



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
 Do **NOT** use for expedited rule making

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 STATE OF WASHINGTON
 FILED

DATE: October 03, 2023

TIME: 5:38 PM

WSR 23-20-120

Agency: Department of Health

☒ **Original Notice**

☐ **Supplemental Notice to WSR**

☐ **Continuance of WSR**

☒ **Preproposal Statement of Inquiry was filed as WSR 22-03-052 ; 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); or**

☐ **Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) Substance Use Disorder Professional Certification - Reducing barriers for pharmacists and applicants with a national certification.

The Department of Health (department) is proposing amending WAC 246-811-070, WAC 246-811-076, and WAC 246-811-300 in chapter 246-811 WAC, Substance Use Disorder Professionals and Substance Use Disorder Professional Trainees, to reduce barriers to certification. Proposed changes include removing the requirement to verify educational coursework for applicants with a national certification in WAC 246-811-070, making pharmacists eligible for the alternative training pathway in WAC 246-811-076, and removing the obsolete AIDS training from the list of probationary license requirements in WAC 246-811-300.

Hearing location(s):

Date: **Time:** **Location: (be specific)** **Comment:**

11/20/23	2:00 pm	<p>A virtual public hearing, without a physical meeting space, will be held.</p> <p>Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_IZiwWcECQT27NtJ9uZdV6w</p> <p>After registering, you will receive a confirmation email containing information about joining the webinar.</p>	
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Date of intended adoption: 12/15/23 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Ted Dale

Address: Office of Health Professions
 PO Box 47850
 Olympia, WA 98504-7850

Email:

Fax: N/A

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

Assistance for persons with disabilities:

Contact: Ted Dale

Phone: (360) 236-2991

Fax: N/A

TTY: 711

Email: ted.dale@doh.wa.gov

By (date) 11/14/23

Other: www.doh.wa.gov

By (date) 10/31/23

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule amendments will reduce barriers to becoming credentialed as a substance use disorder professional (SUDP) and encourage workforce growth.

Proposed amendments to WAC 246-811-070 will remove the requirement that the department verify coursework for applicants with a national certification. This change will remove a significant barrier to out-of-state professionals applying for certification in Washington, as their education often differs from Washington's detailed course requirements.

Proposed amendments to WAC 246-811-076 will add pharmacists to the list of professionals eligible for the alternative training pathway. This will facilitate pharmacists obtaining expertise in substance use and addiction, which will increase quality of patient care. Additionally, the department will remove osteopathic physician assistants from the list, consistent with Substitute House Bill (SHB) 2378, which repealed the profession.

Proposed amendments to WAC 246-811-300 will remove the AIDS education training from the list of probationary license requirements, consistent with Engrossed Substitute House Bill (ESHB) 1551, which repealed statutory authority for mandatory AIDS education trainings.

Reasons supporting proposal: The SUDP workforce plays an important role in providing treatment and support to individuals who struggle with substance use disorder. SUDP services are in high demand in Washington, but applicants can encounter significant barriers in becoming credentialed. Making the proposed amendments will lower barriers to certification, improve patient care, and comply with legislation.

Statutory authority for adoption: RCW 18.205.060

Statute being implemented: ESHB 1551 (Chapter 76, Laws of 2020), SHB 2378 (Chapter 80, Laws of 2020)

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Type of proponent: ☐ Private ☐ Public ☒ Governmental

Name of proponent: (person or organization) Department of Health

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 98504-7850
Phone: (360) 236-2991
Fax: N/A
TTY: 711
Email: ted.dale@doh.wa.gov
Other:

☐ No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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) (does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: All proposed rule changes only affect individual professional credentials, not businesses.

(2) Scope of exemptions: *Check one.*

☒ The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: October 3, 2023

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

Title: Chief of Policy for Secretary of Health

Signature:

A handwritten signature in black ink, appearing to read "Kristin Peterson", written in a cursive style.

AMENDATORY SECTION (Amending WSR 16-14-052, filed 6/29/16, effective 7/30/16)

WAC 246-811-070 National certification. (1) A person who is certified through the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) or the International Certification and Reciprocity Consortium (ICRC) as an alcohol and drug counselor (ADC) or advanced alcohol and drug counselor (AADC), is considered to meet the experience requirements of WAC 246-811-046.

(2) A person who is certified through NAADAC or ICRC as an ADC or AADC is considered to have met the education requirements of WAC 246-811-030(2). ~~((Verification of the additional forty-five quarter or thirty semester credits as required in WAC 246-811-030(1) will be required upon application to the department.))~~

(3) Verification of certification must be sent directly to the department from NAADAC or ICRC.

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

WAC 246-811-076 Eligibility for certification through alternative training. A practitioner listed in subsections (1) through (7) of this section who holds an active license in good standing may apply for certification as a substance use disorder professional using alternative training under WAC 246-811-077 or 246-811-078:

(1) Advanced registered nurse practitioner under chapter 18.79 RCW;

(2) Marriage and family therapists, mental health counselor, advanced social worker, or independent clinical social worker under chapter 18.225 RCW;

(3) Psychologist under chapter 18.83 RCW;

(4) Osteopathic physician under chapter 18.57 RCW;

(5) ~~((Osteopathic physician assistant under chapter 18.57A RCW;~~

~~+6-)) Physician under chapter 18.71 RCW; ((or~~

~~+7-)) (6) Physician assistant under chapter 18.71A RCW; or~~

(7) Pharmacist under chapter 18.64 RCW.

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

WAC 246-811-300 Probationary license. (1) The department shall issue a probationary license to out-of-state applicants seeking licensure in Washington state for substance use disorder professional according to the conditions and restrictions of the reciprocity program established RCW 18.205.140 and this chapter.

(2) The out-of-state license must be from a state or territory identified on a list published by the department as eligible for reciprocity for the purposes of a probationary license for the particular behavioral health profession.

(3) An initial probationary license is valid for one year. To receive an initial probationary license, the applicant must submit to the department a completed application to include:

(a) Verification of their out-of-state license; and

(b) The fee according to WAC 246-811-990.

(4) A probationary license may be renewed a single time and is valid for one year after the date of renewal. To renew a probationary license, the applicant must submit to the department a completed application to include:

(a) Completion of suicide assessment, treatment, and management training according to WAC 246-811-280(1); and

(b) ~~((AIDS education according to WAC 246-811-075; and~~

~~(c)))~~ The fee according to WAC 246-811-990.

(5) Continuing education. With the exception of the requirements in subsection (4) of this section, continuing education requirements will apply once a probationary licensee transitions to a full license.

(6) Approved supervision. If the department determines a probationary licensee must complete supervised hours of experience as a condition for full licensure, the licensee must complete the stated hours under an approved supervisor according to the conditions of this chapter.