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Draft WAC language

February 2023

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;
- (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, or a student intern working in, 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, and hypnotherapists, ~~and until July 1, 2010, registered counselors.~~

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(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 health care 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) "Student intern" means a person currently enrolled in an educational program for a degree that requires an internship or practicum as a component of that program. The placement of the student intern must be coordinated with the educational program.

~~(1819)~~ "Supervision" means the oversight that a counseling-related professional credentialed under chapter 18.130 RCW provides.

~~(1920)~~ "Unprofessional conduct" means the conduct described in RCW 18.130.180.

WAC 246-810-011

Exempt activities and individuals.

This chapter does not prevent or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

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(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling by a person for no compensation;

(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;

(5) Evaluation, consultation, planning, policymaking, research, or related services conducted by social scientists for private corporations or public agencies;

(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;

(7) The practice of counseling by peer counselors who use their own experience to encourage and support people with similar conditions or activities related to the training of peer counselors; and

(8) Counselors who reside outside Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they do not hold themselves out to be registered or certified in Washington state.

WAC 246-810-012

Application process.

(1) Applicants for agency affiliated counselor, certified counselor, certified adviser, or hypnotherapist must apply on forms established by the secretary.

(2) The application for agency affiliated counselor, certified counselor, or certified adviser, must include a description of the applicant's orientation, discipline, theory, or technique.

(3) Student interns applying to be an agency affiliated counselor must provide information about their educational program and planned internship dates.

(34) The secretary may require additional documentation to determine whether an applicant meets the qualifications for the credential and if there are any grounds for denial of the credential.

(45) Each applicant must pay the applicable fee as identified in WAC 246-810-990.

WAC 246-810-015

Agency affiliated counselor: Scope of practice and credentialing requirements.

(1) An agency affiliated counselor may only provide counseling services as part of ~~his or her~~their employment as an agency affiliated counselor for a recognized agency.

(2) An applicant for an agency affiliated counselor must:

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(a) ~~b~~ Be employed by, or have an offer of employment from, an agency or facility identified in WAC 246-810-016, or

(b) Be a student intern working in an agency or facility identified in WAC 246-810-016 for the duration of their student internship.

(3)(a) Applicants must submit an application to the department within the first thirty days of employment or student internship placement at an agency in order to continue working while the application is processed.

(b) Applicants must complete any outstanding deficiencies within ninety days of the date the department issues a deficiency letter. If the applicant does not satisfy the outstanding licensure requirements within ninety days, the applicant must stop working.

WAC 246-810-018

An agency affiliated counselor must report an employment change or completion of an internship.

(1) Agency affiliated counselors must notify the department within thirty calendar days if they are no longer employed by the agency identified on their application, are now employed with another agency, or both. Agency affiliated counselors may not practice counseling unless they are employed by, or a student intern working in, an agency.

(2) Student interns practicing as agency affiliated counselors must notify the department within thirty days of the completion of their internship or practicum.