PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 24, 2026
TIME: 9:16 AM

WSR 26-16-014

Agency: Department of Health

☒ **Original Notice**
☐ **Supplemental Notice to WSR**
☐ **Continuance of WSR**

☒ **Preproposal Statement of Inquiry was filed as WSR** 25-20-070 **; 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)
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 proposing 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).

Hearing location(s):

Date:	**Time:**	**Location:** (be specific)	**Comment:**
September 22, 2026	10:00 a.m.	Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_gsedXNhIT_mTcFegRdvNjA After registering, you will receive a confirmation email containing information about joining the webinar.	The rule hearing will be virtual.

Date of intended adoption: 9/29/2026 (Note: This is **NOT** the **effective** date)

Submit written comments to:	**Assistance for persons with disabilities:**
Name Shelbee Scrimo	Contact Shelbee Scrimo
Address PO Box 47852, Olympia, WA 98504-7852	Phone 360-236-4723
Email ABA@doh.wa.gov	Fax N/A
Fax N/A	TTY 711
Other https://fortress.wa.gov/doh/policyreview/	Email shelbee.scrimo@doh.wa.gov
Beginning (date and time) The date and time of this filing	Other N/A
By (date and time) 9/22/2026 at 11: 59 p.m.	By (date) 9/8/2026

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed amendments will update the education requirement for a LABA to allow applicants with education from foreign institutions to be eligible for licensure. The proposed rule aligns with the licensed behavior analyst education rules which allows accrediting institutions approved by the department. This is intended to remove a barrier for applicants whose education is from a foreign institution.

The proposed rules also establish standards that prevent conflicting supervisor relations with CBT and LABA providers that could pose patient safety situations. The proposed rules establish standards that prohibit supervisors from being related to, subordinate to, or employed by the person they are supervising. These amendments will better align with current practices

and increase patient safety regarding continuing supervision requirements related to multiple conflicting types of relationships for a LABA and CBT.

Reasons supporting proposal: The proposed amendments remove a licensing barrier for those who have education from a foreign institution and better align with current best practices which will lead to an increase in patient safety.

Statutory authority for adoption: RCW 18.380.110

Statute being implemented: RCW 18.380.110,18.380.050

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

Name of proponent: (person or organization) Department of Health
Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Shelbee Scrimo	111 Israel Rd. SE, Tumwater, WA 98501	360-236-4723
Implementation	Shelbee Scrimo	111 Israel Rd. SE, Tumwater, WA 98501	360-236-4723
Enforcement	Shelbee Scrimo	111 Israel Rd. SE, Tumwater, WA 98501	360-236-4723

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 Shelbee Scrimo
Address PO Box 47852 Olympia, WA 98504-7852
Phone 360-236-4723
Fax N/A
TTY 711
Email shelbee.scrimo@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)(c) (Incorporation by reference)
- ☐ RCW 34.05.310 (4)(d) (Correct or clarify language)
- ☐ RCW 34.05.310 (4)(e) (Dictated by statute)
- ☐ RCW 34.05.310 (4)(f) (Set or adjust fees)
- ☐ 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: Although many licensees practice within small businesses, the proposed rules regulate only individual professional standards and do not impose requirements on business operations, staffing, equipment, or reporting.

(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: July 24, 2026	**Signature:**
Name: Kristin Peterson, JD for Dennis E. Worsham	
Title: Chief of Policy for Secretary of Health	

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

WAC 246-805-210 Licensed assistant behavior analyst—Recognized educational programs. The department will accept a bachelor's degree in any discipline from an institution accredited by the council for higher education accreditation or United States Department of Education or a similar accrediting institution approved by the department as meeting the requirements under RCW 18.380.050 (1)(b)(i) for applicants applying for an LABA credential.

AMENDATORY SECTION (Amending WSR 24-11-103, filed 5/17/24, effective 6/17/24)

WAC 246-805-240 Licensed assistant behavior analyst—Continuing supervision. (1) A LABA shall work under the supervision of an LBA or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1) for each client receiving ABA services.

(2) A clinical supervisor shall:

(a) Hold an active license in good standing as a Washington state LBA or be otherwise qualified to practice in ABA consistent with RCW 18.380.030(1); and

(b) Be responsible and accountable for the services an LABA provides to clients; and

(c) Not be related to, subordinate to, or employed by the LABA being supervised.

(3) The LABA and the clinical supervisor shall develop a supervision agreement before the LABA begins to provide any behavior analytic tasks. A copy of the supervision agreement must be maintained by both the clinical supervisor and LABA. The supervision agreement must include, but not be limited to:

(a) Duties and responsibilities the LABA will perform;

(b) Mechanism for reporting caseload to the clinical supervisor;

(c) Type and frequency of supervision; and

(d) Signature of both the clinical supervisor and supervisee.

(4) The clinical supervisor shall review the LABA's progress with the LABA at least every six months.

(5) The supervision shall include:

(a) At least one face-to-face contact per month with the LABA. Face-to-face contact may occur in person, on-site, or by videoconferencing, and may include small group interaction; and

(b) Visually observing the LABA with clients on a quarterly basis for at least one treatment session. Observation may occur in person or by videoconferencing.

AMENDATORY SECTION (Amending WSR 24-11-103, filed 5/17/24, effective 6/17/24)

WAC 246-805-330 Certified behavior technician—Continuing supervision. (1) A CBT shall work under close, ongoing supervision of a clinical supervisor for each client receiving ABA services.

(2) A clinical supervisor:

(a) Shall hold an active license in good standing as an LBA, LABA, or a license issued by this state permitting the individual to practice ABA consistent with RCW 18.380.030(1); and

(b) Is responsible for the conduct of the CBT at all times when working with clients under his or her supervision; and

(c) Not be related to, subordinate to, or employed by the CBT being supervised.

(3) The CBT and the clinical supervisor shall develop a supervision agreement before the CBT begins to provide any behavior analytic tasks. A copy of the supervision agreement must be maintained both by the supervisor and CBT. The supervision agreement must include, but not be limited to:

(a) Duties and responsibilities the CBT will perform;

(b) Type and frequency of supervision, as described in subsection (5) of this section; and

(c) Signature of both the clinical supervisor and CBT.

(4) The clinical supervisor shall review the CBT's progress with the CBT as necessary and document the progress at least every six months.

(5) The clinical supervisor shall:

(a) Meet in person with the CBT to provide guidance in working with new clients;

(b) Conduct at least two face-to-face contacts per month with the CBT. Face-to-face contact may occur in person, on-site or by videoconferencing.

(c) Provide direct supervision and observation for a minimum of five percent of the CBT's hours each month including:

(i) Observing the CBT at least once per month when the CBT is providing ABA services to clients; and

(ii) Observing the CBT with each client on his or her caseload at least once every three months.