



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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DATE: October 12, 2021

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WSR 21-21-036

Agency: Department of Health

Subject of possible rule making: WAC 246-810-010, 246-810-011, 246-810-012, 246-810-015, and 246-810-018, Counselors. The Department of Health (department) is considering rulemaking to implement Engrossed Second Substitute House Bill (E2SHB) 1504 to define "student intern." The department will also consider making other housekeeping updates to ensure sections are clear and aligned with best practice.

Statutes authorizing the agency to adopt rules on this subject: RCW 18.19.050, E2SHB 1504 (Chapter 170, Laws of 2021).

Reasons why rules on this subject may be needed and what they might accomplish: Recent legislation passed during the 2021 legislative session amended the statutory definition of "agency affiliated counselor" to include "a student intern, as defined by the department." Agency affiliated counselors are counselors whose credential is dependent on employment at a behavioral health agency. Some individuals without a credential, such as students under the supervision of agency staff, may also provide services at an agency under statutory exemption. Rulemaking is necessary to implement E2SHB 1504 and define "student intern" and when a student may be considered an agency affiliated counselor.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Health Care Authority is responsible for the Medicaid State Plan, which impacts how behavioral health agencies can bill for and be reimbursed for services. The department will work with the Health Care Authority when defining "student intern" in order to facilitate the work of behavioral health agencies while also protecting the public health and students.


Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
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Additional comments: Rulemaking notices will be delivered via GovDelivery. To receive notices, interested persons may sign up for any or all of the lists. Please go to: <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next click open the box labeled "Health Professions." From there, you may check the box next to one or more of the professions listed.

Date: 10/12/2021	Signature: 
Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH	
Title: Deputy Secretary for Policy and Planning for Secretary of Health	