

DATE: July 25, 2023

TIME: 11:13 AM

WSR 23-16-044



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

**Agency:** Department of Health

**Subject of possible rule making:** Creating new agency affiliated counselor credentials and making other updates to Chapter 246-810 WAC, Counselors.

Amending Chapter 246-810 WAC, Counselors, and possibly repealing or creating new sections. The Department of Health (department) is considering rulemaking to establish two new credentials, the certified agency affiliated counselor (C-AAC) and licensed agency affiliated counselor (L-AAC), which were created by Second Substitute House Bill (2SHB) 1724. This rulemaking project will consider requirements for the new credentials, including but not limited to, education, coursework, experience, and fees. The department will also consider other amendments to the chapter as appropriate. This may include addressing issues raised by the Certified Counselors and Hypnotherapists Advisory Committee, partners, or interested parties.

Additionally, this rulemaking project will continue work started under WSR 21-21-036 to implement Engrossed Second Substitute House Bill (E2SHB) 1504, which requires the department to define when a "student intern" can become an AAC. Rulemaking to implement E2SHB 1504 and 2SHB 1724 are being combined for efficiency, because both bills impact the same rule sections.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 18.19.050, 2SHB 1724 (Chapter 425, Laws of 2023), E2SHB 1504 (Chapter 170, Laws of 2021)

**Reasons why rules on this subject may be needed and what they might accomplish:**

During the 2023 legislative session, the legislature passed 2SHB 1724 to create the new AAC credentials, establish their scope of practice, and direct the department to adopt additional rules regulating the credentials, including required coursework. These new statutory amendments conflict with the current language of Chapter 246-810 WAC, which only contains the registered AAC credential; rulemaking will be necessary to resolve this conflict. Existing statute, RCW 18.19.050, also authorizes the department to adopt rules regulating the AAC profession.

In addition to fulfilling the intent of 2SHB 1724, creating rules for these credentials will allow the department to consistently uphold standards that protect patient safety.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

The AAC profession intersects with the work of Health Care Authority (HCA) because services provided by AACs are covered by the state Medicaid plan. The department will collaborate with HCA throughout rulemaking to ensure that the department's regulatory framework aligns with HCA's work.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)


Collaborative

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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Other:	Web site:
	Other:

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use the GovDelivery Agency Affiliated Counselor list to inform interested parties of opportunities to provide input on proposed rule language.

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<b>Date:</b> 7/25/2023	<b>Signature:</b> 
<b>Name:</b> Kristin Peterson, JD for Umair A. Shah, MD, MPH	
<b>Title:</b> Chief of Policy for Secretary of Health	