

WSR 26-01-192  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 23, 2025, 2:51 p.m., effective January 23, 2026]

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

Purpose: The department of social and health services is adopting amendments to WAC 388-447-0005 What evidence do we consider to determine incapacity? and 388-449-0010 What evidence do we consider to determine disability? These amendments clarify which health care professionals can be considered as a supplemental or treating medical source and update chemical dependency professional titles to be consistent with current certification language.

Citation of Rules Affected by this Order: Amending WAC 388-447-0005 and 388-449-0010.

Statutory Authority for Adoption: RCW 41.05.021, 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.08.090, 74.08A.100, 74.09.035, 74.09.530, and 74.62.030.

Adopted under notice filed as WSR 25-22-076 on October 31, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: December 23, 2025.

Katherine I. Vasquez  
Rules Coordinator

**SHS-5115.1**

AMENDATORY SECTION (Amending WSR 18-05-075, filed 2/20/18, effective 3/23/18)

**WAC 388-447-0005 What evidence do we consider to determine incapacity?** (1) To determine whether a medically determinable impairment exists, we consider medical evidence from "acceptable medical sources." "Acceptable medical sources" include the following:

(a) For a physical impairment, a health professional licensed in Washington state or where the examination was performed:

- (i) Medical doctor (MD);
- (ii) Doctor of osteopathy (DO);
- (iii) Doctor of optometry (OD) for visual disorders;
- (iv) Doctor of podiatry (DP) for foot and ankle disorders;

- (v) Physician assistant (PA) for impairments within their licensed scope of practice;
  - (vi) Advanced registered nurse practitioner (ARNP) for impairments within their licensed scope of practice;
  - (vii) Audiologist for impairments of hearing loss, auditory processing disorders, and balance disorders within their licensed scope of practice;
  - (viii) Qualified speech-language pathologist, for purposes of establishing speech or language impairments;
  - (ix) Doctor of dental surgery (DDS) or doctor of medical dentistry (DMD) for tooth abscesses or temporomandibular joint (TMJ) disorders; and
  - (x) Chief of staff of a U.S. Department of Veterans Affairs medical center, or their designee, as authorized in federal law.
- (b) For a mental impairment, a health professional licensed in Washington state or where the examination was performed:
- (i) Psychiatrist;
  - (ii) Psychologist;
  - (iii) Advanced registered nurse practitioner (ARNP) for impairments within their licensed scope of practice;
  - (iv) Physician assistant (PA) for impairments within their licensed scope of practice;
  - (v) School psychologist or other licensed or certified individual who performs the same function as a school psychologist in a school setting for impairments of intellectual disability, learning disability, or borderline intellectual functioning;
  - (vi) Clinical social worker;
  - (vii) Mental health professional (MHP); and
  - (viii) Physician treating you for a mental impairment.
- (2) "Supplemental medical evidence" means information from a licensed or certified health professional who can provide supporting documentation for impairments established by an "acceptable medical source" listed in subsection (1) of this section. "Supplemental medical evidence" sources include, but are not limited to:
- (a) Naturopath;
  - (b) Chiropractor;
  - (c) Physical therapist; and
  - (d) (~~Chemical dependency professional (CDP)~~) Substance use disorder professional (SUDP) when requesting information on the effects of substance use disorders.
- (3) "Other evidence" means information from sources not listed in subsections (1) and (2) of this section who can provide supporting documentation of functioning for impairments established by an "acceptable medical source" in subsection (1) of this section. Sources of "other evidence" may include public and private agencies, schools, family members, friends, caregivers, and employers.

AMENDATORY SECTION (Amending WSR 18-05-075, filed 2/20/18, effective 3/23/18)

**WAC 388-449-0010 What evidence do we consider to determine disability?** (1) To determine whether a medically determinable impairment exists, we consider medical evidence from "acceptable medical sources." "Acceptable medical sources" include the following:

(a) For a physical impairment, a health professional licensed in Washington state or where the examination was performed:

- (i) Medical doctor (MD);
- (ii) Doctor of osteopathy (DO);
- (iii) Doctor of optometry (OD) for visual disorders;
- (iv) Doctor of podiatry (DP) for foot and ankle disorders;
- (v) Physician assistant (PA) for impairments within their licensed scope of practice;
- (vi) Advanced registered nurse practitioner (ARNP) for impairments within their licensed scope of practice;
- (vii) Audiologist for impairments of hearing loss, auditory processing disorders, and balance disorders within their licensed scope of practice; and
- (viii) Qualified speech-language pathologist, for purposes of establishing speech or language impairments.

(b) For a mental impairment, a health professional licensed in Washington state or where the examination was performed:

- (i) Psychiatrist;
- (ii) Psychologist;
- (iii) Advanced registered nurse practitioner (ARNP) for impairments within their licensed scope of practice;
- (iv) Physician assistant (PA) for impairments within their licensed scope of practice; and
- (v) School psychologist or other licensed or certified individual who performs the same function as a school psychologist in a school setting for impairments of intellectual disability, learning disability, or borderline intellectual functioning.

(2) We accept medical evidence of how your impairment(s) affect your ability to function from "treating medical sources" once a diagnosis of a medically determinable impairment has been established by an "acceptable medical source" listed in subsection (1) of this section. "Treating medical sources" must be licensed or certified to provide healthcare and include, but are not limited to:

- (a) Physician treating you for a mental impairment;
- (b) Clinical social worker;
- (c) Mental health professional (MHP);
- (d) Naturopath;
- (e) Chiropractor;
- (f) Physical therapist; and
- (g) (~~Chemical dependency professional (CDP)~~) Substance use disorder professional (SUDP) when requesting information on the effects of substance use disorders.

(3) "Other evidence" means information from sources not listed in subsections (1) and (2) of this section who can provide supporting documentation of functioning for impairments established by an "acceptable medical source" in subsection (1) of this section. Sources of "other evidence" may include public and private agencies, schools, family members, friends, caregivers, and employers.