WSR 26-16-014
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed July 24, 2026, 9:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-20-070.

Title of Rule and Other Identifying Information: Applied behavior analysis continuing supervision and educational programs. The department of health (department), in consultation with the Washington state applied behavior analysis advisory committee, is proposing amendments to WAC 246-805-210, 246-805-240, and 246-805-330 to remove barriers for education and update the requirements for continuing supervision for certified behavior technicians (CBT) and licensed assistant behavior analysts (LABA).

Hearing Location(s): On September 22, 2026, at 10:00 a.m. Register in advance for this webinar at https://us02web.zoom.us/webinar/register/WN_gsedXNhIT_mTcFegRdvNjA. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: September 29, 2026.

Submit Written Comments to: Shelbee Scrimo, P.O. Box 47852, Olympia, WA 98504-7852, email ABA@doh.wa.gov, web https://fortress.wa.gov/doh/policyreview/, beginning the date and time of this filing, by September 22, 2026, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Shelbee Scrimo, phone 360-236-4723, TTY 711, email shelbee.scrimo@doh.wa.gov, by September 8, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments will update the education requirement for LABA to allow applicants with education from foreign institutions to be eligible for licensure. The proposed rule aligns with the licensed behavior analyst education rules which allow accrediting institutions approved by the department. This is intended to remove a barrier for applicants whose education is from a foreign institution.

The proposed rules also establish standards that prevent conflicting supervisor relations with CBT and LABA providers that could pose patient safety situations. The proposed rules establish standards that prohibit supervisors from being related to, subordinate to, or employed by the person they are supervising. These amendments will better align with current practices and increase patient safety regarding continuing supervision requirements related to multiple conflicting types of relationships for LABA and CBT.

Reasons Supporting Proposal: The proposed amendments remove a licensing barrier for those who have education from a foreign institution and better align with current best practices which will lead to an increase in patient safety.

Statutory Authority for Adoption: RCW 18.380.110.

Statute Being Implemented: RCW 18.380.110 and 18.380.050.

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: Shelbee Scrimo, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4723.

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 Shelbee Scrimo, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, TTY 711, email shelbee.scrimo@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: Although many licensees practice within small businesses, the proposed rules regulate only individual professional standards and do not impose requirements on business operations, staffing, equipment, or reporting.

Scope of exemption for rule proposal:

Is fully exempt.

July 24, 2026
Kristin Peterson, JD
Chief of Policy
for Dennis E. Worsham
Secretary of Health

RDS-7264.1

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-210 Licensed assistant behavior analyst—Recognized educational programs. The department will accept a bachelor's degree in any discipline from an institution accredited by the council for higher education accreditation or United States Department of Education or a similar accrediting institution approved by the department as meeting the requirements under RCW 18.380.050 (1)(b)(i) for applicants applying for an LABA credential.

AMENDATORY SECTION (Amending WSR 24-11-103, filed 5/17/24, effective 6/17/24)

WAC 246-805-240 Licensed assistant behavior analyst—Continuing supervision. (1) A LABA shall work under the supervision of an LBA or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1) for each client receiving ABA services.

(2) A clinical supervisor shall:

(a) Hold an active license in good standing as a Washington state LBA or be otherwise qualified to practice in ABA consistent with RCW 18.380.030(1); and

(b) Be responsible and accountable for the services an LABA provides to clients; and

(c) Not be related to, subordinate to, or employed by the LABA being supervised.

(3) The LABA and the clinical supervisor shall develop a supervision agreement before the LABA begins to provide any behavior analytic tasks. A copy of the supervision agreement must be maintained by both the clinical supervisor and LABA. The supervision agreement must include, but not be limited to:

(a) Duties and responsibilities the LABA will perform;

(b) Mechanism for reporting caseload to the clinical supervisor;

(c) Type and frequency of supervision; and

(d) Signature of both the clinical supervisor and supervisee.

(4) The clinical supervisor shall review the LABA's progress with the LABA at least every six months.

(5) The supervision shall include:

(a) At least one face-to-face contact per month with the LABA. Face-to-face contact may occur in person, on-site, or by videoconferencing, and may include small group interaction; and

(b) Visually observing the LABA with clients on a quarterly basis for at least one treatment session. Observation may occur in person or by videoconferencing.

AMENDATORY SECTION (Amending WSR 24-11-103, filed 5/17/24, effective 6/17/24)

WAC 246-805-330 Certified behavior technician—Continuing supervision. (1) A CBT shall work under close, ongoing supervision of a clinical supervisor for each client receiving ABA services.

(2) A clinical supervisor:

(a) Shall hold an active license in good standing as an LBA, LABA, or a license issued by this state permitting the individual to practice ABA consistent with RCW 18.380.030(1); and

(b) Is responsible for the conduct of the CBT at all times when working with clients under his or her supervision; and

(c) Not be related to, subordinate to, or employed by the CBT being supervised.

(3) The CBT and the clinical supervisor shall develop a supervision agreement before the CBT begins to provide any behavior analytic tasks. A copy of the supervision agreement must be maintained both by the supervisor and CBT. The supervision agreement must include, but not be limited to:

(a) Duties and responsibilities the CBT will perform;

(b) Type and frequency of supervision, as described in subsection (5) of this section; and

(c) Signature of both the clinical supervisor and CBT.

(4) The clinical supervisor shall review the CBT's progress with the CBT as necessary and document the progress at least every six months.

(5) The clinical supervisor shall:

(a) Meet in person with the CBT to provide guidance in working with new clients;

(b) Conduct at least two face-to-face contacts per month with the CBT. Face-to-face contact may occur in person, on-site or by videoconferencing.

(c) Provide direct supervision and observation for a minimum of five percent of the CBT's hours each month including:

(i) Observing the CBT at least once per month when the CBT is providing ABA services to clients; and

(ii) Observing the CBT with each client on his or her caseload at least once every three months.