



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health

- Preproposal Statement of Inquiry was filed as WSR 08-14-140 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)  
Chapter 246-809 WAC Licensed Counselors - Adding New Associate Level Professions

**Hearing location(s):** Department of Health  
310 Israel Road SE  
Point Plaza East, Room 152/153  
Tumwater, WA 98504-7852

Date: 06/10/2009 Time: 1:30 pm

**Submit written comments to:**

Name: Betty J. Moe  
Address: Department of Health  
PO Box 47852  
Olympia, WA 98504-7852  
Website: <http://www3.doh.wa.gov/policyreview/>  
fax 360-236-2406 by (date) 06/10/2009

**Assistance for persons with disabilities:** Contact

Betty J. Moe by 06/03/2009  
TTY (800) 833-6388 or () 711

**Date of intended adoption:** 06/10/2009  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**  
The change in statute makes it necessary for the department to develop rules for the new associate-level professions. The proposed rules:

1. Identify the educational requirements for each associate-level credential.
2. Add an exemption to waive the postgraduate supervision experience required for full licensure.
3. Modify the supervised experience requirements for social work licensure.

**Reasons supporting proposal:**

Second Substitute House Bill (2SHB) 2674 (Chapter 135, Laws of 2008) amended credentialing standards for Registered Counselors. The legislation created eight new counseling professions, effective 7/1/09, and abolished the registered counselor (RC) credential effective 7/1/10. Sections 11-14 of the bill added the following four new professions:

- \* Licensed social work associate - advanced (LSWAA)
- \* Licensed social work associate - independent clinical (LSWAIC)
- \* Licensed mental health counselor associate (LMHCA), and
- \* Licensed marriage and family therapy associate (LMFTA)

**Statutory authority for adoption:**  
RCW 18.225.090

**Statute being implemented:**  
chapter 18.225 RCW

**Is rule necessary because of a:**

- Federal Law?  Yes  No  
 Federal Court Decision?  Yes  No  
 State Court Decision?  Yes  No  
 If yes, CITATION:

**DATE** 05/05/2009

**NAME** (type or print)  
Mary C. Selecky

**SIGNATURE**

**TITLE**  
Secretary

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED**

**DATE:** May 06, 2009

**TIME:** 10:06 AM

**WSR 09-10-090**

**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

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Betty J. Moe	310 Israel Road SE, Tumwater WA 98501	360-236-4912
Implementation.... Betty J. Moe	310 Israel Road SE, Tumwater WA 98501	360-236-4912
Enforcement..... Betty J. Moe	310 Israel Road SE, Tumwater WA 98501	360-236-4912

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

**Is a cost-benefit analysis required under RCW 34.05.328?**

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

Name: Betty J. Moe, Program Manager

Address: Department of Health

PO Box 47852

Olympia WA 98502-7852

phone 360-236-4912

fax 360-236-4909

e-mail [Betty.Moe@doh.wa.gov](mailto:Betty.Moe@doh.wa.gov)

No: Please explain:

**LICENSED COUNSELORS AND ASSOCIATE COUNSELORS--GENERAL  
REQUIREMENTS**

AMENDATORY SECTION (Amending WSR 06-09-032, filed 4/12/06, effective 5/13/06)

**WAC 246-809-010 Definitions.** ((The following terms are defined within the meaning of this chapter.)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Associate" means a prelicensure candidate who has a graduate degree in a mental health field under RCW 18.225.090 and is gaining the supervision and supervised experience necessary to become a licensed independent clinical social worker, a licensed advanced social worker, a licensed mental health counselor, or a licensed marriage and family therapist. Associates may not independently provide social work, mental health counseling, or marriage and family therapy for a fee, monetary or otherwise. Associates must work under the supervision of an approved supervisor.

(2) "Independent social work, mental health counseling, or marriage and family therapy" means the practice of these disciplines without being under the supervision of an approved supervisor.

(3) "Licensed counselor" means a licensed marriage and family therapist, licensed mental health counselor, licensed advanced social worker, or licensed independent clinical social worker regulated under chapter 18.225 RCW.

AMENDATORY SECTION (Amending WSR 06-09-032, filed 4/12/06, effective 5/13/06)

**WAC 246-809-035 ((Record keeping)) Recordkeeping and retention.** (1) The licensed counselor or associate providing professional services to a client or providing services billed to a third-party payor, ((shall)) must document services, except as provided in subsection (2) of this section. The documentation includes:

(a) Client name;

- (b) The fee arrangement and record of payments;
- (c) Dates counseling was received;
- (d) Disclosure form, signed by licensed counselor and client or associate and client;
- (e) The presenting problem(s), purpose or diagnosis;
- (f) Notation and results of formal consults, including information obtained from other persons or agencies through a release of information;
- (g) Progress notes sufficient to support responsible clinical practice for the type of theoretical orientation/therapy the licensed counselor or associate uses. The associate must provide adequate information about their clinical work to the approved supervisor. This can be in the form of progress notes, case discussions/analysis, or reports from collaborating professionals. The approved supervisor must have an understanding of the clinical work that the associate is doing.

(2) If a client requests that no treatment records be kept, and the licensed counselor or associate agrees to the request, the request must be in writing and the licensed counselor or associate must retain only the following documentation:

- (a) Client name;
- (b) Fee arrangement and record of payments;
- (c) Dates counseling was received;
- (d) Disclosure form, signed by licensed counselor or associate and client;
- (e) Written request that no records be kept.

(3) The licensed counselor or associate may not agree to the request if maintaining records is required by other state or federal law.

(4) The licensed counselor or associate or the associate's supervisor must keep all records for a period of five years following the last visit. Within this five-year period, all records must be maintained safely, with properly limited access.

(5) The licensed counselor or associate or the associate's supervisor must make provisions for retaining or transferring records in the event of going out of business, death or incapacitation. These provisions may be made in the practitioner's will, an office policy, or by ensuring another licensed counselor is available to review records with a client and recommend a course of action; or other appropriate means as determined by the licensed counselor or associate.

AMENDATORY SECTION (Amending WSR 06-09-032, filed 4/12/06, effective 5/13/06)

**WAC 246-809-040 Reporting of suspected abuse or neglect of a child(~~(, dependent)~~) or vulnerable adult(~~(, or a developmentally disabled person)~~). As required by chapter(~~(s)~~) 26.44 (~~(and 74.34)~~)**

RCW, all licensed counselors and associates must report abuse or neglect of a child (~~(, dependent adult, or developmentally disabled person)~~) if the counselor has reasonable cause to believe that an incident has occurred.

As required by chapter 74.34 RCW, all licensed counselors and associates must report suspected abandonment, abuse, neglect, or financial exploitation of a vulnerable adult, when there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect has occurred.

The counselor or associate shall report to the local law enforcement agency or to the department of social and health services at the first opportunity, but no longer than (~~forty-eight~~) twenty-four hours after deciding there is reasonable cause to believe that the child or vulnerable adult has suffered abandonment, abuse ((or)), neglect, or financial exploitation.

The associate will inform their approved supervisor of any report made by the associate.

AMENDATORY SECTION (Amending WSR 08-07-090, filed 3/19/08, effective 4/19/08)

**WAC 246-809-049 Sexual misconduct.** (1) The definitions and prohibitions on sexual misconduct described in chapter 246-16 WAC apply to licensed (~~(marriage and family therapists, licensed mental health)~~) counselors (~~(7)~~) and (~~(licensed social workers)~~) associates except WAC 246-16-100 (3) and (4).

(2) A licensed (~~(marriage and family therapist, licensed mental health)~~) counselor (~~(7)~~) or (~~(licensed social worker)~~) associate shall never engage, or attempt to engage, in the activities listed in WAC 246-16-100(1) with a former patient, former client or former key party.

**LICENSED MARRIAGE AND FAMILY THERAPISTS AND LICENSED MARRIAGE AND FAMILY THERAPY ASSOCIATES**

NEW SECTION

**WAC 246-809-100 One year exemption option.** Persons who submit an application for licensure as a marriage and family therapist by July 1, 2010, and who have held a registered counselor

credential issued under chapter 18.19 RCW in good standing for five consecutive years since obtaining their master's degree in an approved field, are deemed to have met the supervised postgraduate experience requirements of WAC 246-809-130. Applicants must meet the education requirements in WAC 246-809-120 and the examination requirements of WAC 246-809-140.

AMENDATORY SECTION (Amending WSR 06-18-043, filed 8/30/06, effective 9/30/06)

**WAC 246-809-110 Definitions.** The following terms apply to the licensure of marriage and family therapists and marriage and family therapist associates.

(1) "Approved educational program" means:

(a) Any college or university accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation or its successor; or

(b) A program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), at the time the applicant completed the required education.

(2) "Approved supervisor" means a licensed marriage and family therapist, or an equally qualified licensed mental health practitioner.

(3) "Equally qualified licensed mental health practitioner" means a licensed mental health counselor, licensed clinical social worker, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner, who has completed:

(a) Three hundred clock hours in graduate or postgraduate marriage and family education, or continuing education in marriage and family therapy or supervision by an approved marriage and family therapist supervisor in marriage and family therapy or any combination of these; and

(b) Five years of clinical practice that includes the equivalent of one year of clinical practice working with couples and families.

(4) "Group supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than six licensure candidates.

(5) "Licensure candidate" means an individual that is accruing supervised clinical experience required for licensure.

(6) "One-on-one supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than two licensure candidates.

(7) "Supervised experience requirement" means experience that is obtained under an approved supervisor who meets the requirements described in WAC 246-809-134.

(8) "Supervision of supervision" means supervision by an

approved supervisor for the purpose of training and qualifying a license holder to act as an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-134.

(9) "Peer" means a co-worker who is not the licensure candidate's employer or supervisor.

AMENDATORY SECTION (Amending WSR 01-17-113, filed 8/22/01, effective 9/22/01)

**WAC 246-809-120 Education requirements--Degree equivalents.**

(1) To meet the education requirement (~~(of chapter 251, Laws of 2001, an applicant)~~) for full licensure or associate licensure an applicant must ((possess)) have a master's or doctoral degree in marriage and family therapy or a behavioral science master's or doctoral degree with equivalent course work from an approved school. An official transcript must be provided as evidence of fulfillment of the course work required.

(2) The following are considered to be equivalent to a master's or doctoral degree in marriage and family therapy from an approved school:

(a) A doctoral or master's degree from an approved school in any of the behavioral sciences that shows evidence of fulfillment of the course work requirements set out in WAC 246-809-121; or

(b) A doctoral or master's degree in any of the behavioral sciences from an approved school that shows evidence of partial fulfillment of the equivalent course work requirements set out in WAC 246-809-121, plus supplemental course work from an approved school to satisfy the remaining equivalent course work requirements set out in WAC 246-809-121.

(3) Applicants who held a behavioral science master's or doctoral degree and are completing supplemental course work through an approved school to satisfy any missing program equivalencies may count any postgraduate experience hours acquired concurrently with the additional course work.

(4) Anyone who has obtained American Association for Marriage and Family Therapy (AAMFT) clinical membership status is considered to have met the education requirements of this chapter. Verification must be sent directly to the department from the AAMFT.

**WAC 246-809-121 Program equivalency.** Course work equivalent to a master's or doctoral degree in marriage and family therapy (~~shall~~) must include graduate level courses in marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, research, professional ethics and law, and supervised clinical practice and electives.

A total of forty-five semester credits and sixty quarter credits are required in all nine areas of study. A minimum of twenty-seven semester credits or thirty-six quarter credits are required in the first five areas of study: Marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, and research. Distribution of the course work is as follows:

(1) Marital and family systems.

(a) An applicant must have taken at least two courses in marital and family systems. Course work required is a minimum of six semester credits or eight quarter credits.

(b) Marital and family systems is a fundamental introduction to the systems approach to intervention. The student should learn to think in systems terms on a number of levels across a wide variety of family structures, and regarding a diverse range of presenting problems. While the most intense focus may be on the nuclear family (in both its traditional and alternative forms), models should be taught which integrate information regarding the marital, sibling, and individual subsystems, as well as the family of origin and external societal influences. Developmental aspects of family functioning should also be considered of the family system; it also provides a theoretical basis for treatment strategy. Some material may be drawn from familiar sources such as family sociology, but it should be integrated with recent clinically oriented systems concepts. Supplemental studies may include family simulation, the observation of well families, and study of the student's family of origin.

(2) Marital and family therapy.

(a) An applicant must have taken at least two courses in marital and family therapy. Course work required is a minimum of six semester credits or eight quarter credits.

(b) Marital and family therapy is intended to provide a substantive understanding of the major theories of systems change and the applied practices evolving from each orientation. Major theoretical approaches to be surveyed might include strategic, structural, experiential, neoanalytical (e.g., object relations), communications, and behavioral. Applied studies should consider the range of technique associated with each orientation, as well as a variety of treatment structures, including individual, concurrent, collaborative, conjoint marital, marital group, transgenerational, and network therapies.

(3) Individual development.

(a) An applicant must have taken at least one course in

individual development. Course work required is a minimum of two semester credits or three quarter credits.

(b) A course in this area is intended to provide a knowledge of individual personality development and its normal and abnormal manifestations. The student should have relevant course work in human development across the life span, and in personality theory. An attempt should be made to integrate this material with systems concepts. Several of the courses in this category may be required as prerequisites for some degree programs.

(4) Psychopathology.

(a) An applicant must have taken at least one course in psychopathology. Course work required is a minimum of two semester credits or three quarter credits.

(b) Psychopathology is the assessment and diagnosis including familiarity with current diagnostic nomenclature, diagnostic categories and the development of treatment strategies.

(5) Human sexuality.

(a) An applicant must have taken at least one course in human sexuality. Course work required is a minimum of two semester credits or three quarter credits.

(b) Human sexuality includes normal psycho-sexual development, sexual functioning and its physiological aspects and sexual dysfunction and its treatment.

(6) Research.

(a) An applicant must have taken at least one course in research methods. Course work required is a minimum of three semester credits or four quarter credits.

(b) The research area is intended to provide assistance to students in becoming informed consumers of research in the marital and family therapy field. Familiarity with substantive findings, together with the ability to make critical judgments as to the adequacy of research reports, is expected.

(7) Professional ethics and law.

(a) An applicant must have taken at least one course in professional ethics and law. Course work required is a minimum of three semester credits or four quarter credits.

(b) This area is intended to contribute to the development of a professional attitude and identity. Areas of study will include professional socialization and the role of the professional organization, licensure or certification legislation, legal responsibilities and liabilities, ethics and family law, confidentiality, independent practice and interprofessional cooperation.

(8) Electives.

(a) An individual must take one course in an elective area. Course work required is a minimum of three semester credits and four quarter credits.

(b) This area will vary with different institutions but is intended to provide supplemental and/or specialized supporting areas.

(9) Supervised clinical practice.

(a) An applicant may acquire up to nine semester credits or

twelve quarter credits through supervised clinical practice in marriage and family therapy under the supervision of a qualified marriage and family therapist as determined by the school((7)).

(b) If an applicant completed a master's or doctoral degree program in marriage and family therapy, or a behavioral science master's or doctoral degree with equivalent course work, prior to January 1, 1997; and if that degree did not include a supervised clinical practice component, the applicant may substitute the clinical practice component with proof of a minimum of three years postgraduate experience in marriage and family therapy, in addition to the two years supervised postgraduate experience required under section 9(1), chapter 251, Laws of 2001.

AMENDATORY SECTION (Amending WSR 06-18-043, filed 8/30/06, effective 9/30/06)

**WAC 246-809-130 Supervised postgraduate experience.** The experience requirements for the marriage and family therapist applicant's practice area include successful completion of a supervised experience requirement. The experience requirement consists of a minimum of two calendar years of full-time marriage and family therapy. Of the total supervision, one hundred hours must be with a licensed marriage and family therapist with at least five years' clinical experience; the other one hundred hours may be with an equally qualified licensed mental health practitioner. Total experience requirements include:

(1) A minimum of three thousand hours of experience, one thousand hours of which must be direct client contact; at least five hundred hours must be gained in diagnosing and treating couples and families; plus

(2) At least two hundred hours of qualified supervision with an approved supervisor. At least one hundred of the two hundred hours must be one-on-one supervision, and the remaining hours may be in one-on-one or group supervision.

(3) Applicants who have completed a master's program accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy may be credited with five hundred hours of direct client contact and one hundred hours of formal meetings with an approved supervisor.

(4) Licensed marriage and family therapist associate applicants are not required to have supervised postgraduate experience prior to becoming an associate.

(5) Licensed marriage and family therapist associate applicants must declare they are working towards full licensure.

AMENDATORY SECTION (Amending WSR 06-18-043, filed 8/30/06, effective 9/30/06)

**WAC 246-809-134 Approved supervisor.** (1) The approved supervisor (~~shall~~) must hold a license without restrictions that has been in good standing for at least two years.

(2) The approved supervisor (~~shall~~) must not be a blood or legal relative or cohabitant of the licensure candidate, licensure candidate's peer, or someone who has acted as the licensure candidate's therapist within the past two years.

(3) The approved supervisor, prior to the commencement of any supervision, (~~shall~~) must provide the licensure candidate a declaration, on a form provided by the department, that (~~the supervisor has~~) they have met the requirements of WAC 246-809-134 and (~~qualifies~~) qualify as an approved supervisor.

(4) The approved supervisor (~~shall~~) must have completed the following:

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

- (i) A supervision course; or
- (ii) Continuing education credits on supervision; or
- (iii) Supervision of supervision; or
- (iv) Any combination of these; and

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

(c) An American Association for Marriage and Family Therapy (AAMFT) approved supervisor (~~is considered to have met~~) meets the qualifications above.

(5) The approved supervisor (~~shall~~) must attest to having thorough knowledge of the supervisee's practice activities including:

- (a) Practice setting;
- (b) Recordkeeping;
- (c) Financial management;
- (d) Ethics of clinical practice; and
- (e) A backup plan for coverage.

(6) Applicants whose supervised postgraduate experience began (~~prior to the effective date of these rules~~) before September 30, 2006, are exempt from the requirements of subsection (4) of this section.

AMENDATORY SECTION (Amending WSR 01-17-113, filed 8/22/01, effective 9/22/01)

**WAC 246-809-140 Examination.** Examination required. Applicants for full licensure must take and pass the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination. The passing score on the examination (~~shall be that~~) is

established by the testing company in conjunction with the AMFTRB.

**LICENSED MENTAL HEALTH COUNSELORS AND LICENSED MENTAL HEALTH  
COUNSELOR ASSOCIATES**

NEW SECTION

**WAC 246-809-200 One year exemption option.** Persons who submit an application for licensure as a mental health counselor by July 1, 2010, and who have held a registered counselor credential issued under chapter 18.19 RCW in good standing for five consecutive years since obtaining their master's degree in an approved field, are deemed to have met the supervised postgraduate experience requirements of WAC 246-809-230. Applicants must meet the education requirements in WAC 246-809-220 and the examination requirements of WAC 246-809-240.

AMENDATORY SECTION (Amending WSR 06-18-043, filed 8/30/06, effective 9/30/06)

**WAC 246-809-210 Definitions.** The following definitions apply to the licensure of mental health counselors and mental health counselor associates.

(1) "Approved educational program" means any college or university accredited by an accreditation body recognized by the Council for Higher Education Accreditation (CHEA) or its successor, at the time the applicant completed the required education.

(2) "Approved setting" includes facilities, agencies or private practice where an applicant works with individuals, families, couples or groups under the supervision of an approved supervisor.

(3) "Approved supervisor" means a qualified licensed mental health counselor or equally qualified licensed mental health practitioner who has been licensed without restrictions for at least two years.

(4) "Equally qualified licensed mental health practitioner" means a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner.

(5) "Group supervision" means face-to-face supervision with an

approved supervisor, involving one supervisor and no more than six licensure candidates.

(6) "Immediate supervision" means a meeting with an approved supervisor, involving one supervisor and no more than two licensure candidates.

(7) "Licensure candidate" means an individual that is accruing supervised clinical experience required for licensure.

(8) "Supervision of supervision" means supervision by an approved supervisor for the purpose of training and qualifying a licensee to act as an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-234.

(9) "Peer" means a co-worker who is not the licensure candidate's employer or supervisor.

AMENDATORY SECTION (Amending WSR 01-17-113, filed 8/22/01, effective 9/22/01)

**WAC 246-809-220 Education requirements.** (1) To meet the education requirement (~~((imposed by section 9 (1)(b)(i), chapter 251, Laws of 2001))~~) for licensure as a mental health counselor or mental health counselor associate, an applicant must (~~((possess))~~) have a master's or doctoral degree in mental health counseling or a behavioral science master's or doctoral degree in a field relating to mental health counseling from an approved school. Fields recognized as relating to mental health counseling (~~((may))~~) include counseling, psychology, social work, nursing, education, pastoral counseling, rehabilitation counseling, or social sciences. Any field of study qualifying as related to mental health counseling must satisfy course work equivalency requirements included in WAC 246-809-221. An official transcript must be provided as evidence of fulfillment of the course work required.

(2) Any supplemental course work required must be from an approved school.

(3) Applicants who held a behavioral science master's or doctoral degree and are completing supplemental course work through an approved school to satisfy any missing program equivalencies may count any postgraduate experience hours acquired concurrently with the additional course work.

(4) A person who is a Nationally Certified Counselor (NCC) or a Certified Clinical Mental Health Counselor (CCMHC) through the National Board of Certified Counselors (NBCC) is considered to have met the education requirements of this chapter. Verification must be sent directly to the department from NBCC.

AMENDATORY SECTION (Amending WSR 06-18-043, filed 8/30/06, effective 9/30/06)

**WAC 246-809-230 Supervised postgraduate experience.** (1) The experience requirements for the mental health applicant's practice area include successful completion of a supervised experience requirement. The experience requirement consists of a minimum of thirty-six months full-time counseling or three thousand hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor or equally qualified licensed mental health practitioner in an approved setting. The three thousand hours of required experience includes a minimum of one hundred hours spent in immediate supervision with the qualified licensed mental health counselor or equally qualified licensed mental health practitioner, and includes a minimum of one thousand two hundred hours of direct counseling with individuals, couples, families, or groups.

(2) Applicants who have completed a master's or doctoral program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) will be credited with fifty hours of postgraduate supervision and five hundred hours of postgraduate experience.

(3) Applicants for licensed mental health counselor associate are not required to have supervised postgraduate experience prior to becoming an associate.

(4) Licensed mental health counselor associate applicants must declare they are working toward full licensure.

AMENDATORY SECTION (Amending WSR 06-18-043, filed 8/30/06, effective 9/30/06)

**WAC 246-809-234 Approved supervisor.** (1) The approved supervisor (~~shall~~) must hold a license without restrictions that has been in good standing for at least two years.

(2) The approved supervisor (~~shall~~) must not be a blood or legal relative or cohabitant of the licensure candidate, licensure candidate's peer, or someone who has acted as the licensure candidate's therapist within the past two years.

(3) The approved supervisor, prior to the commencement of any supervision, (~~shall~~) must provide the licensure candidate a declaration, on a form provided by the department, that (~~the supervisor has~~) they have met the requirements of WAC 246-809-234 and (~~qualifies~~) qualify as an approved supervisor.

(4) The approved supervisor (~~shall~~) must have completed the following:

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

(i) A supervision course; or

(ii) Continuing education credits on supervision; or  
(iii) Supervision of supervision; and  
(b) Twenty-five hours of experience in supervision of clinical practice.

(5) The approved supervisor shall have full knowledge of the licensure candidate's practice activities including:

- (a) Recordkeeping;
- (b) Financial management;
- (c) Ethics of clinical practice; and

(d) The licensure candidate's backup plan for coverage in times when the licensure candidate is not available to their clients.

(6) Applicants whose supervised postgraduate experience began (~~prior to the effective date of these rules~~) before September 30, 2006, are exempt from the requirements of subsection (4) of this section.

AMENDATORY SECTION (Amending WSR 08-08-092, filed 4/1/08, effective 5/2/08)

**WAC 246-809-240 Examination for licensed mental health counselors.** (1) Applicants for licensure as a mental health counselor must pass an examination administered by the National Board of Certified Counselors (NBCC). Applicants who pass the National Certification Examination (NCE) or the National Clinical Mental Health Counselor Examination (NCMHCE), as administered by the NBCC, meet the examination requirements to be licensed as mental health counselors. Each applicant must cause the NBCC to send verification of the applicant's examination passage directly to the department of health before licensure can be granted.

(2) The department of health shall accept the passing score established by the NBCC for licensed mental health counselor examinations.

**LICENSED SOCIAL WORKERS AND LICENSED SOCIAL WORKER ASSOCIATES**

NEW SECTION

**WAC 246-809-300 One year exemption option.** Persons who submit an application for licensure as an advanced social worker or independent clinical social worker by July 1, 2010, and who have held a registered counselor credential issued under chapter 18.19 RCW in good standing for five consecutive years since obtaining their master's degree in an approved field, are deemed to have met the supervised postgraduate experience requirements of WAC 246-809-320. Applicants must meet the education requirements in WAC 246-809-320 and the examination requirements of WAC 246-809-340.

AMENDATORY SECTION (Amending WSR 06-18-043, filed 8/30/06, effective 9/30/06)

**WAC 246-809-310 Definitions.** The following definitions apply to the licensure of independent clinical and advanced social workers and independent clinical and advanced social work associates.

(1) "Approved educational program" means a master's or doctoral educational program in social work accredited by the Council on Social Work Education.

(2) "Approved supervisor" means a licensed independent clinical social worker (LICSW), licensed advanced social worker (LASW) (for LASWs only), or an equally qualified licensed mental health practitioner.

(3) "Equally qualified licensed mental health practitioner" means a licensed mental health counselor, licensed marriage and family therapist, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner.

(4) "Group supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than six licensure candidates.

(5) "Licensure candidate" means an individual that is accruing supervised clinical experience required for licensure.

(6) "Nationally recognized standards" means the *Educational Policy and Accreditation Standards*, revised October 2004 published by the Council on Social Work Education revised October 2004 or any future revisions.

(7) "One-on-one supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and one licensure candidate.

(8) "Supervision of supervision" means supervision by an approved supervisor for the purpose of training and qualifying a licensee to become an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-334.

(9) "Peer" means a co-worker who is not the licensure

candidate's employer or supervisor.

AMENDATORY SECTION (Amending WSR 06-18-043, filed 8/30/06, effective 9/30/06)

**WAC 246-809-320 Education requirements and supervised postgraduate experience.** (1) The following are the education requirements for the social worker applicant's practice area:

(a) Licensed advanced social worker or licensed social worker associate-advanced. Graduation from a master's or doctoral social work educational program accredited by the Council on Social Work Education and approved by the secretary based upon nationally recognized standards.

(b) Licensed independent clinical social worker or licensed social worker associate-independent clinical. Graduation from a master's or doctorate level social work educational program accredited by the Council on Social Work Education and approved by the secretary based upon nationally recognized standards.

(2) The following are the supervised postgraduate experience requirements for the social worker applicant's practice area:

(a) Licensed advanced social worker. Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of three thousand two hundred hours with ninety hours of supervision by a licensed independent clinical social worker or a licensed advanced social worker who has been licensed or certified for at least two years. Of those hours, fifty hours must include direct supervision by a licensed advanced social worker or licensed independent clinical social worker; the other forty hours may be with an equally qualified licensed mental health practitioner. Forty hours must be in one-to-one supervision and fifty hours may be in one-to-one supervision or group supervision. Distance supervision is limited to forty supervision hours. Eight hundred hours must be in direct client contact.

(b) Licensed independent clinical social worker. Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of four thousand hours of experience, of which one thousand hours must be direct client contact, over a three-year period supervised by a licensed independent clinical social worker, with supervision of at least one hundred thirty hours by a licensed mental health practitioner. Of the total supervision, seventy hours must be with an independent clinical social worker; the other sixty hours may be with an equally qualified licensed mental health practitioner. Sixty hours must be in one-to-one supervision and seventy hours may be in one-to-one supervision or group supervision. Distance supervision is limited to sixty supervision hours.

(3) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants are not

required to have supervised postgraduate experience prior to becoming an associate.

(4) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants must declare they are working toward full licensure.

AMENDATORY SECTION (Amending WSR 06-18-043, filed 8/30/06, effective 9/30/06)

**WAC 246-809-334 Approved supervisor standards and responsibilities.** (1) The approved supervisor must hold a license without restrictions that has been in good standing for at least two years.

(2) The approved supervisor (~~shall~~) must not be a blood or legal relative or cohabitant of the licensure candidate, licensure candidate's peer, or someone who has acted as the licensure candidate's therapist within the past two years.

(3) The approved supervisor, prior to the commencement of any supervision, (~~shall~~) must provide the licensure candidate a declaration, on a form provided by the department, that (~~the supervisor has~~) they have met the requirements of WAC 246-809-334 and (~~qualifies~~) qualify as an approved supervisor.

(4) The approved supervisor (~~shall~~) must have completed the following:

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

- (i) A supervision course; or
- (ii) Continuing education credits on supervision; or
- (iii) Supervision of supervision; and

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

(c) Has had two years of clinical experience postlicensure (~~for LASWs only or five years of clinical experience postcertification or licensure for LICSWs only~~).

(5) The approved supervisor (~~shall~~) must attest to having thorough knowledge of the licensure candidate's practice activities including:

- (a) Specific practice setting;
- (b) Recordkeeping;
- (c) Financial management;
- (d) Ethics of clinical practice; and

(e) The licensure candidate's backup plan for coverage in times when he/she is not available to their clients.

(6) Licensure candidates whose supervised postgraduate experience began (~~prior to the effective date of these rules~~) before September 30, 2006, are exempt from the requirements of subsection (4) of this section.

AMENDATORY SECTION (Amending WSR 02-11-108, filed 5/20/02, effective 6/20/02)

**WAC 246-809-600 Who is required to have continuing education?**  
~~((1))~~ Licensed marriage and family therapists, licensed mental health counselors, and licensed social workers are required to have continuing education.

~~((2) The effective date for reporting the required continuing education shall begin with the 2004 renewal cycle.)~~

AMENDATORY SECTION (Amending WSR 04-06-011, filed 2/20/04, effective 3/22/04)

**WAC 246-809-710 Required disclosure information.** (1) The following information shall be provided to each client or patient at the commencement of any program of treatment:

- (a) Name of firm, agency, business, or licensee's practice;
- (b) Licensee's business address and telephone number;
- (c) Washington state license number;
- (d) The licensee's name;
- (e) The methods or treatment modality and therapeutic orientation the licensee uses;
- (f) The licensee's education, and training;
- (g) The course of treatment, when known;
- (h) Billing information, including:
- (i) Client's cost per each treatment session; and
- (ii) Billing practices, including any advance payments and refunds;

(i) Clients are to be informed that they as individuals have the right to refuse treatment and the right to choose a practitioner and treatment modality which best suits their needs;

(j) This subsection does not grant (clients) new rights and is not intended to supersede state or federal laws and regulations, or professional standards;

(k) The licensee must provide department of health contact information to the client so the client may obtain a list of or copy of the acts of unprofessional conduct listed under RCW 18.130.180. Department of health contact information must include the name, address, and telephone number for the health professions complaint process.

(2) Associates must provide each client or patient, during the first professional contact, with a disclosure form disclosing that he or she is an associate under the supervision of an approved supervisor. Associates may not independently provide clinical social work, mental health counseling, or marriage and family therapy for a fee, monetary or otherwise.

(3) Signatures are required of both the licensee providing the disclosure information and the client following a statement that

the client had been provided a copy of the required disclosure information and the client has read and understands the information provided. The date of signature by each party is to be included at the time of signing.

AMENDATORY SECTION (Amending WSR 08-16-008, filed 7/24/08, effective 7/25/08)

**WAC 246-809-990 Licensed ~~((mental health))~~ counselor~~((s))~~, ~~((marriage and family therapists, and social workers))~~ and associate--Fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. ~~((The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.))~~**

(2) Associate licenses are valid for one year and must be renewed every year on the date of issuance. The associate license may be renewed no more than four times.

Title	Fee
<del>((2))</del> The following nonrefundable fees will be charged	
<u>(3)</u> for licensed marriage and family therapist:	
Application	\$150.00
Initial license	75.00
Renewal	140.00
Late renewal penalty	70.00
Expired license reissuance	85.00
Duplicate license	10.00
Certification of license	10.00
<del>((3))</del> The following nonrefundable fees will be charged	
<u>(4)</u> for licensed mental health counselor:	
Application	125.00
Initial license	125.00
Renewal	75.00
Late renewal penalty	50.00
Expired license reissuance	65.00
Duplicate license	10.00
Certification of license	10.00
UW library access fee	25.00

<b>Title</b>	<b>Fee</b>
<del>((4))</del> (5) The following nonrefundable fees will be charged for licensed advanced social worker and licensed independent clinical social worker:	
Application	125.00
Initial license	125.00
Renewal	105.00
Late renewal penalty	52.50
Expired license reissuance	72.50
Duplicate license	10.00
Certification of license	10.00
UW library access fee	25.00
(6) <u>The following nonrefundable fees will be charged for licensed marriage and family therapy associates:</u>	
<u>Application</u>	<u>50.00</u>
<u>Renewal</u>	<u>40.00</u>
<u>Late renewal penalty</u>	<u>40.00</u>
<u>Expired license reissuance</u>	<u>40.00</u>
<u>Duplicate license</u>	<u>15.00</u>
<u>Certification of license</u>	<u>15.00</u>
(7) <u>The following nonrefundable fees will be charged for licensed mental health counselor associates:</u>	
<u>Application</u>	<u>50.00</u>
<u>Renewal</u>	<u>40.00</u>
<u>Late renewal penalty</u>	<u>40.00</u>
<u>Expired license reissuance</u>	<u>40.00</u>
<u>Duplicate license</u>	<u>15.00</u>
<u>Certification of license</u>	<u>15.00</u>
(8) <u>The following nonrefundable fees will be charged for licensed advanced social worker associates and licensed independent clinical social worker associates:</u>	
<u>Application</u>	<u>50.00</u>
<u>Renewal</u>	<u>40.00</u>
<u>Late renewal penalty</u>	<u>40.00</u>
<u>Expired license reissuance</u>	<u>40.00</u>
<u>Duplicate license</u>	<u>15.00</u>
<u>Certification of license</u>	<u>15.00</u>

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-809-061	Health care institutions.
WAC 246-809-062	Licensed counselor associations or societies.
WAC 246-809-063	Health care service contractors and disability insurance carriers.
WAC 246-809-064	Professional liability carriers.
WAC 246-809-065	Courts.
WAC 246-809-066	State and federal agencies.