



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR 08-14-142 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

Chapter 246-810 WAC - Amending rules to implement 2008 legislation 2SHB 2674 which will abolish the registered counselor credential and creates the certified counselor, certified advisor, and agency affiliated counselor credentials.

Hearing location(s): Comfort Inn
Conference Center
1620 - 74th Avenue SW
Tumwater, WA 98501

Date: 6/23/09 Time: 10:00 am

Submit written comments to:

Name: Leann Yount, Program Manager
Address: Registered Counselor Program
PO Box 47852
Olympia, WA 98504-7852
Website: <http://www3.doh.wa.gov/policyreview/>
fax 360.236.2901 by (date) 06/23/2009

Assistance for persons with disabilities: Contact

Leann Yount by 06/23/2009

TTY (800) 833-6388 or () 711

Date of intended adoption: 06/24/2009

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Rules are needed to implement the 2008 legislation (2SHB2674) that creates eight new counseling credentials and abolishes the registered counselor credential. These rules implement three new counseling credentials as certified counselors, certified advisers, and agency affiliated counselors and will abolish the registered counselor credential on July 2, 2010. The proposed rules establish the educational requirement, examination, supervisory, consultation, disclosure, and continuing education requirements for certified counselors and certified advisers. The proposed rules for the agency affiliated counselors establish the application procedure and the processes for the entities that may employ these counselors.

Reasons supporting proposal:

Rules are needed to implement 2SHB2674 (Chapter 135 Laws of 2008) to create enforceable standards that will ensure that qualified individuals are credentialed as a certified counselor, certified adviser, or agency affiliated counselor.

Statutory authority for adoption:

RCW 18.19.050

Statute being implemented:

Chapter 18.19 RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 19, 2009

TIME: 5:16 PM

WSR 09-11-112

DATE 05/19/09

NAME (type or print)

Mary C. Selecky

SIGNATURE

TITLE

Secretary

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

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Leann Yount	Department of Health 310 Israel Road SE Tumwater, WA 98501	360.236.4856
Implementation....Leann Yount	Department of Health 310 Israel Road SE Tumwater, WA 98501	360.236.4856
Enforcement.....Leann Yount	Department of Health 310 Israel Road SE Tumwater, WA 98501	360.236.4856

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Leann Yount

Address: Department of Health

PO Box 47852

Olympia, WA 98504-7852

phone 360.236.4856

fax 360.236.2901

e-mail leann.yount@doh.wa.gov

No: Please explain:

AMENDATORY SECTION (Amending WSR 06-08-106, filed 4/5/06, effective 5/6/06)

WAC 246-810-010 Definitions. ~~((The following terms are defined within the meaning of this chapter.))~~ The definitions in this section apply throughout this chapter unless the content clearly requires otherwise.

~~(1) ("Counselor" means and includes any registered counselor or registered hypnotherapist regulated under chapter 18.19 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 an agency.~~

~~(2) "Agency" means an agency or facility operated, licensed, or certified by the state of Washington.~~

~~(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, 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, hypnotherapists, and until July 1,~~

2010, registered counselors.

(9) "Department" means the Washington state department of health.

~~((3))~~ (10) "Fee" as referred to in RCW 18.19.030 means compensation received by the counselor for counseling services provided, regardless of the source.

~~((4) "Hospital" means any health care institution licensed under chapter 70.41 RCW.~~

~~(5) "Nursing home" means any health care institution licensed under chapter 18.51 RCW.~~

~~(6) "Unprofessional conduct" as used in this chapter means the conduct described in RCW 18.130.180.)~~ (11) "Hypnotherapist" means a person registered under chapter 18.19 RCW, and this chapter, who is practicing hypnosis as a modality.

(12) "Licensed healthcare 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) "Secretary" means the secretary of the department of health or the secretary's designee.

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

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

NEW SECTION

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;

(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.

NEW SECTION

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) 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.

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

NEW SECTION

WAC 246-810-013 State agency employee credentialing requirements. (1) Until July 1, 2010, a person may not, as a part of his or her position as an employee of a state agency, practice counseling without possessing a registered counselor or an agency affiliated counselor credential unless they are exempt under WAC 246-810-011.

(2) On and after July 1, 2010, a person may not, as a part of his or her position as an employee of a state agency, practice counseling without being registered to practice as an agency affiliated counselor unless they are exempt under WAC 246-810-011.

(3) A person may not, for a fee or as a part of his or her position as an employee of a state agency, practice hypnotherapy without being registered to practice as a hypnotherapist unless they are exempt under WAC 246-810-011.

AGENCY AFFILIATED COUNSELORS

NEW SECTION

WAC 246-810-015 Agency affiliated credentialing requirements. Applicants for agency affiliated counselor must be employed by or have an offer of employment from an agency or facility identified in WAC 246-810-016.

NEW SECTION

WAC 246-810-016 Agencies or facilities that can employ agency affiliated counselors. Entities that may employ an agency affiliated counselor are:

(1) State of Washington departments and agencies as evidenced by being listed in the Agency, Commission & Organization Directory available on the state of Washington web site.

(2) Community and technical colleges governed by the

Washington state board for community and technical colleges.

(3) Colleges and universities governed by the Washington state higher education coordinating board.

(4) Hospitals licensed under chapter 70.41 RCW.

(5) Home health care agencies, home care agencies, and hospice care agencies licensed under chapter 70.127 RCW.

(6) Psychiatric hospitals, residential treatment facilities, hospitals, and alcohol and chemical dependency entities licensed under chapter 71.12 RCW.

(7) Other agencies or facilities recognized by the secretary as provided in WAC 246-810-017.

NEW SECTION

WAC 246-810-017 Process to be a recognized agency or facility. (1) To be recognized, an agency or facility must demonstrate to the satisfaction of the secretary it is operated, licensed, or certified by the state of Washington.

(2) The secretary may:

(a) Require forms and documentation;

(b) Consult with other state agencies and entities in the review of requests for recognition; or

(c) Both.

(3) The department will maintain a list of agencies and facilities recognized under this section.

(4) Recognized agencies or facilities that cease to be operated, licensed, or certified by the state of Washington will no longer be recognized and will be removed from the list of recognized agencies.

NEW SECTION

WAC 246-810-018 An agency affiliated counselor must report an employment change. 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 an agency.

CERTIFIED COUNSELORS, CERTIFIED ADVISERS, AND HYPNOTHERAPISTS

NEW SECTION

WAC 246-810-0201 Practice scope and limits for certified counselors. The scope of practice of certified counselors consists exclusively of the following:

(1) Appropriate screening of the client's level of functional impairment using the global assessment of functioning as described in the fourth edition of the *Diagnostic and Statistical Manual of Mental Disorders*. Recognition of a mental or physical disorder or a global assessment of functioning score of sixty or less requires that the certified counselor refer the client for diagnosis and treatment to a licensed healthcare practitioner.

(2) If the client has a global assessment of functioning score greater than sixty, a certified counselor may counsel and guide the client in adjusting to life situations, developing new skills, and making desired changes, in accordance with the theories and techniques of a specific counseling method and established practice standards.

(3) If the client has a global assessment of functioning score of sixty or less, a certified counselor may counsel and guide the client in adjusting to life situations, developing new skills, and making desired changes, in accordance with the theories and techniques of a specific counseling method and established practice standards if:

(a) The client has been referred to the certified counselor by a licensed healthcare practitioner and care is provided as part of a plan of treatment developed by the referring practitioner who is actively treating the client. The certified counselor must adhere to any conditions related to the certified counselor's role as specified in the plan of care; or

(b) The certified counselor referred the client for diagnosis and treatment from a licensed healthcare practitioner and the client refused, in writing, to seek diagnosis and treatment from the other provider. The certified counselor may provide services to the client consistent with a treatment plan developed by the certified counselor and the consultant or supervisor with whom the certified counselor has a written consultation or supervisory agreement.

(4) A certified counselor must not be the sole treatment provider for a client with a global assessment of functioning score of less than fifty.

NEW SECTION

WAC 246-810-021 Practice scope and limits for certified advisers. The scope of practice of certified advisers consists exclusively of the following:

(1) Appropriate screening of the client's level of functional impairment using the global assessment of functioning as described in the fourth edition of the *Diagnostic and Statistical Manual of Mental Disorders*. Recognition of a mental or physical disorder or a global assessment of functioning score of sixty or less requires that the certified adviser refer the client to a licensed healthcare practitioner.

(2) If the client has a global assessment of functioning score greater than sixty, a certified adviser may counsel and guide the client in adjusting to life situations, developing new skills, and making desired changes, in accordance with the theories and techniques of a specific counseling method and established practice standards.

NEW SECTION

WAC 246-810-0221 Qualifications to become a certified counselor. (1) Prior to July 1, 2010, an applicant for certified counselor who has been a registered counselor for a minimum of five years at the time of application must:

(a) Have held a valid, active registration that is in good standing and is in compliance with any disciplinary process and orders at the time of application for an initial certification;

(b) Show evidence of having completed at least six clock hours of course work which covered risk assessment, ethics, appropriate screening using the global assessment of functioning scale, client referral, and Washington state law;

(c) Pass an examination in risk assessment, ethics, appropriate screening using the global assessment of functioning scale, client referral, and Washington state law; and

(d) Have a written consultation agreement which meets the requirements in WAC 246-810-025 with a credential holder who meets the qualifications to be a consultant in WAC 246-810-026.

(2) Unless eligible for certification under subsection (1)(a) of this section, applicants for a certified counselor must:

(a) Have a bachelor's degree in a counseling-related field, as defined in WAC 246-810-024;

(b) Pass an examination in risk assessment, ethics, and appropriate screening using the global assessment of functioning scale, client referral, and Washington state law; and

(c) Have a written supervisory agreement which meets the requirements in WAC 246-810-025 with a credential holder who meets the qualifications to be a supervisor in WAC 246-810-026.

NEW SECTION

WAC 246-810-023 Qualifications to become a certified adviser.

Applicants for certified adviser must:

(1) Have an associate degree which included a supervised internship in a counseling-related field as defined in WAC 246-810-024;

(2) Pass an examination in risk assessment, ethics, and appropriate screening using the global assessment of functioning scale, client referral, and Washington state law; and

(3) Have a written supervisory agreement which meets the requirements in WAC 246-810-025 with a credential holder who meets the qualifications to be a supervisor in WAC 246-810-026.

NEW SECTION

WAC 246-810-024 Counseling-related degrees that meet the requirements for certified counselor and certified adviser.

(1) A counseling-related bachelor's degree must be from a recognized education program or institution. The degree must have required the equivalent of at least four years of full-time study and at least one third of the courses must have included one or more of subjects listed in subsection (4) of this section.

(2) A counseling-related associate degree must be from a recognized educational program or institution. The degree must have the equivalent of at least two years of full-time study and a supervised internship. At least one fourth of the required courses must have included one or more of subjects listed in subsection (4) of this section.

(3) An advanced or graduate degree from a recognized educational program or institution in any of the subject areas listed in subsection (4) of this section will be accepted as fulfilling the education requirement for certified counselor or certified adviser.

(4) Counseling-related subjects:

(a) Addiction counseling;

(b) Adolescent and child counseling;

(c) Anger management counseling;

(d) Applied behavioral science;

(e) Behavior management or behavior modification;

(f) Biofeedback;

(g) Child development;

(h) Clinical social work;

- (i) Community mental health;
- (j) Counseling persons with developmental or intellectual disabilities;
- (k) Counseling ethics;
- (l) Developmental psychology;
- (m) Domestic violence counseling;
- (n) Elder counseling;
- (o) Grief counseling;
- (p) Human development;
- (q) Human services counseling;
- (r) Learning disabilities counseling;
- (s) Marriage and family counseling;
- (t) Mental health counseling;
- (u) Ministerial or pastoral counseling;
- (v) Multicultural counseling;
- (w) Organizational psychology;
- (x) Personality theory;
- (y) Physiological psychology;
- (z) Psychiatry and psychiatric nursing;
- (aa) Psychological measurement and research;
- (bb) Psychology;
- (cc) Psychopathology and abnormal psychology;
- (dd) Sexual disorder counseling;
- (ee) Social work;
- (ff) Special education;
- (gg) Stress disorder counseling;
- (hh) Substance and chemical abuse counseling; and
- (ii) Transpersonal psychology.

(5) The secretary may accept other training programs or experience in the subjects listed in subsection (4) of this section which was obtained outside of the degree program as being equivalent to counseling-related courses.

NEW SECTION

WAC 246-810-025 Supervision and consultation requirements for certified counselors and supervision requirements for certified advisers. (1) Supervision. Certified counselors who do not meet the requirements in WAC 246-810-0221 (1)(a) and certified advisers must meet the following supervision requirements:

(a) Written agreement. A written agreement between a qualified supervisor and the certified counselor or certified adviser is required and must be reviewed and renewed at least every two years. The agreement must address the agreement duration, expectations, frequency and modalities of supervision, recordkeeping, financial arrangements, client confidentiality, and potential conflict of interest.

(b) Frequency of supervision.

(i) During the first five years of practice, a minimum of two hours of supervision per calendar month is required in any month in which the certified counselor or certified adviser has had forty or more client contact hours.

(ii) After five years of practice, a minimum of one hour of supervision per calendar month is required in any month in which the certified counselor or adviser has forty or more client contact hours.

(iii) A minimum of two hours of supervision in any calendar quarter, regardless of the years in practice and number of client contact hours.

(iv) Up to half of the required supervision time in any year may be supervision of practice in a group setting.

(c) Recordkeeping. A written record of supervision hours and topics must be maintained by both the supervisor and the certified counselor or certified adviser.

(2) Consultation. Certified counselors who meet the requirements of WAC 246-810-0221 (1)(a), must meet the following consultation requirements:

(a) Written agreement. A written agreement between a consultant and the certified counselor is required, and must be reviewed and renewed at least every two years. The agreement must address:

- (i) The agreement duration;
- (ii) Expectations of both parties;
- (iii) Frequency and modalities of consultation;
- (iv) Recordkeeping;
- (v) Financial arrangements;
- (vi) Client confidentiality; and
- (vii) Potential conflict of interest.

(b) Frequency. The certified counselor will determine the consultation he or she needs. However, a minimum of one hour of consultation is required during any calendar quarter in which the certified counselor has forty or more client contact hours.

(c) Recordkeeping. A written record of consultation hours and topics must be maintained by the consultant and the certified counselor.

NEW SECTION

WAC 246-810-026 Qualifications to be a certified counselor and certified adviser supervisor, or a certified counselor consultant. (1) The supervisor or consultant must have held a Washington state credential or credentials in counseling-related fields for a minimum of five years. The credential or credentials must be active and in good standing.

(2) For purposes of this section, counseling-related fields means a credential issued under chapter 18.130 RCW for:

- (a) Certified counselor;
- (b) Hypnotherapist;
- (c) Mental health counselor;
- (d) Marriage and family therapist;
- (e) Independent clinical social work;
- (f) Advanced social work;
- (g) Psychologist;
- (h) Chemical dependency professional;
- (i) Sex offender treatment provider;
- (j) Sex offender treatment provider affiliate;
- (k) Medical physician;
- (l) Physician assistant;
- (m) Osteopathic physician;
- (n) Osteopathic physician assistant;
- (o) Advanced registered nurse practitioner;
- (p) Naturopathic physician; and
- (q) Until July 1, 2010, registered counselor.

Additional credentials may be accepted by the secretary as counseling-related.

(3) The supervisor or consultant must not be a blood or legal relative or cohabitant of the credential holder, or someone who has acted as the credential holder's counselor within the past two years. A supervisor or consultant may not have a reciprocal supervisory or consultant arrangement with another credential holder.

(4) Prior to the commencement of any supervision or consultation, the supervisor or consultant must provide the certified counselor or certified adviser with a declaration on a form provided by the department.

(5) The supervisor must have completed education and training in:

- (a) Supervision or management of individuals who provide counseling or mental health services;
- (b) Risk assessment;
- (c) Screening using the global assessment of functioning scale;
- (d) Professional ethics; and
- (e) Washington state law.

(6) The consultant must have completed education and training in:

- (a) Risk assessment;
- (b) Screening using the global assessment of functioning scale;
- (c) Professional ethics; and
- (d) Washington state law.

NEW SECTION

WAC 246-810-027 Continuing education for a certified counselor or certified adviser. (1) Certified counselors or certified advisers must complete thirty-six credit hours of continuing education every two years as required by chapter 246-12 WAC, Part 7.

(2) At least six of the thirty-six credit hours must be in law and professional ethics related to counseling.

(3) The first date to report the required continuing education begins with a credential holder's renewal date in 2011 for those first credentialed in 2009.

NEW SECTION

WAC 246-810-029 Acceptable continuing education courses for certified counselor and certified adviser. (1) A continuing education program or course must be relevant to counseling and must contribute to the advancement, extension and enhancement of the professional competence of the credential holder. Relevant courses include those that are related to counseling theory and practice, modality(ies) of the counseling services the credential holder will provide, professional ethics, courses related to risk assessment and screening and referral of clients, and Washington state law applicable to counseling.

(2) Continuing education courses, seminars, workshops, training programs, and institutes must have a featured instructor, speaker(s), or panel approved by an industry-recognized local, state, national, international organization, or institution of higher learning.

(3) Distance learning programs approved by an industry-recognized local, state, national or international organization or educational organization may meet these requirements. The programs must require a test of comprehension upon completion. Distance learning programs are limited to twelve hours per reporting period.

(4) Other learning experiences, such as serving on a panel, board or council, community service, research, peer consultation, or publishing articles for professional publications are acceptable if: The experience contributes to the advancement, extension, and enhancement of the professional competence of the certified counselor or certified adviser. The experience is limited to six hours per reporting period.

NEW SECTION

WAC 246-810-0293 Recognized local, state, national, international organizations, or institutions of higher learning to provide continuing education for certified counselor and certified adviser. (1) Washington Association for Marriage and Family Therapy;

(2) Washington State Society for Clinical Social Work;

(3) Washington Chapter of the National Association of Social Work;

(4) American Mental Health Counselors Association;

(5) American Association for Marriage and Family Therapy;

(6) Clinical Social Work Federation;

(7) National Association of Social Workers;

(8) Washington Mental Health Counselors Association;

(9) National Board for Certified Counselors;

(10) Association for Humanistic Psychology;

(11) The Association for Integrative Psychology;

(12) Society for Social Work Leadership in Health Care; or

(13) Institutions of higher learning that are accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation;

(14) Washington Professional Counselor Association;

(15) State Association and National Association for the Treatment of Sexual Abusers;

(16) National Association of Alcohol and Drug Addiction Counselors; and

(17) Other organizations recognized by the secretary and included on a list maintained by the department.

NEW SECTION

WAC 246-810-0295 Continuing education credit for preparing and presenting a lecture or course. A certified counselor or certified adviser who prepares and presents lectures or education that contributes to the professional competence of other counselors or mental health providers may accumulate the same number of hours obtained for continuing education purposes by attendees. The hours for presenting a lecture or education on a specific topic may only be used for continuing education credit once during each reporting period.

NEW SECTION

WAC 246-810-0297 Continuing education documentation for certified counselor or certified adviser. Acceptable documentation includes transcripts, signed letters from course instructors, certificate of completion, or other formal certification, as required in chapter 246-12 WAC, Part 7.

The credential holder must provide documentation which demonstrates fulfillment of continuing education requirements if requested by the secretary.

AMENDATORY SECTION (Amending WSR 06-08-106, filed 4/5/06, effective 5/6/06)

WAC 246-810-031 (~~Required disclosure information~~) A disclosure statement must be provided to clients. (1) (~~The counselor must provide the following information to each counseling client:~~) Disclosure statement. All counselors must provide a disclosure statement to each client prior to starting service. The following language must appear on every client's disclosure statement:

- (a) Name of firm, agency, business, or counselor's practice.
- (b) Counselor's business address and telephone number.
- (c) Washington state (~~registration~~) credential number.
- (d) The counselor's name and type of counseling they provide.
- (e) The methods or techniques the counselor uses.
- (f) The counselor's education, training, and experience.
- (g) The course of (~~treatment where known~~) counseling planned if known at the time of providing the disclosure information.
- (h) Billing information, including:
 - (i) Client's cost (~~per~~) for each counseling session;
 - (ii) Billing practices, including any advance payments and refunds.

(2) (~~Disclosure statement. The counselor must provide a disclosure statement to each client. The following language must appear on every client's disclosure statement:~~) All counselors in this chapter must provide the following information to each counseling client:

"Counselors practicing counseling for a fee must be (~~registered~~) credentialed with the department of health for the protection of the public health and safety. (~~Registration~~) Credentialing of an individual with the department does not include a recognition of any practice standards, nor necessarily (~~implies~~) imply the effectiveness of any treatment." In addition to the disclosure statement, the counselor must:

- (a) Inform clients about the purpose of the Counselor Credentialing Act, chapter 18.19 RCW. The purpose of the law regulating counselors is: (i) To provide protection for public

health and safety; and (ii) to empower the citizens of the state of Washington by providing a complaint process against those counselors who would commit acts of unprofessional conduct.

(b) Inform clients they have the right to choose counselors who best suit their needs and purposes. (This subsection does not provide new rights or supersede existing law.)

(c) Inform clients of the limits of confidentiality under RCW 18.19.180.

(d) Provide clients with a list of or copy of the acts of unprofessional conduct in RCW 18.130.180 and the name, address, and contact telephone within the department of health for complaints.

(e) Inform the client that they are not liable for any fees or charges for services rendered prior to receipt of the disclosure statement.

(3) Upon providing the required disclosure information to the client, the counselor and client must sign and date a statement that:

(a) The counselor has provided the client with a copy of the required disclosure information; and

(b) The client has read and understands the information. The date of signature by each party is to be included at the time of signing.

(4) The department of health publishes an informational brochure to educate and assist the public in understanding counselor responsibilities and client rights and responsibilities. The counselor may photocopy and provide the brochure to each client in conjunction with the disclosure information required in this section. The counselor may not rely solely on the brochure published by the department to meet the requirements of this section.

(5) In addition, a certified counselor or certified adviser must provide a written disclosure statement to each client prior to starting services. The disclosure statement must include:

(a) Disclosure of the consultation arrangement or supervisory agreement as defined in WAC 246-810-025.

(b) Information on the therapeutic orientation of their practice, and a list of resources relevant to the therapeutic orientation.

(c) Disclosure that they are not credentialed to diagnose mental disorders or to conduct psychotherapy as defined in WAC 246-810-010(12).

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

WAC 246-810-035 (~~((Recordkeeping and retention.))~~) **Record requirements.** (1) ~~((The))~~ A counselor providing professional services to a client or providing services billed to a third-party

payor, (~~shall~~) must document services, except as provided in subsection (2) of this section. The documentation (~~shall~~) must include:

- (a) Client name;
- (b) The fee arrangement and record of payments;
- (c) Dates counseling was received;
- (d) Disclosure form, signed by counselor and client;
- (e) The presenting problem(s), or purpose (~~or diagnosis~~) of counseling;

(f) Notation and results of formal consults, including information obtained from other persons or agencies through a release of information;

(g) Progress notes sufficient to support responsible clinical practice for the type of theoretical orientation/therapy the counselor uses.

(2) If a client requests that no treatment records be kept, and the counselor agrees to the request, the request must be in writing and only the following must be retained:

- (a) Client name;
- (b) Fee arrangement and record of payments;
- (c) Dates counseling was received;
- (d) Disclosure form, signed by counselor and client;
- (e) Written request that no records be kept.

(3) The counselor must not agree to the request if maintaining records is required by other state or federal law.

(4) All records must be kept for a period of five years following the last visit. Within this five-year period, all records must be (~~maintained safely~~) secured, with properly limited access.

Special provisions must be made for the retention or transferal of active or inactive records (~~from clients last seen inside of five years;~~) and for continuity of services in the event of a (~~counselor going out of business;~~) counselor's death (or), incapacitation, or cessation of practice. Such special provisions may be made (~~in a will or~~) by having another counselor review records with a client and recommend a course of action; or other appropriate means as determined by the counselor.

(5) After the minimum records retention period is met for a client record, the counselor may elect to dispose of the record. Disposal must be done in a secure and confidential manner. This includes:

- (a) Shredding;
- (b) Deleting, erasing, or reformatting electronic media; and
- (c) Other readable forms of media that are defaced or rendered unusable or unreadable.

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

WAC 246-810-040 ~~((Reporting of))~~ Requirements to report suspected abuse or neglect of a child~~((, dependent))~~ or vulnerable adult~~((, or a developmentally disabled person))~~. ~~((As required by))~~ (1) Chapter 26.44 RCW~~((7))~~ requires that all counselors must report suspected abuse or neglect of a child, (dependent adult, or developmentally disabled person) when they have reasonable cause to believe that such an incident has occurred.

(2) Chapter 74.34 RCW requires that all counselors report suspected abandonment, abuse, neglect, or financial exploitation of a vulnerable adult when there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect has occurred.

(3) The report ~~((shall))~~ must be made to the local law enforcement agency or to the department of social and health services ~~((at the first opportunity, but no longer than forty-eight))~~ within twenty-four hours after there is reasonable cause to believe that the child or vulnerable adult has suffered abuse or neglect (chapter 74.34 RCW).

AMENDATORY SECTION (Amending WSR 97-17-113, filed 8/20/97, effective 9/20/97)

WAC 246-810-045 Requirements for client fees paid in advance.

(1) ~~((Any))~~ The practice of collecting fees in advance~~((, as well as))~~ and refund policies~~((7))~~ must be disclosed in ~~((accordance with WAC 246-810-031))~~ the disclosure statement to the client before any funds are collected.

(2) Counselors who collect fees in advance of the service provided must separate such funds from operating/expense funds. Failure to properly account for such funds may be a violation of the Securities Act, RCW 21.20.005. ~~((These fees may not be expended by))~~ The counselor may not spend the funds until ~~((such time as))~~ the service is provided. Any funds left in the account, for ~~((which))~~ services ~~((were))~~ not ~~((rendered,))~~ provided must be returned to the client within thirty days of the request ~~((by the client for return of the funds))~~.

(3) Room rental fees or similar expenses ~~((i.e.,))~~ for example as ~~((relates))~~ relating to group therapy, are not considered fees paid in advance.

AMENDATORY SECTION (Amending WSR 08-07-090, filed 3/19/08, effective 4/19/08)

WAC 246-810-049 Sexual misconduct regulations. (1) The definitions and prohibitions on sexual misconduct (~~(described)~~) in chapter 246-16 WAC apply to counselors except WAC 246-16-100 (3) and (4).

(2) A counselor shall never engage, or attempt to engage, in the activities listed in WAC 246-16-100(1) with a former patient, former client or former key party.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-810-080 What are the requirements for AIDS prevention and information education ((requirements-))? Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

ADDITIONAL PROVISIONS APPLICABLE ONLY TO REGISTERED COUNSELORS

NEW SECTION

WAC 246-810-089 Transitional dates for a registered counselor credential. (1) The department of health will not issue any new registered counselor credentials after July 1, 2009.

(2) Individuals with a current or prior credential as a registered counselor may renew or reinstate their credential if all fees are paid and requirements are met. No registered counselor credentials will be renewed or reinstated after June 30, 2010.

(3) To continue to practice counseling, all registered counselors must hold a different counseling credential by July 1, 2010.

(4) All registered counselor credentials are abolished on July 1, 2010.

WAC 246-810-990 Counselors fees and renewal cycle. (1) Under chapter 246-12 WAC, Part 2, a counselor must renew his or her (~~registration~~) credential every year on the practitioner's birthday. (~~The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.~~) Any separate examination fees are the responsibility of the applicant.

Title	Fee
(2) The following nonrefundable fees will be charged for registered counselor <u>through 6/30/2010</u> :	
(Application and registration	\$130.00)
Renewal	<u>\$117.00</u>
Late renewal penalty	58.50
Expired registration reissuance	65.00
Duplicate registration	15.00
Certification of registration	15.00
(3) The following nonrefundable fees will be charged for registered hypnotherapist:	
Application and registration	95.00
Renewal	130.00
Late renewal penalty	65.00
Expired registration reissuance	65.00
Duplicate registration	15.00
Certification of registration	15.00
(4) <u>The following nonrefundable fees will be charged for certified counselor:</u>	
<u>Application and certification</u>	<u>110.00</u>
<u>Examination or reexamination</u>	<u>85.00</u>
<u>Renewal</u>	<u>90.00</u>
<u>Late renewal penalty</u>	<u>50.00</u>
<u>Expired registration reissuance</u>	<u>50.00</u>
<u>Duplicate registration</u>	<u>15.00</u>
<u>Certification of registration</u>	<u>15.00</u>
(5) <u>The following nonrefundable fees will be charged for registered certified adviser:</u>	
<u>Application and certification</u>	<u>80.00</u>

Title	Fee
<u>Examination and reexamination</u>	<u>85.00</u>
<u>Renewal</u>	<u>65.00</u>
<u>Late renewal penalty</u>	<u>65.00</u>
<u>Expired registration reissuance</u>	<u>65.00</u>
<u>Duplicate registration</u>	<u>15.00</u>
<u>Certification of registration</u>	<u>15.00</u>

(6) The following nonrefundable fees will be charged for registered agency affiliated counselor:

<u>Application registration</u>	<u>50.00</u>
<u>Renewal</u>	<u>40.00</u>
<u>Late renewal penalty</u>	<u>40.00</u>
<u>Expired credential reissuance</u>	<u>40.00</u>
<u>Duplicate registration</u>	<u>15.00</u>
<u>Certification of registration</u>	<u>15.00</u>

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-810-060 Mandatory reporting.