

## WSR 25-04-016

## PROPOSED RULES

## DEPARTMENT OF HEALTH

[Filed January 24, 2025, 10:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-10-010.

Title of Rule and Other Identifying Information: Supervisor directory, supervision standards, and stipend program for mental health counselors, marriage and family therapists, and social workers. Proposed new rules in chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers.

The department of health (department) is proposing permanent rules to implement recent legislation. These rules establish standards for the licensed counselor supervisor directory program, supervision, practice on a pending license, and the supervision stipend program.

Hearing Location(s): On March 11, 2025, at 2:00 p.m. Register in advance for this webinar at [https://us02web.zoom.us/webinar/register/WN\\_NYkhV7rQRZyamX8mR4dG2Q](https://us02web.zoom.us/webinar/register/WN_NYkhV7rQRZyamX8mR4dG2Q). After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: March 18, 2025.

Submit Written Comments to: Brandon Williams, Office of Health Professions, P.O. Box 47852, Olympia, WA 98504-7852, <https://fortress.wa.gov/doh/policyreview/>, beginning the date and time of this filing, by March 11, 2025, 11:59 p.m.

Assistance for Persons with Disabilities: Contact Brandon Williams, phone 360-913-4643, TTY 711, email [brandon.williams@doh.wa.gov](mailto:brandon.williams@doh.wa.gov), by February 25, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules implement recent legislation, including sections of 2SHB 1724 (chapter 425, Laws of 2023), and E2SHB 2247 (chapter 371, Laws of 2024).

The proposed rules:

- Establish an optional program to help associates find clinical supervision services (referred to as the supervisor directory). Qualified supervisors and facilities can apply to be included in the supervisor directory, where associates seeking supervision can more easily select supervisors who match their supervision needs and professional goals;
- Set minimum standards for supervision of mental health counselor associates, marriage and family therapist associates, and social worker associates. These standards include requiring the associate and supervisor to clearly communicate the supervisory relationship to patients and others, a minimum individual supervision meeting frequency, and required discussion topics;
- Establish an optional stipend program to offset the costs of providing supervision (referred to as the stipend program). The stipend program will allow participating supervisors who limit associate fees to \$1,600 or less per year to collect a stipend of up to \$2,000; and
- Allow an applicant to practice for 120 days, under supervision, after the department receives the applicant's completed application.

To meet legislative deadlines, the department implemented elements of the proposed rules, including the supervisor directory and supervision standards, through emergency rule making. The emergency

rules were initially adopted on September 28, 2023, under WSR 23-20-055 and will be continued for the duration of the permanent rule-making process.

These proposed rules differ from the emergency rules currently in effect, as the proposed rules incorporate feedback from the public and the professional community. After the permanent rule-making process is completed in the spring of 2025, the permanent rules will replace the emergency rules.

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

Statutory Authority for Adoption: RCW 18.225.040 and 18.225.180.

Statute Being Implemented: RCW 18.225.180; 2SHB 1724 (chapter 425, Laws of 2023), and E2SHB 2247 (chapter 371, 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 and Implementation: Brandon Williams, 111 Israel Road S.E., Tumwater, WA 98501, 360-913-4643; Enforcement: Lana Crawford, 111 Israel Road S.E., Tumwater, WA 98501, 564-669-1455.

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 Brandon Williams, Office of Health Professions, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-913-4643, TTY 711, email brandon.williams@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(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

January 24, 2025  
 Kristin Peterson, JD  
 Chief of Policy  
 for Jessica Todorovich, MS  
 Acting Secretary of Health

**OTS-4907.9**

NEW SECTION

**WAC 246-809-020 Mental health counselor, marriage and family therapist, and social worker supervision standards.** (1) The definition in this subsection applies throughout this section unless the context clearly requires otherwise. The term "licensure candidate"

means an individual seeking supervised experience to fulfill requirements for a license. This includes the following individuals who practice under an approved supervisor:

- (a) Mental health counselor associate;
- (b) Marriage and family therapist associate;
- (c) Social worker associate;
- (d) Individual practicing on a pending associate credential;
- (e) Agency affiliated counselor;
- (f) Graduate level psychology student; or
- (g) Other individual who meets education requirements in chapter

246-809 WAC and is legally able to perform mental health counseling, marriage and family therapy, advanced social work, or independent clinical social work under RCW 18.225.010.

(2) For a licensure candidate, supervision must include:

(a) Both the approved supervisor and the licensure candidate communicating the nature of the supervisory relationship to the public, other professionals, and all clients served, consistent with the requirements of WAC 246-809-710(2);

(b) Regular supervision, meeting at least one hour for every 80 hours of the licensure candidate's clinical practice time;

(c) The approved supervisor reviewing any assessment or diagnosis by a licensure candidate practicing on a pending associate credential. The approved supervisor must agree with any assessment or diagnosis prior to it being provided to the patient; and

(d) Discussing the following topics:

(i) Services provided by the licensure candidate;

(ii) Caseload and treatment plans of the licensure candidate;

(iii) Theory and practice of the work conducted by the licensure candidate;

(iv) Relevant Washington laws and rules;

(v) Standards of practice;

(vi) Coordination of work with other professionals and parties;

and

(vii) Relevant professional literature and research.

(3) The approved supervisor shall:

(a) Qualify as an approved supervisor or equally qualified licensed mental health practitioner under this chapter and, in the event they no longer meet the supervisor qualifications, immediately notify licensure candidates under their supervision;

(b) Have the necessary expertise and knowledge to directly supervise the licensure candidate's work;

(c) Assure that the licensure candidate has sufficient and appropriate education, background, and preparation for the work they will conduct;

(d) Provide sufficient training and supervision to the licensure candidate to ensure the health and safety of clients; and

(e) Maintain documentation of supervision provided.

(4) A candidate seeking licensure as a licensed marriage and family therapist or licensed social worker must ensure that any supervision hours under a licensed mental health counselor or other equally qualified licensed mental health practitioner comply with the requirements in WAC 246-809-130 or 246-809-330, as applicable.

NEW SECTION

**WAC 246-809-070 Licensed counselor supervisor directory.** (1) Effective October 1, 2023, the licensed counselor supervisor directory (directory) is established.

(2) The purpose of the directory is to facilitate placement of associates seeking supervision with eligible providers or facilities for postgraduate supervision as required by WAC 246-809-130, 246-809-230, and 246-809-330.

(3) The directory shall not be made available for any commercial purpose consistent with RCW 42.56.070(8).

(4) A provider or facility shall be removed from the directory:

(a) When a department audit shows the provider or facility no longer meets directory requirements as established in WAC 246-809-071 or 246-809-072 or fails to meet the minimum standards established in WAC 246-809-020;

(b) Upon the request of the provider or facility; or

(c) For other good cause as determined by the department.

(5) Participation in the directory is not required to be a supervisor under WAC 246-809-134, 246-809-234, or 246-809-334.

NEW SECTION

**WAC 246-809-071 Individual licensed counselor supervisor directory application.** To be listed in the licensed counselor supervisor directory, an individual provider shall:

(1) Hold a license or retired active license that permits treatment of individuals in the state of Washington without restrictions, in an eligible profession, including:

(a) Mental health counselor, marriage and family therapist, or social worker under chapter 18.225 RCW;

(b) Psychologist under chapter 18.83 RCW;

(c) Physician practicing as a psychiatrist under chapter 18.71 RCW; or

(d) Psychiatric nurse practitioner under chapter 18.79 RCW.

(2) Submit to the department a completed application on forms provided by the department;

(3) Submit to the department verification of meeting the following education requirements:

(a) A minimum of 15 clock hours of training in clinical supervision obtained through:

(i) A supervision course;

(ii) Continuing education credits on supervision;

(iii) Supervision of supervision; or

(iv) Any combination of these; and

(b) Twenty-five hours of experience in supervision of clinical practice; and

(4) Meet any other qualifications as required by law.

NEW SECTION

**WAC 246-809-072 Facility licensed counselor supervisor directory application.** To apply to be listed in the licensed counselor supervisor directory, a facility or agency must:

- (1) Provide mental health, substance use disorder, or co-occurring disorder services to persons with a behavioral health disorder;
- (2) Operate under the authority of one or more of the following:
  - (a) Washington state departments and agencies listed in the government agency directory available on the state of Washington website;
  - (b) Federally recognized Indian tribes located within the state;
  - (c) Counties as listed in chapter 36.04 RCW;
  - (d) Community and technical colleges governed by the Washington state board for community and technical colleges;
  - (e) Colleges and universities governed by the Washington state higher education coordinating board;
  - (f) Hospitals licensed under chapter 70.41 RCW;
  - (g) Home health care agencies, home care agencies, and hospice care agencies licensed under chapter 70.127 RCW;
  - (h) Agencies and facilities licensed or certified under chapter 71.05 or 71.24 RCW; or
  - (i) Psychiatric hospitals, residential treatment facilities, and hospitals licensed under chapter 71.12 RCW;
- (3) Submit to the department a completed application on forms provided by the department; and
- (4) Submit to the department verification that at least one individual responsible for providing supervision to associates at the facility meets requirements in WAC 246-809-071.

NEW SECTION

**WAC 246-809-097 Practicing with a pending license.** (1) Effective October 1, 2025, an individual may practice under a pending associate license for up to 120 days if they submit to the department a completed associate license application on forms provided by the department.

- (2) During the 120-day period, an associate shall:
  - (a) Practice under the supervision of an approved supervisor and adhere to the supervision standards established in WAC 246-809-020; and
  - (b) Comply with department requests for additional information or documentation.
- (3) At the end of the 120-day period or after application denial, whichever occurs first, the applicant shall stop practicing immediately, unless they have been issued an associate license under RCW 18.225.145.
- (4) The 120-day period shall not be extended or renewed.

NEW SECTION

**WAC 246-809-099 Licensed counselor supervisor stipend program.** (1) Effective July 1, 2025, the licensed counselor supervisor stipend program is established by the department under RCW 18.225.180.

(2) Subject to availability of amounts appropriated for this purpose, each stipend amount shall be determined by the department and dependent on the duration of supervision, up to \$2,000 per year per associate.

(3) To qualify for a stipend, a supervisor shall:

(a) Meet requirements for an approved supervisor under chapter 246-809 WAC;

(b) Be preapproved for the stipend program by the department;

(c) Follow the supervision standards established in WAC 246-809-020 while supervising at least one associate; and

(d) Complete necessary forms as required by the department.

(4) A supervisor must maintain documentation of expenses accrued while supervising each associate.

(5) The supervisor may charge an associate up to \$1,600 per year to recoup any expenses attributable to supervision of the associate that exceed the amount of the stipend.