# PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: September 29, 2025
TIME: 8:59 AM

WSR 25-20-070

**Agency:** Department of Health

**Subject of possible rule making:** Applied Behavior Analysis Continuing Supervision and Educational Programs. The Department of Health (department), in consultation with the Washington State Applied Behavior Analysis Advisory Committee, is considering amendments to WAC 246-805-210, 246-805-240 and 246-805-330 to remove barriers for education and update the requirements for continuing supervision for certified behavior technicians (CBT) and licensed assistant behavior analysts (LABA). The department may consider amendments to other relevant WAC sections on this topic if the need arises.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 18.380.110

**Reasons why rules on this subject may be needed and what they might accomplish:**
The current education requirements for an LABA in WAC 246-805-210 do not allow education from any foreign institutions that are not accredited by the council for higher education accreditation or United States Department of Education, which prevents applicants with foreign educations from becoming licensed. The department is considering updating these rules to match the licensed behavior analyst education rule which allows accrediting institutions approved by the department.

The current continuing supervision requirements for CBT in WAC 249-805-330 and LABA in WAC 246-805-240 do not include any requirements related to supervisors having multiple conflicting types of relationships (e.g., both supervisor and employee) with the CBT or LABA and do not clarify how much experience the supervisor should have. The department is considering updating the continuing supervision requirements to better align with current best practices.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** None

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

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) Collaborative rulemaking

**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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| | |
|---|---|
| Other: N/A | Other: |
| Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will conduct a series of rules workshops. 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, check the box next to "Applied Behavior Analysis." | |
| **Date:** September 29, 2025<br>**Name:** Kristin Peterson, JD for Dennis E. Worsham<br>**Title:** Chief of Policy for Secretary of Health | **Signature:**<br> |