



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR 12-16-058 ; 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).

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

Title of rule and other identifying information: (Describe Subject)

Chapter 246-809 WAC (Licensure for Mental Health Counselors, Marriage and Family Therapists, and advanced social workers, and independent clinical social workers), Chapter 246-811 WAC (Chemical Dependency Professionals and Chemical Dependency Professionals Trainees) and Chapter 246-810 WAC (Counselors). Amending and adding new rules to implement the suicide assessment, treatment and management training requirements set out in RCW 43.70.442, as amended by Substitute House Bill (SHB) 1376 (Chapter 78, Laws of 2013).

Hearing location(s): Department of Health
Point Plaza East, Room 139
310 Israel Road Southeast
Tumwater, WA 98501

Date: 01/15/2014

Time: 9:00 am

Submit written comments to:

Name: Betty J. Moe
Address: Department of Health
PO Box 47852
Olympia, WA 98504-7852
e-mail: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-2901 by (date) 01/15/2014

Assistance for persons with disabilities: Contact

Betty Moe by 01/08/2014

TTY (800) 833-6388 or () 711

Date of intended adoption: 01/15/2014

(Note: This is NOT the effective date)

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

The proposed rules implement Engrossed Substitute House Bill (ESHB) 2366 (chapter 181, Laws of 2012) and SHB 1376 (chapter 78, Laws of 2013), codified as RCW 43.70.422, by creating new continuing education (CE) requirements for mental health counselors, marriage and family therapists, advanced social workers, independent clinical social workers, chemical dependency professionals, certified counselors, and certified advisers. The proposed rules establish CE requirements in suicide assessment, treatment, and management or suicide assessment, screening and referral. The proposed rules provide clarification related to the topics that must be in an approved course.

Reasons supporting proposal:

It is the legislative intent that these rules will help lower the suicide rate in Washington by requiring mental health counselors, marriage and family therapists, advanced social workers, and independent clinical social workers to complete training in suicide assessment, treatment, and management. Chemical dependency professionals, certified counselors, and certified advisers are required to complete training in suicide assessment, screening, and referral. These requirements will be added to the credential holders continuing education, continuing competency, or recertification requirements.

Statutory authority for adoption:

RCW 43.70.442(7)

Statute being implemented:

RCW 43.70.442, as amended by SHB 1376

Is rule necessary because of a:

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

DATE 11/27/2013

NAME (type or print)

John Wiesman, DrPH, MPH

SIGNATURE

DrPH, MPH

TITLE

Secretary of Health

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 03, 2013

TIME: 12:10 PM

WSR 13-24-096

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	111 Israel Road SE, Tumwater, WA 98501	360.236.4912
Implementation.... Betty J. Moe	111 Israel Road SE, Tumwater, WA 98501	360.236.4912
Enforcement..... Betty J. Moe	111 Israel Road SE, Tumwater, WA 98501	360.236.4912

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

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 98504-7852

phone 360.236.4912

fax 360.236.4901

e-mail Betty.Moe@doh.wa.gov

No: Please explain:

WAC 246-811-200 Continuing competency definitions. (1) "Agency sponsored training" is training provided by an agency that is not limited to people working within that agency and is a professional development activity as defined in subsection (7) of this section.

(2) "Continuing competency enhancement plan" is a plan showing the goals an individual will develop to continue proficiency as a certified chemical dependency professional. This plan will be based on core competencies of chemical dependency counseling listed in WAC 246-811-047 (2)(a) through (i) and on forms provided by the department.

(3) "Continuing education" means a program or course (including distance learning), seminar(~~(s, or)~~), workshop(~~(s)~~), or professional conference(~~(s)~~) approved by an industry-recognized (~~(local, state, national, international)~~) organization or institution of higher learning listed in subsection (5) of this section.

~~((2))~~ (4) "Distance learning" is industry-recognized education obtained to enhance proficiency in one or more of the professional development activities as defined in subsection (7) of this section, through sources such as internet course work, satellite downlink resources, telecourses, or correspondence courses.

(5) "Industry-recognized" is any local, state, national, or international organization or institution of higher learning including, but not limited to, the following:

(a) National Association of Alcoholism and Drug Abuse Counselors (NAADAC);

(b) National Association of Addiction Treatment Providers (NAATP);

(c) International Certification and Reciprocity Consortium (ICRC);

(d) Northwest Indian alcohol/drug specialist certification board;

(e) Institutions of higher learning that are accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; and

(f) Division of behavioral health and recovery (DBHR), department of social and health services.

(6) "In-service training" is training provided by an agency that is limited to people working within that agency and is a professional development activity as defined in subsection (7) of this section.

(7) "Professional development activities" means addiction competencies as outlined in WAC 246-811-047, including: Clinical evaluation, individual counseling, group counseling, counseling family, couples, and significant others, professional and ethical responsibilities, understanding addiction, treatment knowledge, application to practice, professional readiness, treatment planning, referral, service coordination, client, family, and community education, screening, intake, assessment, clinical reports, clinical progress notes, discharge summaries, and other client related data.

~~((3))~~ ~~Industry recognized~~ is any local, state, national, international organization, or institution of higher learning, including, but not limited to, the following organizations:

(a) National Association of Alcoholism and Drug Abuse Counselors (NAADAC);

~~(b) National Association of Addiction Treatment Providers (NAATP);~~

~~(c) International Certification and Reciprocity Consortium (ICRC);~~

~~(d) Northwest Indian alcohol/drug specialist certification board;~~

~~(e) Institutions of higher learning that are accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; or~~

~~(f) Division of alcohol and substance abuse (DASA).~~

~~(4) **Distance learning** is industry recognized education obtained to enhance proficiency in one or more of the professional development activities as outlined in subsection (2) of this section, through sources such as, internet course work, satellite downlink resources, telecourses, or correspondence courses.~~

~~(5) **Agency sponsored training** is training provided by an agency that is **not** limited to people working within that agency and is a professional development activity as outlined in subsection (2) of this section.~~

~~(6) **In-service training** is training provided by an agency that is limited to people working within that agency and is a professional development activity as outlined in subsection (2) of this section.~~

~~(7) **Continuing competency enhancement plan** is a plan showing the goals the CDP will develop to continue proficiency in their profession. The plan will be based on core competencies as listed in WAC 246-811-047. The plan will be developed on forms provided by the department.)~~

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-240 Number of continuing education hours required.

(1) A certified chemical dependency professional must complete twenty-eight hours of continuing education (CE) every two years.

(a) At least fourteen hours must be completed in one or more of the topic areas as described in WAC 246-811-030 (2)(a) through (w).

(b) At least four hours must be in professional ethics and law.

(c) The additional ten hours shall be in areas relating to the various phases of their professional career.

(d) The training in suicide assessment, including screening and referral, requirement listed in subsection (2) of this section shall count towards meeting the CE requirements.

(2) Beginning January 1, 2014, at least once every six years a certified chemical dependency professional must complete at least three hours of training in suicide assessment, including screening and referral assessment as specified in WAC 246-811-280.

(a) Except as provided in (b) of this subsection, the first training must be completed during the first full CE reporting period after January 1, 2014, or the first full CE period after initial certification, whichever occurs later.

(b) An individual applying for initial certification as a chemical dependency professional on or after January 1, 2014, may delay completion of the first required training for six years after initial certification if he or she can demonstrate completion of a three-hour training in suicide assessment, including screening and referral that:

- (i) Was completed no more than six years prior to the application for initial certification; and
- (ii) Meets the qualifications listed in WAC 246-811-280(1).
- (3) Nothing in this section is intended to expand or limit the existing scope of practice of a certified chemical dependency professional or certified chemical dependency professional trainee credentialed under chapter 18.205 RCW.

NEW SECTION

WAC 246-811-280 Suicide assessment training standards. A qualifying training in suicide assessment, including screening and referral must:

- (1) Be approved by the American Foundation for Suicide Prevention; the Suicide Prevention Resource Center; an industry-recognized organization or an institution of higher learning listed in WAC 246-811-200; or an association which approves training programs based on observation and experiment or best available practices.
- (2) Be provided by a single provider and must be at least three hours in length, which may be provided in one or more sessions.
- (3) A certified chemical dependency professional who is a state or local government employee is exempt from the requirements of this section if he or she receives a total of at least three hours of training in suicide assessment, including screening and referral from his or her employer every six years. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.
- (4) A certified chemical dependency professional who is an employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 70.96A RCW is exempt from the requirements of this section if he or she receives a total of at least three hours of training in suicide assessment, including screening and referral from his or her employer every six years. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.

AMENDATORY SECTION (Amending WSR 09-15-039, filed 7/8/09, effective 7/8/09)

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

AMENDATORY SECTION (Amending WSR 04-06-010, filed 2/20/04, effective 3/22/04)

WAC 246-809-610 ((What courses are acceptable?)) Eligible continuing education activities. The continuing education (CE) program or course must: Be relevant to licensed marriage and family therapists, licensed mental health counselors and licensed social workers and must contribute to the advancement, extension and enhancement of the professional competence of the licensed marriage and family therapist, licensed mental health counselor, and((+or)) licensed social worker. Courses or workshops primarily designed to increase practice income or office efficiency are not eligible for CE credit.

(1) Acceptable CE courses (including distance learning), seminars, workshops and postgraduate institutes are those which are:

(a) Programs having a featured instructor, speaker(s) or panel approved by an industry-recognized local, state, national, international organization or institution of higher learning; or

(b) Distance learning programs, approved by an industry-recognized local, state, national or international organization or institution of higher learning. These programs must require tests of comprehension upon completion. Distance learning programs are limited to twenty-six hours per reporting period.

(2) Training programs sponsored by the agency where a counselor is employed are acceptable if:

(a) The experience can be shown to contribute to the advancement, extension and enhancement of the professional competence of the licensed marriage and family therapist, licensed mental health counselor and/or the licensed social worker; and

(b) The training programs are limited to twenty-six hours per reporting period.

(3) Other learning experience, such as serving on a panel, board or council, community service, research, peer consultation, or publishing articles for professional publications are acceptable if:

(a) The experience can be shown to contribute to the advancement, extension and enhancement of the professional competence of the licensed marriage and family therapist, licensed mental health counselor and/or the licensed social worker; and

(b) The experience is limited to six hours per reporting period.

NEW SECTION

WAC 246-809-615 Suicide training standards. (1) An approved training in suicide assessment, treatment, and management must:

(a) Be approved by an industry-recognized local, state, national, international organizations or institutions of higher learning listed in WAC 246-809-620 or an equivalent organization, educational institution or association which approves training based on observation and experience or best available practices;

(b) Cover training in suicide assessment, treatment, and management; and

(c) Be provided by a single provider and must be at least six hours in length, which may be provided in one or more sessions.

(2) A licensed marriage and family therapist, licensed mental health counselor, or licensed social worker who is a state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(3) A licensed marriage and family therapist, licensed mental health counselor, or licensed social worker who is an employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 70.96A RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

AMENDATORY SECTION (Amending WSR 04-06-010, filed 2/20/04, effective 3/22/04)

WAC 246-809-620 ((What are)) Industry-recognized local, state, national, international organizations or institutions of higher learning(?). ((Recognized)) Local, state, national, and international organizations ((or)) that are industry-recognized and institutions of higher learning include, but are not limited to, the following ((or organizations)):

(1) Washington Association for Marriage and Family Therapy;

(2) Washington State Society for Clinical Social Work;

(3) Washington Chapter of the National Association of Social Work;

(4) American Mental Health Counselors Association;

(5) American Association for Marriage and Family Therapy;

(6) Clinical Social Work ((Federation)) Association;

(7) National Association of Social Workers;

(8) Washington Mental Health Counselors Association;

(9) National Board for Certified Counselors;

(10) Society for Social Work Leadership in Health Care; ((or))

and

(11) Institutions of higher learning that are accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

AMENDATORY SECTION (Amending WSR 04-06-010, filed 2/20/04, effective 3/22/04)

WAC 246-809-630 ((How many hours do I need and in what time period?)) Continuing education requirements. (1) A licensed marriage and family therapist((s)), licensed mental health counselor((s)) and licensed social worker((s)) must complete thirty-six hours of continuing education (CE) every two years.

(2) At least six of the thirty-six hours must be in professional ethics and law, which may include topics under RCW 18.130.180.

(3) Beginning January 1, 2014, at least once every six years a licensed marriage and family therapist, licensed mental health counselor, and licensed social worker must complete at least six hours of training in suicide assessment, treatment, and management.

(a) The first training must be completed during the first full CE reporting period after January 1, 2014, or the first full CE period after initial licensure, whichever occurs later.

(b) The hours spent completing training in suicide assessment, treatment, and management count toward the total thirty-six hours of CE.

(c) An individual applying for initial licensure as a licensed marriage and family therapist, licensed mental health counselor, or licensed social worker on or after January 1, 2014, may delay completion of the first training required for six years after initial licensure if he or she can demonstrate completion of six hours of training in suicide assessment, treatment, and management that:

(i) Was completed no more than six years prior to the application for initial licensure; and

(ii) Meets the qualifications listed in WAC 246-809-615.

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

WAC 246-809-640 ((How are)) Credit hours ((determined)) for preparation and presentation of a lecture or ((an)) educational course((?)). ((The license holder)) A licensed counselor who ((prepares and)) presents ((lectures or education that contributes to the professional competence of a licensed counselor)) at an eligible continuing education (CE) activity under WAC 246-809-630 may ((accumulate)) receive the same ((number of)) CE credit hours ((obtained for continuing education purposes by attendees as required in WAC 246-12-220)) as a licensee who attends the presentation. The hours for preparing and presenting a specific topic lecture or education may only be used for ((continuing education)) CE credit once during each reporting period.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-027 Continuing education requirements for a certified counselor or certified adviser. (1) A certified counselor((s)) or a certified adviser((s)) must complete thirty-six credit hours of continuing education every two years ((as required by chapter 246-12 WAC, Part 7)).

(2) At least six hours of the thirty-six credit hours must be in law and professional ethics related to counseling.

(3) ((For those first credentialed in 2009, the first date to report the required continuing education begins with a credential holder's renewal date in 2011.)) Beginning January 1, 2014, at least once every six years a certified counselor or a certified adviser must complete three hours of training in suicide assessment, including screening, and referral as specified in WAC 246-810-0298.

(a) Except as provided in (b) of this subsection, the first training must be completed during the first full continuing education reporting period after January 1, 2014, or the first full continuing education period after initial licensure, whichever occurs later.

(b) An individual applying for initial certification as a certified counselor or a certified adviser on or after January 1, 2014, may delay completion of the first required training for six years after initial certification if he or she can demonstrate successful completion of a three-hour training in suicide assessment, screening, and referral that:

(i) Was completed no more than six years prior to the application for initial certification; and

(ii) Meets the requirements listed in WAC 246-810-0298(1).

(c) The hours spent completing training in suicide assessment count towards the total thirty-six hours of continuing education.

(4) Nothing in this section is intended to expand or limit the existing scope of practice of a certified counselor or a certified adviser as defined by WAC 246-810-0201 and 246-810-021.

AMENDATORY SECTION (Amending WSR 09-15-041, filed 7/8/09, effective 7/8/09)

WAC 246-810-0293 Recognized institutions of higher learning((~~er~~)) and local, state, national, ((~~er~~)) and international organizations. ((The recognized institutions of higher learning, or local, state, national, or international organizations that qualify to provide continuing education for certified counselor and certified adviser include*)) Activities that meet the requirements of WAC 246-810-029 and are offered by the following entities are eligible for continuing education credit:

(1) Washington Association for Marriage and Family Therapy;

(2) Washington State Society for Clinical Social Work;

(3) Washington Chapter of the National Association of Social Work;

(4) American Mental Health Counselors Association;

(5) American Association for Marriage and Family Therapy;

(6) Clinical Social Work Association;

- (7) National Association of Social Workers;
- (8) Washington Mental Health Counselors Association;
- (9) National Board for Certified Counselors;
- (10) Association for Humanistic Psychology;
- (11) The Association for Integrative Psychology;
- (12) Society for Social Work Leadership in Health Care;
- (13) Institutions of higher learning that are accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation;
- (14) Washington Professional Counselors Association;
- (15) State Association and National Association for the Treatment of Sexual Abusers;
- (16) National Association of Alcohol and Drug Addiction Counselors; and
- (17) Other organizations recognized by the secretary and included on a list maintained by the department.

NEW SECTION

WAC 246-810-0298 Suicide assessment training standards. Approved qualifying training in suicide assessment, including screening and referral must:

(1) Be approved by the American Foundation for Suicide Prevention, the Suicide Prevention Resource Center, entities listed in WAC 246-810-0293, or an equivalent organization, educational institution or association which approves training based on observation and experiment or best available practices.

(2) Cover training in suicide assessment, including screening and referral.

(3) Be provided by a single provider and be at least three hours in length, which may be provided in one or more sessions.

(4) A certified counselor or certified adviser who is an employee of a state or local government employer is exempt from the requirements of this section if he or she receives a total of at least three hours of training in suicide assessment including screening and referral from his or her employer every six years. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.

(5) A certified counselor or certified adviser who is an employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 70.96A RCW is exempt from the requirements of this section if he or she receives a total of at least three hours of training in suicide assessment, including screening and referral from his or her employer every six years. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.

(6) A certified counselor or certified adviser that obtained training under the exemptions listed in subsections (4) and (5) of this section may obtain CE credit subject to documentation as defined in WAC 246-810-0297.