



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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FILED

DATE: April 18, 2024

TIME: 12:42 PM

WSR 24-10-010

Agency: Department of Health

Subject of possible rule making: Supervisor directory, supervision standards, and stipend program for Mental Health Counselors, Marriage and Family Therapists, and Social Workers.

The Department of Health (department) is considering amending, repealing or creating new sections in chapter 246-809 WAC to implement recent legislation by establishing: (1) a directory to help mental health counselor, marriage and family therapist, and social worker associates find supervisors; (2) standards for supervision of associates; (3) a stipend program to offset some costs of supervision; and (4) other changes as appropriate.

This rulemaking will continue work begun under WSR 24-02-038, on December 27, 2023, and discussions with interested parties held since adoption of emergency rules filed under WSR 23-20-055, on September 28, 2023, and later extended under WSR 24-04-011, on January 26, 2024. These emergency rules will be continued until the permanent rulemaking process is finished. Because the stipend program was substantially amended by recent legislation, the department is filing a new CR-101 to replace WSR 24-02-038 and give all interested parties adequate notice of the change.

Statutes authorizing the agency to adopt rules on this subject:

RCW 18.225.040, 18.225.180, and 2SHB 1724 (chapter 425, Laws of 2023), E2SHB 2247 (chapter 371, Laws of 2024)

Reasons why rules on this subject may be needed and what they might accomplish:

During the 2023 legislative session, the legislature passed Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023) to increase the behavioral health workforce by reducing barriers to licensure. Among other things, this bill required the department to establish a program to facilitate associate providers finding qualified supervisors, minimum supervision standards, and a stipend program to offset some costs of supervision. During the 2024 session, the legislature passed Engrossed Second Substitute House Bill (E2SHB) 2247 (chapter 371, Laws of 2024) to continue the work started by 2SHB 1724, including making significant amendments to the stipend program.

Section 7 of 2SHB 1724, codified as RCW 18.225.180, requires the department to adopt rules establishing minimum qualifications for supervisors, minimum standards for supervision, and a stipend program. Section 16 of E2SHB 2247, which amends the stipend program established by 2SHB 1724, also requires rulemaking. Rulemaking is necessary to implement the bills and set new, enforceable standards. Additionally, establishing these programs through rulemaking will allow the department to consistently support professional standards and protect patient safety.

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:

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Other:	Other:

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use the Licensed Counselor GovDelivery list to inform interested parties of opportunities to provide input on proposed rule language.

To subscribe to GovDelivery, 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" and then click on "Licensed Counselors." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

Date: 4/18/2024

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

Title: Chief of Policy for Secretary of Health

Signature:

