.

AMENDATORY SECTION (Amending WSR 22-17-097, filed 8/18/22, effective 9/18/22)

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 at least 2,500 hours of supervised experience in substance use disorder counseling, or more as required by an apprenticeship program under chapter 296-05 WAC;
 - (c) Meet supervision requirements under WAC 246-811-048; and
 - (d) Meet examination requirements under WAC 246-811-060.

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

WAC 246-811-060 Examination requirements for a substance use disorder professional certification. (1) An applicant (~~(must)~~) shall take and pass the ((National)) Association ((of Alcoholism and Drug Abuse Counselor)) for Addiction Professionals (NAADAC) National Certification Examination for Addiction Counselors or International Certification and Reciprocity Consortium (IC&RC) Certified Addiction Counselor Level II or higher examination.

(2) The department will accept the passing score set by the testing company.

(3) An applicant may schedule the examination:

(a) With department approval, after applying for certification as a substance use disorder professional; or

(b) Directly with a testing entity if the applicant meets the testing entity's eligibility requirements.

(4) An applicant who has been credentialed as a substance use or addiction counselor in another state with substantially equivalent standards under WAC 246-811-310 is considered to meet the examination requirements of this section.

AMENDATORY SECTION (Amending WSR 24-03-139, filed 1/23/24, effective 2/23/24)

WAC 246-811-070 National certification. (1) A person who is certified through the ~~((National)) Association ((of Alcoholism and Drug Abuse Counselors))~~ for Addiction Professionals (NAADAC) or the International Certification and Reciprocity Consortium (IC&RC) as an alcohol and drug counselor (ADC) or advanced alcohol and drug counse-

lor (AADC), is considered to meet the experience requirements of WAC 246-811-046.

(2) A person who is certified through NAADAC or IC&RC as an ADC or AADC is considered to have met the education requirements of WAC 246-811-030(~~(+2)~~).

(3) Verification of certification must be sent directly to the department from NAADAC or IC&RC.

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

WAC 246-811-080 ((What happens if my certification expires?))
Expired certification. (1) If the substance use disorder professional or substance use disorder professional trainee certification has expired for five years or less, the individual must meet the requirements of chapter 246-12 WAC(~~(, Part 2)~~).

(2) If a substance use disorder professional certification has lapsed for more than five years, the applicant must demonstrate continued competency and must pass an examination, if an examination was not successfully passed for the initial certification. In addition, the requirements of chapter 246-12 WAC(~~(, Part 2)~~), must be met.

(3) If a substance use disorder professional trainee certification has lapsed for more than five years, the applicant must meet the requirements of chapter 246-12 WAC(~~(, Part 2)~~).

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

WAC 246-811-081 Retired active substance use disorder professional (SUDP) credential. A certified substance use disorder professional may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC(~~(, Part 5)~~).

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

WAC 246-811-100 Disclosure statement requirements. (1) The following information must be printed on all disclosure statements provided to counseling clients in language that can be easily understood by the client:

(a) Name of firm, agency, business, or substance use disorder professional's practice.

(b) Employment address and telephone number.

(c) Name, credential, and credential number.

(d) Billing information, including:

(i) Client's cost per each counseling session;

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

(e) A list of the acts of unprofessional conduct in RCW 18.130.180 including the name, address, and contact telephone number within the department of health.

(2) A substance use disorder professional trainee must provide all the information required in subsection (1) of this section as well as their approved supervisor's name, credential number, and contact information.

(3) The substance use disorder professional or substance use disorder professional trainee and the client must sign and date a statement indicating that the client has been given a copy of the required disclosure information, and the client has read and understands the information provided.

AMENDATORY SECTION (Amending WSR 23-23-034, filed 11/3/23, effective 1/1/24)

WAC 246-811-220 Continuing competency program requirements. The purpose of a continuing competency program is to enhance the professional competency of the substance use disorder professional. A successful continuing competency program focuses on all aspects of professional practice to ensure that the practitioner is competent to provide safe and quality care to patients. The purpose of the professional development activities is to broaden the experience that a substance use disorder professional may undertake to maintain competency. A substance use disorder professional, regardless of method of certification, must complete:

(1) An enhancement plan as described in WAC ((246-811-200(7))) 246-811-010(7); and

(2) ((Twenty-eight)) Twenty hours of continuing education as described in WAC 246-811-240((; and

~~(3) Twelve hours of other professional development activities as described in WAC 246-811-200(7) and 246-811-260)), including up to four hours of other professional development activities as described in WAC 246-811-260.~~

AMENDATORY SECTION (Amending WSR 23-23-034, filed 11/3/23, effective 1/1/24)

WAC 246-811-240 ((Number)) Types of continuing education hours required. (1) A certified substance use disorder professional must complete ((28)) 20 hours of continuing education ((-CE)) every two years, which may include up to four hours of professional development activities described in WAC 246-811-260.

~~((a) At least 14 hours must be completed in one or more of the topic areas as described in WAC 246-811-030 (3) (a) through (w).~~

~~(b))~~ (2) At least four hours must be in professional ethics and law.

~~((c) The additional 10 hours shall be in areas relating to the various phases of their professional career.~~

~~(d) The training in suicide assessment listed in subsection (2) of this section shall count towards meeting the CE requirements.~~

~~(e) The health equity training listed in WAC 246-811-290 shall count towards meeting the CE requirements.~~

~~(2) Once every six years a certified substance use disorder professional must complete at least three hours of training in suicide~~

assessment, including screening and referral, as specified in WAC 246-811-280.

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

~~(b) An individual applying for initial certification as a substance use disorder professional may delay completion of the first required training for six years after initial certification if they can demonstrate completion of a three-hour training in suicide assessment, including screening and referral that:~~

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

~~(ii) Meets the qualifications listed in WAC 246-811-280(1).~~

~~(3) After January 1, 2024, substance use disorder professionals are required to complete) (3) At least three hours every six years must be completed in suicide assessment training as listed under WAC 246-811-280.~~

~~(4) At least two hours ((ef)) every four years must be completed in health equity training ((every four years as specified in)) under WAC 246-811-290.~~

~~((4)) (5) Nothing in this section is intended to expand or limit the existing scope of practice of a certified substance use disorder professional or certified substance use disorder professional trainee credentialed under chapter 18.205 RCW.~~

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-250 Acceptable continuing education. Acceptable continuing education may include, but is not limited to, the following:

(1) Programs having a featured instructor, speaker(s), or panel that is industry-recognized;

(2) Distance learning programs, which are industry-recognized education obtained to enhance proficiency in one or more of the professional development activities, through sources such as internet course work, telecourses, or correspondence courses which require comprehension tests upon completion;

(3) Agency sponsored trainings, which are provided by an agency, but not limited to its employees, and qualify as a professional development activity under WAC 246-811-260;

(4) Course work at institutions of higher learning that are accredited by a national or regional accrediting body recognized by the commission on recognition of postsecondary accreditation; or

(5) In-service training programs limited to seven hours per reporting period, which are trainings provided by an agency that are limited to people working within that agency and are a professional development activity under WAC 246-811-260.

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

WAC 246-811-260 (~~((Completion of the twelve hours of other))~~) **Acceptable professional development activities.** (1) A substance use disorder professional (~~((SUDP))~~) may obtain up to four hours per continuing education cycle through professional development activities including the following:

- (a) Practicum;
 - (b) Peer-review including serving on a formal peer review panel or committee, or individual review of a sole provider, where the purpose of the review is to determine whether appropriate treatment was rendered;
 - (c) Public presentation including preparing and presenting lectures or education that contribute to the professional competence of a substance use disorder professional. The substance use disorder professional may accumulate the same number of hours obtained for continuing education purposes by attendees as required in WAC 246-12-220. The hours for presenting a specific topic lecture or education may only be used for continuing education credit once during each reporting period;
 - (d) Publication of writings;
 - (e) Participation in the substance use disorder certification advisory committee meetings, legislative hearings, rule workshops, or other state-led activities involving the substance use disorder profession; and
 - (f) Other activities as determined by the substance use disorder professional's supervisor(~~(~~
- ~~(f) Continuing education; these continuing education hours are in addition to the twenty-eight hours of continuing education as listed in WAC 246-811-240)).~~
- (2) All documentation must include the dates the continuing competency activity that took place, and if appropriate, the title of the course, the location of the course, and the name of the instructor.

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

WAC 246-811-270 **Acceptable audit documentation for continuing education, professional development activities, and the enhancement plan.** (1) For audits for continuing education, professional development activities, and the enhancement plan, acceptable documentation must be specific to the program completed and include:

- (a) Transcripts, letters from course instructors, or certificate of completion;
 - (b) Written report by the substance use disorder professional explaining how they achieved the competencies in WAC 246-811-047; or
 - (c) Signed agreement between parties involved.
- (2) A substance use disorder professional must comply with the requirements of chapter 246-12 WAC(~~(, Part 7)~~).

AMENDATORY SECTION (Amending WSR 23-23-034, filed 11/3/23, effective 1/1/24)

WAC 246-811-280 Suicide assessment training standards. (1) A certified substance use disorder professional must complete a training in suicide assessment, including screening and referral. The training must be provided by a single provider and must be at least three hours in length, which may be provided in one or more sessions. The training must be completed at least once every six years. Except as provided in subsection (2) of this section, the first training must be completed during the first full continuing education reporting period after initial certification.

(2) An individual applying for initial certification as a substance use disorder professional may delay completion of the first required training for six years after initial certification if they can demonstrate completion of a three-hour training in suicide assessment, including screening and referral, that:

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

(b) Meets the requirements listed in subsection (1) of this section.

(3) The training must be on the department's model list for training programs in suicide assessment, treatment, and management which was developed in accordance with RCW 43.70.442.

~~((2))~~ (4) A certified substance use disorder professional who is a state or local government employee 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. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.

~~((3))~~ (5) A certified substance use disorder professional who is an employee of a community mental health agency licensed under chapter 71.24 RCW or a substance use disorder program certified under chapter 70.96A 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. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.

AMENDATORY SECTION (Amending WSR 23-23-034, filed 11/3/23, effective 1/1/24)

WAC 246-811-290 Health equity training standards. (1) Beginning January 1, 2024, a substance use disorder professional must complete training in health equity as part of their continuing competency program. The substance use disorder professional must complete at least two hours of health equity training 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 provider's ability to apply health equity concepts into practice.

(2) The hours spent completing training in health equity education count towards the ~~((28))~~ 20 total hours of continuing education.

CERTIFICATION THROUGH RECIPROCITYNEW SECTION

WAC 246-811-310 Out-of-state substantial equivalency. (1) An applicant who has been credentialed as a substance use or addiction counselor in another state with substantially equivalent licensing standards, as determined by the department under RCW 18.130.077, is considered to meet:

- (a) Education requirements under WAC 246-811-030;
- (b) Examination requirements under WAC 246-811-060; and
- (c) Experience requirements under WAC 246-811-045 through 246-811-047.

(2) An applicant for substance use disorder professional under subsection (1) of this section is eligible for out-of-state substantial equivalency if they:

- (a) Have held their credential in another state for at least two years immediately preceding their application, with no interruption in licensure lasting longer than 90 days;
- (b) Have not been subject to disciplinary action for unprofessional conduct or impairment in any state, federal, or foreign jurisdiction;
- (c) Are not subject to denial of license; and
- (d) Are not under investigation or subject to charges in any state, federal, or foreign jurisdiction during the pendency of their application.

SUBSTANCE USE DISORDER PROFESSIONAL APPRENTICESHIP PROGRAMSNEW SECTION

WAC 246-811-410 Apprenticeship program review and approval process. (1) An apprenticeship program must apply to the department of health and the department of labor and industries for approval.

(2) Applications to the department of health shall be reviewed by the substance use disorder certification advisory committee and the secretary of health under chapter 18.205 RCW.

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

WAC 246-811-990 Substance use disorder professional and substance use disorder professional trainee—Fees and renewal cycle. (1) A substance use disorder professional (SUDP) certificate must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC (~~Part 2~~).

(2) A substance use disorder professional trainee certificate must be renewed every year to correspond with issuance date.

(3) Except as provided under subsection (6) of this section, the following nonrefundable fees will be charged for a certified substance use disorder professional:

Title of Fee	Fee
Application	\$260.00
Initial certification	295.00
Active renewal	300.00
Active late renewal penalty	150.00
Retired active renewal	115.00
Retired active late renewal penalty	60.00
Expired certification reissuance	115.00
Duplicate certification	10.00
Verification of certificate	25.00

(4) Except as provided under subsection (6) of this section, the following nonrefundable fees will be charged for a certified substance use disorder professional trainee:

Title of Fee	Fee
Application and initial certification	\$110.00
Renewal	90.00
Late renewal penalty	50.00
Expired certification reissuance	50.00
Duplicate certification	10.00
Verification of certificate	25.00

(5) Probationary licensure. Except as provided under subsection (6) of this section, to receive an initial or renewal of a probationary license as described in WAC 246-811-300 (3) and (4), the following nonrefundable fees will be charged:

Title of Fee	Fee
Application and initial certification	\$555.00
Active renewal	300.00
Active late renewal penalty	150.00
Expired certification reissuance	115.00
Duplicate certification	10.00
Verification of certificate	25.00

(6) Subject to appropriations under RCW 43.70.250, all application and renewal fees for substance use disorder professionals and trainees shall not exceed \$100.00 between July 1, 2024, and June 30, 2029. If funds are not appropriated for this purpose, fees shall be charged under subsections (3) through (5) of this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-811-200 Continuing competency definitions.
- WAC 246-811-210 Purpose of a continuing competency program.