EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Health

Title of rule and other identifying information: (Describe Subject)
WAC 246-810-010 Definitions and WAC 246-810-016 Agencies or facilities that can employ agency affiliated counselors. Adding federally recognized Indian tribes located in Washington State to the list of entites that can employ agency affiliated counselors.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Leann Yount, Program Manager

Agency: Department of Health

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AND RECEIVED BY (Date) 10/24/2011

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
Substitute House Bill 1939 (Chapter 86, Laws of 2011) amends the definition of agency to include federally recognized Indian tribes (tribe) located within Washington State. The rules implement the legislation and adds tribes to the definitions for an agency. Agency affiliated counselor applicants who are employed by an Indian tribe will be able to qualify for the credential.

Reasons supporting proposal:
Individuals who work for a tribe have been unable to qualify for the agency affiliated counselor credential because the tribes were not recognized as an agency. The rules implement the legislation and add the federally recognized tribes located in Washington State as an agency, which qualifies their employed applicants to receive the agency affiliated counselor credential. This rule qualifies for expedited rulemaking because it adopts without material change Washington state statute.

Statutory authority for adoption: RCW 18.19.050

Statute being implemented: RCW 18.19.020

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

DATE 08/22/11

NAME (TYPE OR PRINT)
Mary C. Selecky

SIGNATURE

TITLE
Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 22, 2011
TIME: 3:34 PM

WSR 11-17-106

(COMPLETE REVERSE SIDE)

Name of proponent: (person or organization) Department of Health - Agency Affiliated Counselor Program

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Leann Yount	310 Israel Rd SE Tumwater, WA 98501	360.236.4856
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

AMENDATORY SECTION (Amending WSR 10-22-111, filed 11/2/10, effective 12/3/10)

WAC 246-810-010 Definitions. The definitions in this section apply throughout this chapter unless the content clearly requires otherwise.

(1) "Agency" means:

(a) An agency or facility operated, licensed, or certified by the state of Washington to provide a specific counseling service or services; ((~~or~~))

(b) A federally recognized Indian tribe located within the state; or

(c) A county as listed in chapter 36.04 RCW.

(2) "Agency affiliated counselor" means a person registered under chapter 18.19 RCW, and this chapter, who is engaged in counseling and employed by an agency listed in WAC 246-810-016 or an agency recognized under WAC 246-810-017 to provide a specific counseling service or services.

(3) "Certified adviser" means a person certified under chapter 18.19 RCW, and this chapter, who is engaged in private practice counseling to the extent authorized in WAC 246-810-021.

(4) "Certified counselor" means a person certified under chapter 18.19 RCW, and this chapter, who is engaged in private practice counseling to the extent authorized in WAC 246-810-0201.

(5) "Client" means an individual who receives or participates in counseling or group counseling.

(6) "Consultation" means the professional assistance and practice guidance that a certified counselor receives from a counseling-related professional credentialed under chapter 18.130 RCW. This may include:

(a) Helping the certified counselor focus on counseling practice objectives;

(b) Refining counseling modalities;

(c) Providing support to progress in difficult or sensitive cases;

(d) Expanding the available decision-making resources; and

(e) Assisting in discovering alternative approaches.

(7) "Counseling" means employing any therapeutic techniques including, but not limited to, social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist, or attempt to assist, an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purpose of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

(8) "Counselor" means an individual who engages in the

practice of counseling to the public for a fee, including for the purposes of this chapter, agency affiliated counselors, certified counselors, certified advisers, hypnotherapists, and until July 1, 2010, registered counselors.

(9) "Department" means the Washington state department of health.

(10) "Fee" as referred to in RCW 18.19.030 means compensation received by the counselor for counseling services provided, regardless of the source.

(11) "Hypnotherapist" means a person registered under chapter 18.19 RCW, and this chapter, who is practicing hypnosis as a modality.

(12) "Licensed healthcare practitioner" means a licensed practitioner under the following chapters:

(a) Physician licensed under chapter 18.71 RCW.

(b) Osteopathic physician licensed under chapter 18.57 RCW.

(c) Psychiatric registered nurse practitioner licensed under chapter 18.79 RCW.

(d) Naturopathic physician licensed under chapter 18.36A RCW.

(e) Psychologist licensed under chapter 18.83 RCW.

(f) Independent clinical social worker, marriage and family therapist, or advanced social worker licensed under chapter 18.225 RCW.

(13) "Private practice counseling" means the practice of counseling by a certified counselor or certified adviser as specified in WAC 246-810-0201 or 246-810-021.

(14) "Psychotherapy" means the practice of counseling using diagnosis of mental disorders according to the fourth edition of the *Diagnostic and Statistical Manual of Mental Disorders*, and the development of treatment plans for counseling based on diagnosis of mental disorders in accordance with established practice standards.

(15) "Recognized" means acknowledged or formally accepted by the secretary.

(16) "Recognized agency or facility" means an agency or facility that has requested and been recognized under WAC 246-810-017 to employ agency affiliated counselors to perform a specific counseling service, or services for those purposes only.

(17) "Secretary" means the secretary of the department of health or the secretary's designee.

(18) "Supervision" means the oversight that a counseling-related professional credentialed under chapter 18.130 RCW provides.

(19) "Unprofessional conduct" means the conduct described in RCW 18.130.180.

AMENDATORY SECTION (Amending WSR 10-22-111, filed 11/2/10, effective 12/3/10)

WAC 246-810-016 Agencies, facilities, federally recognized Indian tribes located within the state, or counties that can employ agency affiliated counselors. Agencies or facilities that may employ an agency affiliated counselor are:

(1) Washington state departments and agencies listed in the Agency, Commission & Organization Directory available on the state of Washington web site.

(2) Federally recognized Indian tribes located within the state.

(3) Counties as listed in chapter 36.04 RCW.

((~~(3)~~)) (4) Community and technical colleges governed by the Washington state board for community and technical colleges.

((~~(4)~~)) (5) Colleges and universities governed by the Washington state higher education coordinating board.

((~~(5)~~)) (6) Hospitals licensed under chapter 70.41 RCW.

((~~(6)~~)) (7) Home health care agencies, home care agencies, and hospice care agencies licensed under chapter 70.127 RCW.

((~~(7)~~)) (8) Agencies and facilities licensed or certified under chapters 71.05 or 71.24 RCW.

((~~(8)~~)) (9) Psychiatric hospitals, residential treatment facilities, hospitals, and alcohol and chemical dependency entities licensed under chapter 71.12 RCW.

((~~(9)~~)) (10) Other agencies or facilities recognized by the secretary as provided in WAC 246-810-017.