



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

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FILED

DATE: May 31, 2022

TIME: 6:50 PM

WSR 22-12-085

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 22-01-174 ; 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).

Proposal is exempt under RCW .

Title of rule and other identifying information: (describe subject) WAC 246-811-010, 246-811-030, 246-811-035, 246-811-046, and new sections WAC 246-811-025 and 246-811-050 in chapter 246-811 WAC, Substance Use Disorder Professionals and Substance Use Disorder Professional Trainees. The Department of Health (department) is proposing amending and creating new rule sections to implement and align with Engrossed House Bill (EHB) 1311 (Chapter 165, Laws of 2021), which allows individuals to meet substance use disorder professional education requirements by completing an apprenticeship program. The proposed rules create definitions pertaining to apprenticeships, set instruction and experience hour requirements for trainees completing apprenticeships, and make other amendments necessary to clarify the chapter and add apprenticeship as a pathway to becoming a substance use disorder professional or trainee.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 12, 2022	9:00 am	In response to the coronavirus disease 2019 (COVID-19), the Department of Health will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington State. A virtual public hearing, without a physical meeting space, will be held instead. Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_lzJ_ktxfTQaDCcPN2wV7Uw After registering, you will receive a confirmation email containing information about joining the webinar.	

Date of intended adoption: 07/19/2022 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Ted Dale

Address: Office of Health Professions
PO Box 47850
Olympia, WA 98504

Email: <https://fortress.wa.gov/doh/policyreview>

Fax: N/A
Other: N/A
By (date) 07/12/2022

Assistance for persons with disabilities:

Contact Ted Dale
Phone: (360) 236-2991
Fax: N/A
TTY: 711
Email: ted.dale@doh.wa.gov
Other:
By (date) 07/05/2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed amendments to and new sections in Chapter 246-811 WAC: (1) create definitions pertaining to apprenticeships, (2) set hour requirements for instruction and experience, (3) clarify substance use disorder professional and trainee credential requirements for individuals completing apprenticeship programs, (4) make other amendments necessary to add apprenticeship as a pathway to become a substance use disorder professional or trainee, (5) update internal cross-references and other terminology, and (6) make other amendments as appropriate to clarify requirements for substance use disorder professionals and trainees. These amendments implement EHB 1311 and create the regulatory framework necessary for individuals completing substance use disorder apprenticeships to become credentialed by the department.

The Department of Labor & Industries (L&I) regulates all Washington apprenticeships. The proposed rules align with L&I regulations and allows individuals to complete substance use disorder professional education requirements by completing an apprenticeship approved by both the department and L&I.

Reasons supporting proposal: Currently chapter 246-811 WAC, which regulates SUDP and SUDPT, requires college coursework to meet requirements for certification. EHB 1311 amended the statute to also allow apprenticeship. The proposed rules are necessary to create the regulatory framework for individuals to become credentialed after completing substance use disorder apprenticeships instead of college coursework. Creating enforceable standards through rule will allow the department to consistently monitor and enforce rules that protect patient safety.

Statutory authority for adoption: RCW 18.205.060

Statute being implemented: EHB 1311 (Chapter 165, Laws of 2021)

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

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:	Ted Dale	111 Israel Road, S.E. Tumwater, WA 98501	(360) 236-2991
Implementation:	Ted Dale	111 Israel Road, S.E. Tumwater, WA 98501	(360) 236-2991
Enforcement:	Ted Dale	111 Israel Road, S.E. Tumwater, WA 98501	(360) 236-2991

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name: Ted Dale

Address: Office of Health Professions

PO Box 47850

Olympia, WA 98504

Phone: (360) 236-2991

Fax: N/A

TTY: 711

Email: ted.dale@doh.wa.gov

Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025 (4).

Explanation of exemptions, if necessary: The proposed amendments do not impact businesses.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: 05/31/2022

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Deputy Secretary for Policy and Planning for Secretary of Health

Signature:



WAC 246-811-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly states otherwise.

(1) "Agency" means a community behavioral health agency or facility operated, licensed, or certified by the state of Washington, a federally recognized Indian tribe located with the state, a county, a federally qualified health center, or a hospital.

(2) "Apprentice" means an individual enrolled in an approved and registered apprenticeship program.

(3) "Approved and registered apprenticeship program" means a substance use disorder apprenticeship program approved by the secretary under chapter 18.205 RCW and registered by the department of labor and industries under chapter 49.04 RCW.

(4) "Approved school" means any college or university accredited by a national or regional accrediting body, at the time the applicant completed the required education or other educational programs approved by the secretary.

~~((3))~~ (5) "Competent instructor" has the same meaning as provided in WAC 296-05-003.

(6) "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.

~~((4))~~ (7) "Core competencies of substance use disorder counseling" means competencies oriented to assist individuals with substance use disorder in their recovery. Core competencies include the following nationally recognized areas:

- (a) Knowledge;
- (b) Skills;
- (c) Attitudes of professional practice, including assessment and diagnosis of substance use disorder;
- (d) Substance use disorder treatment planning and referral;
- (e) Patient and family education in substance use disorder;
- (f) Individual and group counseling;
- (g) Relapse prevention counseling; and
- (h) Case management.

~~((5))~~ (8) "Department" means the department of health.

(9) "Direct supervision" means the supervisor is on the premises and available for immediate consultation.

~~((6))~~ (10) "Enrolled" means participating in an approved school ((and progressing toward the completion of the course work, or completion of the course work to be certified as)) or approved and registered apprenticeship program, whether a substance use disorder professional trainee is engaged in or has completed course work as described in WAC 246-811-030 ((2)) (3)(a) through (w).

~~((7))~~ (11) "Individual formal meetings" means a meeting with an approved supervisor, involving one approved supervisor and no more than four supervisees.

((+8)) (12) "Official transcript" means the transcript from an approved college or school, in an envelope readily identified as having been sealed by the school.

((+9)) (13) "Out-of-state" means any state or territory of the United States.

((+10)) (14) "Probationary license" means a temporary license issued to out-of-state applicants qualifying for licensure reciprocity in Washington state under the restrictions and conditions of RCW 18.205.140 and this chapter.

((+11)) (15) "Reciprocity" means licensure of out-of-state licensed counselors based on substantial equivalence between Washington state scope of practice and the scope of practice of the other state or territory, subject to a probationary licensure period to complete outstanding Washington state licensure requirements as determined necessary by the secretary to gain full licensure.

((+12)) (16) "Recovery" means a process of change through which individuals improve their health and wellness, live self-directed lives, and strive to reach their full potential. Recovery often involves achieving remission from active substance use disorder.

((+13)) (17) "Related field" means health education, behavioral science, sociology, psychology, marriage and family therapy, mental health counseling, social work, psychiatry, nursing, divinity, criminal justice, and counseling education.

((+14)) (18) "Related/supplemental instruction" or "RSI" has the same meaning as provided in WAC 296-05-003.

(19) "Substance use disorder counseling" means employing the core competencies of substance use disorder counseling to assist or attempt to assist individuals with substance use disorder in their recovery.

((+15)) (20) "Substance use disorder professional" or "SUDP" means an individual certified in substance use disorder counseling under chapter 18.205 RCW and this chapter.

((+16)) (21) "Substance use disorder professional trainee" or "SUDPT" means an individual (~~holding a credential~~) credentialed as an SUDPT and working toward the education and experience requirements for certification as a substance use disorder professional under chapter 18.205 RCW and this chapter.

NEW SECTION

WAC 246-811-025 Certification of a substance use disorder professional. (1) An applicant for a substance use disorder professional certificate shall submit to the department:

- (a) An application on forms provided by the department;
- (b) Official transcripts or apprenticeship certificate of completion to verify meeting educational requirements under WAC 246-811-030;
- (c) Verification of meeting supervised experience hour requirements under WAC 246-811-046 or 246-811-050 on forms provided by the department;
- (d) Official verification of meeting examination requirements under WAC 246-811-060; and
- (e) The fee required under WAC 246-811-990.

(2) An applicant for a substance use disorder professional certificate under the alternative training path shall submit to the department:

- (a) An application on forms provided by the department;
- (b) Verification of meeting eligibility requirements for the alternative training path under WAC 246-811-076;
- (c) Official verification of meeting educational requirements under WAC 246-811-077;
- (d) Verification of obtaining the 1,000 supervised experience hours required under WAC 246-811-046 on forms provided by the department;
- (e) Official verification of meeting examination requirements under WAC 246-811-060; and
- (f) The fee required under WAC 246-811-990.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-811-030 Educational requirements. ~~((1))~~ Except as provided for in WAC 246-811-077 and 246-811-078, to be eligible for certification as a substance use disorder professional an applicant shall meet the education requirements in this section.

(1) The minimum education requirements for a substance use disorder professional credential are:

- (a) An associate's degree in human services or related field from an approved school; ~~((or))~~
- (b) Successful completion of ~~((ninety))~~ 90 quarter or ~~((sixty))~~ 60 semester college credits in courses from an approved school; or
- (c) Successful completion of an approved and registered apprenticeship program.

(2) The minimum amount of instruction required in topics related to the substance use disorder profession is at least:

- (a) Forty-five quarter ~~((or))~~ college credits;
- (b) Thirty semester college credits ~~((must be in courses relating to the substance use disorder profession and shall));~~ or
- (c) Four hundred fifty hours of related/supplemental instruction provided by a competent instructor in an approved and registered apprenticeship program.

(3) Education and apprenticeship program course work must include the following topics specific to individuals with substance use disorder in their recovery:

- (a) Understanding addiction;
- (b) Pharmacological actions of alcohol and other drugs;
- (c) Substance abuse and addiction treatment methods;
- (d) Understanding addiction placement, continuing care, and discharge criteria, including American Society of Addiction Medicine (ASAM) criteria;
- (e) Cultural diversity including people with disabilities and its implication for treatment;
- (f) Substance use disorder clinical evaluation (screening and referral to include comorbidity);
- (g) HIV/AIDS brief risk intervention for ~~((the chemically dependent))~~ individuals with a substance use disorder;
- (h) Substance use disorder treatment planning;
- (i) Referral and use of community resources;
- (j) Service coordination (implementing the treatment plan, consulting, continuing assessment and treatment planning);

- (k) Individual counseling;
- (l) Group counseling;
- (m) Substance use disorder counseling for families, couples and significant others;
- (n) Client, family and community education;
- (o) Developmental psychology;
- (p) Psychopathology/abnormal psychology;
- (q) Documentation, to include, screening, intake, assessment, treatment plan, clinical reports, clinical progress notes, discharge summaries, and other client related data;
- (r) Substance use disorder confidentiality;
- (s) Professional and ethical responsibilities;
- (t) Relapse prevention;
- (u) Adolescent substance use disorder assessment and treatment;
- (v) Substance use disorder case management; and
- (w) Substance use disorder rules and regulations.

AMENDATORY SECTION (Amending WSR 21-20-030, filed 9/24/21, effective 10/25/21)

WAC 246-811-035 Certification of a substance use disorder professional trainee. (1) ~~((The department of health will issue))~~ To apply for a substance use disorder professional trainee certificate ~~((to))~~ ~~an~~ ~~((individual who))~~ applicant shall:

(a) Submit ~~((s))~~ an application on forms provided by the department ~~((provides)), including any written documentation needed to provide proof of meeting the eligibility requirements as indicated on the application;~~

~~((b))~~ ~~Includes written documentation to meet the eligibility criteria;~~

~~((c))~~ Declare ~~((s))~~ that ~~((he or she is))~~ they are enrolled in an approved school or approved and registered apprenticeship program and gaining the experience required to receive a substance use disorder professional credential; and

(c) Pay applicable fees in WAC 246-811-990.

(2) To apply for annual renewal, a substance use disorder professional trainee must submit to the department applicable fees in WAC 246-811-990 and a signed declaration with their annual renewal that states they:

(a) Are enrolled in an approved ~~((education))~~ educational program or approved and registered apprenticeship program ~~((r));~~ or

(b) Have completed the educational requirements ~~((r))~~ in WAC 246-811-030 and are obtaining the experience requirements for a substance use disorder professional credential in WAC 246-811-046 or 246-811-050.

(3) A substance use disorder professional trainee certificate can only be renewed four times, except as provided in RCW 18.205.095.

WAC 246-811-046 Number of experience hours required for certification as a substance use disorder professional. Except as provided in WAC 246-811-050 and 246-811-070(1), an applicant ~~((must))~~ for substance use disorder professional certification shall complete the following experience requirements based on their level of formal education~~(())~~:

(1) Two thousand five hundred hours of substance use disorder counseling, for individuals who have an associate degree; ~~(())~~

(2) Two thousand hours of substance use disorder counseling for individuals who have a baccalaureate degree in human services or a related field from an approved school; ~~(())~~

(3) One thousand five hundred hours of substance use disorder counseling for individuals who possess a master or doctoral degree in human services or a related field from an approved school; or

(4) One thousand hours of substance use disorder counseling for individuals who are credentialed according to WAC 246-811-076. The experience must be supervised by an approved supervisor meeting the requirements under WAC 246-811-049(8).

NEW SECTION

WAC 246-811-050 Certification of a substance use disorder professional or trainee through an apprenticeship program. (1) An apprentice accepted into an approved and registered apprenticeship program:

(a) May begin completing related/supplemental instruction at any time after becoming an apprentice; and

(b) Must be credentialed as a substance use disorder professional trainee under WAC 246-811-035 to obtain hours of supervised experience in substance use disorder counseling under subsection (2)(b) of this section.

(2) To be eligible for certification as a substance use disorder professional under WAC 246-811-025, an apprentice shall:

(a) Complete education requirements under WAC 246-811-030;

(b) Complete 2,500 hours of supervised experience in substance use disorder counseling;

(c) Meet supervision requirements under WAC 246-811-048; and

(d) Meet examination requirements under WAC 246-811-060.