



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 24, 2025

TIME: 10:37 AM

WSR 25-04-016

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR ; or

Expedited Rule Making--Proposed notice was filed as WSR ____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW ____.

Title of rule and other identifying information: (describe subject) 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):

| Date: | Time: | Location: (be specific) | Comment: |
|----------------|---------|--|--|
| March 11, 2025 | 2:00 pm | Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_NYkhV7rQRZyamX8mR4dG2Q After registering, you will receive a confirmation email containing information about joining the webinar. | The rule hearing will be virtual only. |

Date of intended adoption: 3/18/2025 (Note: This is **NOT** the effective date)

Submit written comments to:

Name Brandon Williams
 Address Office of Health Professions,
 PO Box 47852,
 Olympia, WA 98504-7852
 Email N/A
 Fax N/A
 Other <https://fortress.wa.gov/doh/policyreview/>
 Beginning (date and time) The date and time of this filing
 By (date and time) 3/11/2025, 11:59 pm

Assistance for persons with disabilities:

Contact Brandon Williams
 Phone (360) 913-4643
 Fax N/A
 TTY 711
 Email brandon.williams@doh.wa.gov
 Other
 By (date) 2/25/2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rules implement recent legislation, including sections of Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023) and Engrossed Second Substitute House Bill (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 rulemaking. 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 rulemaking 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 rulemaking 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, Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023), and Engrossed Second Substitute House Bill (E2SHB) 2247 (chapter 371, Laws of 2024).

Is rule necessary because of a:

| | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Department of Health
Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
|----------------|------------------|--|----------------|
| Drafting | Brandon Williams | 111 Israel Road SE, Tumwater, WA 98501 | (360) 913-4643 |
| Implementation | Brandon Williams | 111 Israel Road SE, Tumwater, WA 98501 | (360) 913-4643 |
| Enforcement | Lana Crawford | 111 Israel Road SE, Tumwater, WA 98501 | (564) 669-1455 |

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name Brandon Williams
Address Office of Health Professions,
PO Box 47852
Olympia, WA 98504-7852
Phone (360) 913-4643
Fax N/A
TTY 711
Email brandon.williams@doh.wa.gov
Other

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b) (Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e) (Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c) (Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f) (Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d) (Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g) (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Date: January 24, 2025

Name: Kristin Peterson, JD for Jessica Todorovich, MS

Title: Chief of Policy for Acting Secretary of Health

Signature:

A handwritten signature in cursive script that reads "Kristin Peterson".

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.