

Significant Analysis
For Rules Concerning
Chapter 246-811 Chemical Dependency Professionals
and
Chemical Dependency Trainees

Briefly describe the proposed rule.

Second Substitute House Bill (2SHB) 2674 (Chapter 135, Laws of 2008) amended credentialing standards for Registered Counselors (RCs). The legislation created eight separate counseling credentials, effective July 1, 2009, and abolished the RC credential effective July 1, 2010. Sections 15-18 of the bill add the Chemical Dependency Professional Trainee (CDPT) profession. Before the abolishment of the RC credential, an applicant who planned to become a Chemical Dependency Professional (CDP) worked under the RC credential. The new CDPT profession provides a pathway for these individuals to meet the requirements for a CDP and receive the CDP credential.

The amended statute requires the Department of Health (department) to develop rules for the eight new counseling professions. These proposed rules apply to the CDP and the CDPT. Rules for the other new professions will be addressed separately. The proposed CDP and CDPT rules:

- ❖ Add the CDPT profession to the chapter.
- ❖ Identify the application requirements to obtain a CDPT credential.
- ❖ Identify minimum educational and experience requirements for a CDPT credential.
- ❖ Clarify the minimum education and experience requirements for a CDP credential.
- ❖ Add Marriage and Family Therapists, Mental Health Counselors, Advanced Social Workers, and Independent Clinical Social Workers to the list of eligible professions for qualified experience.
- ❖ Clarify who may act as an approved supervisor.
- ❖ Clarify the information required for a disclosure statement.
- ❖ Clarify the continuing competency program requirements.
- ❖ Establish the fees for the CDPT credential.
- ❖ Define the renewal requirements for a CDPT credential.

Department staff worked closely with constituents and the public to minimize the burden of these rules. 2007 legislation required that the department convene a workgroup to identify and recommend changes to improve public protection and regulation related to counselors. Members included psychiatrists, psychologists, masters degree level counselors (marriage and family counselors, clinical social workers, mental health counselor), registered counselors with and without degrees, from the public and private settings, registered counselor supervisors, patients, and

public representatives. Professional associations also attended the workgroup's meetings and provided comments. As a result of this workgroup, the 2008 legislation was passed.

Is a Significant Analysis required for this rule?

Yes.

A. Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

RCW 18.205.090 establishes the certification requirements to practice chemical dependency counseling. The legislative intent is to ensure qualified mental health and counseling professionals meet and maintain minimum standards before they provide chemical dependency treatment to the public.

The statutory goal is to increase the public's safety by making sure that only qualified individuals provide chemical dependency treatment. The legislation creates the certified CDPT credential as a pathway for individuals new to the profession and for current registered counselors to obtain the minimum requirements for a CDP credential. Current registered counselors must obtain a CDPT or another mental health counseling credential by July 1, 2010 to continue practicing.

A CDPT means an individual working toward the education and experience requirements for certification as a chemical dependency professional. The trainee is working towards the supervised experience and education necessary to become fully certified as a CDP. It is estimated that 1,098 individuals will apply for the new CDPT credential.

The proposed rules will implement the legislation that creates this new profession and adds CDPT to the rules. The rules also achieve the objective of RCW 43.70.250 for license holders to bear the cost of administering the licenses. The secretary of the department is directed to establish the amount of all applicable fees associated with licensing or regulating the profession.

B. Determine that the rule is needed to achieve these goals and objectives, and analyze alternatives to rulemaking and the consequences of not adopting the rule.

The department has determined there are no alternatives to rulemaking. The requirements for a profession must be established in rule in order to be enforced. If the rules to set the standards for the profession are not adopted, the department will not be able to administer the chemical dependency program.

C. Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

The proposed rules clarify and amend current rules to comply with the statute. The term “certified chemical dependency professional trainee” is added to the proposed rules. Education, training, experience, and supervisory requirements are included in the proposed language. The proposed rules define who can be an approved supervisor for the trainees.

This rule package includes one new section, 24 amended sections, and one repealed section. Four sections meet the definition of significant, because they set criteria necessary for an individual to comply with in order to obtain a certificate.

The components of the rules are discussed below.

WAC	Rule Purpose	Action	Significant Y / N
246-811-010	Adds CDPT, clarifies CDP, defines Direct Supervision, defines Enrolled, and clarifies Related Field.	Amended	No
246-811-020 246-811-075 246-811-090	Adds CDPT.	New	No
246-811-035	Details requirements to obtain CDPT certification.	New	Yes
246-811-030	Housekeeping, adds CDPT, and clarifies that courses must be specific to alcohol and drug related individuals. Allows for a person who receives a certification of completion from the Washington Consortium of Addictions Substance Abuse Educators (WACASE) is considered to have met the requirements of WAC 246-811-030 pertaining to the forty-five quarter or thirty semester credits in courses covering the subject content described in WAC 246-811-030(2).	Amended	Yes
246-811-045 246-811-047 246-811-060 246-811-070 246-811-080 246-811-081 246-811-100 246-811-110 246-811-200 246-811-210	Housekeeping and clarification changes.	Amended	No

246-811-240 246-811-250 246-811-260 246-811-270			
246-811-046	Housekeeping, adds the four other licensed counselor fields to (4), reduces the number of supervision hours required for individuals with advanced degrees holding licenses as advanced registered nurse practitioners, licensed counselors, or psychologists.	Amended	Yes
246-811-048	Adds CDPT and moves the supervision requirements from the definition section to the supervision requirement, this is intended to clarify the rules.	Amended	No
246-811-049	Adds CDPT, general housekeeping, and clarifies the supervision requirements.	Amended	No
246-811-082	Repealed.	Repealed	No
246-811-220 246-811-230	Housekeeping, clarifies continuing competency is for CDP credential.	Amended	No
246-811-990	Adds CDPT to fees, clarifies renewal for CDP and CDPT, housekeeping.	Amended	Yes

WAC 246-811-035 Certification of a chemical dependency professional trainee is a new section explaining the minimum requirements for certification as a CDPT. The costs associated with the CDPT are not new costs. Currently, to practice, an individual must hold a counseling credential. Those practitioners who held a registered counseling credential must still obtain and hold a counseling credential.

The proposed rules do not impose any new costs for the practitioner. The registered counselor credential that is being abolished required the same costs for the practitioner who held a CDP credential or practiced as a CDPT in a Division of Alcohol and Substance Abuse (DASA) setting. In accordance with RCW 18.205.040, a person cannot call himself or herself a CDP or CDPT unless they are treating patients in settings approved under 70.96A RCW for DASA. DASA, which is a division of the Department of Social and Health Services, does not allow a CDPT to provide service until the trainee has the training and competence to provide the service.

The new language requires a CDPT to declare their enrollment in an approved school and be gaining the experience requirements to receive a CDP credential. Enrolled means the ability to demonstrate current enrollment in an approved school, and progress toward or completion of the coursework to be certified as a chemical dependency professional. The education requirements to be a CDP have not changed, so this is not a new cost,

however, individuals cannot be a life long CDPT. The credential can only be renewed four times, which limits the practice time as a CDPT to five years. The benefits for the practitioners and to the public outweigh any costs.

WAC 246-811-030 Educational requirements explains the minimum educational requirements to receive a credential as a CDP. The language was amended to include that a certification of completion from the Washington Consortium of Addictions Substance Abuse Educators (WACASE), meets the requirements of WAC 246-811-030. WACASE has been awarded The Association for Addiction Professionals (NAADAC) certification, which is the national standard.

The acceptance of the WACASE certification of completion will provide many benefits. Students who complete a NAADAC approved educational program will receive a certificate of completion. This will create consistency and increase accuracy in the issuance of credentials, and will reduce the review time for each application.

WAC 246-811-046 Number of Experience hours required for certification has a chemical dependency professional. This rule has been amended to reduce barriers to certification as a CDP by reducing the number of supervision hours that must be completed by an advanced registered nurse practitioner or licensed psychologist from fifteen hundred hours to one thousand hours. It also adds licensed marriage and family therapists, licensed advanced social workers, licensed independent clinical social workers, and licensed mental health counselors to the list of professionals who are required to complete one thousand hours of chemical dependency counseling to meet the experience hours for certification.

The CDP field is experiencing a workforce shortage and reducing this barrier will allow more professionals into the field with the knowledge and expertise to treat co-occurring disorders.

WAC 246-811-990 Chemical dependency professional and chemical dependency professional trainee fees and renewal cycle.

The proposed rules establish the fees to obtain and renew the CDPT credential. RCW 43.70.250 requires that all fees established in rule must cover the costs to administer the program and that the members of the profession must bear the costs. The fees for a CDPT are similar to the fees for a CDP, with the exception of the retired active credential. This credential level does not exist for a CDPT because the statute requires that the CDPT is a provisional status with a goal towards full certification, and it is limited to four annual renewals.

It is estimated that 1,098 individuals will apply for the CDPT credential. The cost to administer the CDP program is about \$1.2 million a biennium. The number of CDPs and CDPTs credentialed in the next few years will affect the actual revenue and expenditure totals. Continued analysis of the program is necessary to ensure fees keep pace with

expenditures, while not allowing revenues to become excessive. The proposed CDPT fees are less than the current fees for the RC.

The costs to regulate the profession affect the fees. These costs include rule-making, credentialing, and disciplinary activities. To determine the fee each provider pays, the department compares the total costs for a profession against the total number of credentialed providers in that profession. Each provider shares equally in the cost to run the program.

The costs to regulate each profession can change substantially from year to year. An increase in the number, or complexity, of disciplinary cases, or a drop in the number credentialed providers, can result in a need to increase fees. A drop in costs or an increase in providers can lead to reduced fees. Programs with fewer credentialed providers and high discipline costs may have higher fees and more fees changes.

These rules will ensure only qualified individuals are credentialed in the chemical dependency profession. This requirement will increase public safety and ensure patients receive care from qualified practitioners.

After carefully considering the above factors, the analysis indicates that the probable benefits of the proposed requirements exceed the probable cost.

D. Determine, after considering alternative versions of the rule, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated previously.

The department staff worked closely with constituents and the public to minimize the burden of this rule. For Example:

1. A mailing was sent to all RCs with a Washington address regarding the new legislation.
2. The department and the Chemical Dependency Professional Advisory Committee held public rules workshops in 2008 on June 13th and October 17th in Kent.
3. Draft rule language was distributed throughout the rule writing process for public comment through listserv.

In the course of these and other efforts, the following alternative version of the rule was rejected:

Alternative version #1: One version of the rule completely separated the CDPTs from the CDPs. The comments received indicated this language was confusing and did not completely incorporate the new profession into all of the requirements that should be requirements such as disclosure requirements. The comments indicated that completely incorporating the CDPT into the rule language made the language clear and concise.

The rules proposed for adoption are the least burdensome version of the rule. The language adequately explains the requirements for a CDPT and clarifies the language for a CDP.

E. Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

F. Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The rule does not impose more stringent performance requirements on private entities than on public entities.

G. Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The rule does not differ from any applicable federal regulation or statute.

H. Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

The department worked with the Division of Alcohol and Substance Abuse (DASA) under the Department of Social and Health Services.