

Draft Changes To WAC 246-810 For

Agency Affiliated Counselor, Certified Counselor, Certified Adviser,
Hypnotherapist, and Registered Counselor

Updated March 2, 2009

Chapter 246-810 WAC
Counselors

246-810-010
Definitions.

(1) "Agency affiliated counselor" means a person registered under chapter 18.19, RCW, and these rules, 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 these rules, who is engaged in private practice counseling to the extent authorized in section 246-810-020.

(4) "Certified counselor" means a person certified under this chapter 18.19, RCW, and these rules, who is engaged in private practice counseling to the extent authorized in section 246-810-020.

(5) "Client" means an individual who receives or participates in counseling or group counseling.

(6) "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 purposes of these rules, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

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

(7) "Counselor" means an individual who engages in the practice of counseling to the public for a fee, including for the purposes of these rules, agency affiliated counselors, certified counselors, certified advisers, hypnotherapists, and until July 1, 2010, registered counselors.

~~(2)~~ (8) "Department" means the Washington state department of health.

~~(3)~~ (9) "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.

~~(11)~~ (10) "Hypnotherapist" means a person registered under chapter 18.19 , RCW, and these rules, who is practicing hypnosis as a modality.

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

(11) "Private practice counseling" means the practice of counseling by a certified counselor or certified adviser as specified in WAC 246-810-020.

(12) "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, published in 1994, and the development of treatment plans for counseling based on diagnosis of mental disorders in accordance with established practice standards.

(13) "Secretary" means the secretary of the department or the secretary's designee.

~~(6)~~ (14) "Unprofessional conduct" as used in this chapter means the conduct described in RCW 18.130.180.

246-810-011

Which activities and individuals are exempt from these rules?

These rules are not intended to 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, policy-making, 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.

246-810-012

What is the application procedure to obtain the credentials?

Application for agency affiliated counselor, certified counselor, certified adviser, hypnotherapist, or until July 2, 2010, for registered counselor, must be made on forms established by the secretary. The secretary may require information necessary to determine whether applicants meet the qualifications for the credential and whether there are any grounds for denial of the credential, or for issuance of a conditional credential, under this chapter or chapter 18.130 RCW. The application for agency affiliated counselor, certified counselor, certified adviser, or registered counselor must include a description of the applicant's orientation, discipline, theory, or technique. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250, which shall accompany the application.

246-810-013

What kinds of credentials must a state agency employee obtain in order to practice counseling or hypnotherapy?

(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 exempted under WAC 246-810-011.

(2) On and after July 2, 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 exempted 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 by the department unless they are exempt under WAC 246-810-011.

Agency Affiliated Counselors

Sections 246-810-015 through 246-810-018 apply only to agency affiliated counselors.

246-810-015

What are the requirements to obtain a registration as an agency affiliated counselor?

Applicants for agency affiliated counselor must be employed by or have an offer of employment from:

(1) an agency or facility identified in WAC 246-810-016,

or

(2) an agency or facility recognized by the secretary as meeting the requirements to employ agency affiliated counselors as defined in WAC 246-810-017.

246-810-016

What agencies and facilities can employ agency affiliated counselors?

The following are recognized as agencies or facilities operated, licensed, or certified by the state of Washington:

- (1) All State of Washington departments and agencies as evidenced by being listed on the "Agency, Commission & Organization Directory".
(<http://access.wa.gov/agency/agency.aspx>)
- (2) All community and technical colleges governed by the Washington State Board for Community and Technical Colleges.
- (3) All colleges and universities governed by the Washington State Higher Education Coordinating Board.
- (4) All hospitals licensed under RCW 70.41.
- (5) All home health care agencies, home care agencies, and hospice care agencies licensed under RCW 70.127.
- (6) All psychiatric hospitals, residential treatment facilities, and hospital, alcohol and chemical dependency entities licensed under RCW 71.12.

246-810-17

How can other agencies or facilities be recognized in order to employ agency affiliated counselors?

- (1) Agencies or facilities not identified in WAC 246-816 may request to be recognized by the secretary as an agency or facility operated, licensed, or certified by the state of Washington for the purpose of employing agency affiliated counselors.
- (2) To be recognized, an agency or facility must demonstrate to the satisfaction of the Secretary that they are operated, licensed, or certified by the state of Washington.
- (3) The Secretary may require forms to be completed and the submission of specific documentation for the review of requests for recognition.
- (4) The Secretary may request documentation from and/or consult with other state agencies and entities in the review of requests for recognition.
- (5) Upon recognition, agencies or facilities may employ agency affiliated counselors.
- (6) Agencies or facilities not recognized may not employ agency affiliated counselors.
- (7) The department will maintain a list of agencies and facilities that have been recognized.
- (8) Recognized agencies or facilities which 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.

246-810-018

What are the reporting requirements when a agency affiliated counselor has an employment change?

No later than thirty calendar days after the date of the change, agency affiliated counselors shall notify the department if they are either no longer employed by the agency identified on their application or are now employed with another agency, or both. Agency affiliated counselors may not engage in the practice of counseling unless they are currently affiliated with an agency.

Certified Counselors and Certified Advisers

Sections 246-810-020 through 246-810-031 apply only to certified counselors and certified advisers

246-810-020

What is the scope and limits of practice of certified counselors and certified advisers?

The scope of practice of certified counselors and 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, published in 1994. Recognition of a mental or physical disorder or a global assessment of functioning score of sixty or less requires that the certified counselor or certified adviser refer the client to a physician, osteopathic physician, naturopathic physician, psychiatric registered nurse practitioner, advanced registered nurse practitioner, psychologist or licensed mental health practitioner as defined by the secretary for diagnosis and treatment;

2) Certified counselors and certified advisers may counsel and guide a 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 the client has a global assessment of functioning score greater than sixty;

(3) Certified counselors may counsel and guide a client in adjusting to life situations, developing new skills, and making desired changes if the client has a global assessment of functioning score of sixty or less if:

(a) The client has been referred to the certified counselor by a physician, osteopathic physician, naturopathic physician, psychiatric registered nurse practitioner, advanced registered nurse practitioner, psychologist, or licensed mental health practitioner as defined by the secretary, 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 to seek diagnosis and treatment from a physician, osteopathic physician, naturopathic physician, psychiatric registered nurse practitioner, advanced registered nurse practitioner, psychologist, or licensed mental health practitioner as defined by the secretary, and the client refused, in writing, to seek 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. A certified counselor shall not be a sole treatment provider for a client with a global assessment of functioning score of less than fifty.

246-810-021

What are the qualifications to become a certified counselor or certified adviser?

(1) Certified Counselor

(a) An applicant for certified counselor prior to July 1, 2010 who has been registered for no less than five years at the time of application meets the qualifications for the credential if the applicant:

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

(ii) Show evidence of having completed course work in risk assessment, ethics, appropriate screening and referral, and Washington State law;

(iii) Pass an examination in risk assessment, ethics, appropriate screening and referral, and Washington State law; and

(iv) Have a written consultation agreement which meets the requirements in WAC 246-810-024 with a credential holder who meets the qualifications to be a consultant in WAC 246-810-025.

(b) Unless eligible for certification under subsection (a) of this section, applicants for certified counselor are required to:

(i) Have a bachelor's degree in a counseling-related field, as defined in WAC 246-810-017;

(ii) Pass an examination in risk assessment, ethics, appropriate screening and referral, and Washington State law; and

(iii) Have a written supervisory agreement which meets the requirements in WAC 246-810-024 with a credential holder who meets the qualifications to be a supervisor in WAC 246-810-025.

(2) Certified Adviser

Applicants for certified adviser are required to:

(a) Have an associate degree which included a supervised internship in a counseling-related field as defined in WAC 246-810-017;

(b) Pass an examination in risk assessment, ethics, appropriate screening and referral, and Washington State law; and

(c) Have a written supervisory agreement which meets the requirements in WAC 246-810-024 with a credential holder who meets the qualifications to be a supervisor in WAC 246-810-025.

246-810-022

What degrees are considered to be counseling-related to meet the requirements for certified counselor and certified adviser?

(1) To be considered a counseling-related bachelor's degree, the 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 completed courses must have included one or more of subjects listed in (4) below.

(2) To be considered a counseling-related associate degree, the degree must be from a recognized education program or institution, the degree must have required the equivalent of at least two years of full-time study and a supervised internship, and at least one quarter of the completed courses must have included one or more of subjects listed in (4) below.

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

(4) Counseling-related subjects:

- a) Addiction Counseling
- b) Adolescent & Child Counseling
- c) Anger Management Counseling
- d) Applied Behavioral Science
- e) Behavior Modification
- f) Biofeedback
- g) Child Development
- h) Clinical Social Work
- i) Community Mental Health
- j) Counseling Developmentally Disabled Persons
- 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 & Psychiatric Nursing
- aa) Psychological Measurement & Research
- bb) Psychology
- cc) Psychopathology & Abnormal psychology
- dd) Sexual Disorder Counseling
- ee) Social Work
- ff) Stress Disorder Counseling
- gg) Substance & Chemical Abuse Counseling
- hh) Transpersonal Psychology

(5) Other training and/or experience in the subjects listed in (4) which was obtained outside of the degree program may be recognized by the Secretary as being equivalent to counseling-related courses.

246-810-023

What are the standards for certified counselor supervision, certified adviser supervision, and certified counselor consultation?

- (1) Supervision requirement
 - (a) As defined in 246-810-021, certified advisers, and certified counselors who do not meet the requirements of 246-810-021 2(a), have a supervision requirement.
 - (b) Supervision is defined as a formal relationship between the supervisor and the certified counselor or certified adviser that oversees and promotes the development of responsibility, skill, knowledge, attitudes, and ethical standards in the practice of professional counseling. The process of supervision may encompass multiple strategies, such as the review and discussion of cases, individual training, role-playing, and observation of and feedback regarding counseling sessions.
 - (c) Written agreement. A written agreement between the supervisor and the certified counselor or certified adviser is required, and must be reviewed and renewed at least every two years. At a minimum, the agreement shall address the agreement duration, expectations of both parties, frequency and modalities of supervision, record keeping, financial arrangements, client confidentiality, and potential conflict of interest.

(d) Frequency and Record Keeping. 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 at least 40 client contact hours. 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 40 or more client contact hours. However, a certified counselor and certified adviser must have a minimum of two hours of supervision in any calendar quarter, regardless of the years in practice and number of client contact hours. Up to half of the required supervision time in any year may be supervision of practice in a group setting. A written record regarding supervision hours and topics shall be maintained by both the supervisor and the certified counselor or certified adviser.

(2) Consultation requirement

- (a) As defined in 246-810-021, certified counselors who have met the requirements of 246-810-021 2(a), have a consultation requirement.
- (b) Consultation involves the review and discussion of counseling cases and approaches between a certified counselor and a qualified consultant to obtain advice. The consultant may assist the certified counselor in numerous ways including but not limited to: helping the counselor focus on counseling practice objectives and to refine specific counseling modalities, providing support to progress in difficult or sensitive cases, expanding the resources available for decision-making, assisting in discovering alternative approaches, and saving time and energy in obtaining important background information.
- (c) Written agreement. A written agreement between the consultant and the certified counselor or certified adviser is required, and must be reviewed and renewed at least every two years. At a minimum, the agreement shall address the agreement duration, expectations of both parties, frequency and modalities of consultation, record keeping, financial arrangements, client confidentiality, and potential conflict of interest.
- (d) Frequency and Record Keeping. Consultation will be on an as needed basis, as determined by the certified counselor. However, a minimum of one hour of consultation is required during any calendar quarter in which the certified counselor has 40 or more client contact hours. A written record regarding consultation hours and topics shall be maintained by both the consultant and the certified counselor.

246-810-024

What are the qualifications to serve as an approved certified counselor and certified adviser supervisor, or as an approved certified counselor consultant?

(1) The supervisor or consultant shall have held a Washington State credential or credentials in counseling-related fields for at least a total of five years. Their current credential or credentials shall be valid and in good standing while serving as a supervisor or consultant.

(2) For purposes of this section, credentials which are considered to be counseling-related include credentials issued by the department for certified counselor, certified adviser, hypnotherapist, mental health counselor, marriage and family therapist, independent clinical social work, advanced social work, psychologist, chemical dependency professional, sex offender treatment provider, sex offender treatment provider affiliate, medical physician and physician assistant, osteopathic physician and physician assistant, advanced registered nurse practitioner, naturopathic physician, and until July 1, 2010, registered counselor. Additional types of credentials may be recognized by the Secretary as being counseling-related by policy.

(3) The supervisor or consultant shall 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. Nor shall a supervisor or consultant have a reciprocal arrangement with another credential holder where each is serving in a dual capacity with the other.

(4) The supervisor or consultant, prior to the commencement of any supervision or consultation, shall provide the certified counselor or certified adviser with a declaration, on a form provided by the department, documenting that the supervisor or consultant has met the requirements to serve as a supervisor or consultant, and how, when, and where the required education or training was obtained.

(5) The supervisor shall have completed education or training in:

(a) supervision or management of individuals who provide counseling or mental health services,

(b) risk assessment,

(b) screening utilizing the global assessment of functioning scale,

(c) professional ethics, and

(d) Washington State law

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

(a) risk assessment,

(b) screening utilizing the global assessment of functioning scale,

(c) professional ethics, and

(d) Washington state law

246-810-025

How many hours of continuing education must be completed by a certified counselor and certified adviser, and in what time period?

A minimum of 18 credit hours during every yearly renewal cycle is required for certified counselors and certified advisers in order to renew their credential. At least three credit hours must be in professional law and ethics related to counseling. As established in WAC 246-12-220, a credit hour is defined as time actually spent in a course or other activities. A credit hour for time actually spent in a course can not be less than fifty minutes. as defined in WAC 246-12-220.

246-810-026

When will continuing education start to be reported as part of the renewal process?

The first date for reporting the required continuing education shall begin with credential holder's renewal date in 2011 for those first credentialed in 2009.

246-810-027

What courses are acceptable to meet the continuing education requirement for certified counselor and certified adviser?

The 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, courses in the kind of modality(ies) of counseling services provided the credential holder, courses in professional ethics, courses related to risk assessment and screening and referral of clients, and courses on Washington State law applicable to the professional practice of counseling.

Acceptable continuing education courses (including distance learning), seminars, workshops, training programs, and institutes are those which can be shown to contribute to the advancement, extension and enhancement of the professional competence of the counselor and are programs having a featured instructor, speaker(s) or panel approved by an industry-recognized local, state, national, international organization or institution of higher learning;

Distance learning programs, approved by an industry-recognized local, state, national or international organization or educational organization may be used to satisfy these requirements. These programs must require tests of comprehension upon completion. Distance learning programs are limited to 12 hours per reporting period.

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 can be shown to contribute to the advancement, extension and enhancement of the professional competence of the counselor. The experience is limited to 6 hours per reporting period.

246-810-028

What local, state, national, international organizations or institutions of higher learning are recognized 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 Addition Counselors

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

246-810-029

If a certified counselor or adviser prepares and presents a lecture or an educational course, can it be credited toward meeting his or her own continuing education requirement?

A certified counselor or certified adviser 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 as required in WAC 246-12-220. The hours for presenting a specific topic lecture or education may only be used for continuing education credit once during each reporting period.

246-810-030

How does a certified counselor or certified adviser document continuing education completed?

Acceptable documentation shall include transcripts, signed letters from course instructors, certificate of completion, or other formal certification, as required in chapter 246-12 WAC, Part 7.

Upon request by the secretary, documentation which demonstrates fulfillment of continuing education requirements must be provided by the credential holder.

246-810-031

What disclosure information must certified counselors and certified advisers provide to clients? Client disclosure information.

Counselors must provide disclosure information to each client in accordance with chapter 18.19 RCW prior to implementation of a treatment plan. The disclosure information must be specific to the type of counseling service offered; in language that can be easily understood by the client; and contain sufficient detail to enable the client to make an informed decision whether or not to accept treatment from the disclosing counselor.

Firms, agencies, or businesses having more than one counselor involved in a client's treatment, may provide disclosure information general to that agency. In these cases, the counselor would not be required to duplicate the information disclosed by the agency.

Within the written disclosure statement required to be provided to and acknowledged by clients as defined in WAC 246-810-033, certified counselors and certified advisers must also include:

- (1) Disclosure of the consultation arrangement or supervisory agreement as defined in 246-810-023.
- (2) Information on the therapeutic orientation of their practice, and a list of referral resources relevant to the therapeutic orientation.

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

Information Required To Be Provided To Clients Of Certified Counselors, Certified Advisers, Registered Counselors, and Hypnotherapists

Sections 246-810-033 and 246-810-034 apply only to certified counselors, certified advisers, registered counselors, and hypnotherapists

246-810-033

What information must be provided to clients in the disclosure statement? ~~Required disclosure information.~~

- (1) The counselor must provide the following information to each counseling client:
- (a) Name of firm, agency, business, or counselor's practice.
 - (b) Counselor's business address and telephone number.
 - (c) Washington state registration 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 counseling planned where known if known at the time of providing the disclosure information.
 - (h) Billing information, including:
 - (i) Client's cost per 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:

"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 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.

(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.

246-810-034

Is failure to provide client disclosure information a violation?

Failure to provide to the client any of the disclosure information as set forth in WAC [246-810-030](#) and [246-810-031](#), and as required by the law shall constitute an act of unprofessional conduct as defined in RCW 18.130.180(7).

Provisions Applicable To All Professions Regulated In This Chapter

Sections 246-810-035 and 246-810-034 apply to agency affiliated counselors, certified counselors, certified advisers, registered counselors, and hypnotherapists

246-810-035

What are the record keeping, and retention, and disposal requirements?

(1) The counselor providing professional services to a client, shall document services, except as provided in subsection (2) of this section. The documentation shall 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 of counseling ~~or diagnosis~~;

(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, with properly limited access.

Special provisions must be made for the retention or transfer 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, death or incapacitation. 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. If the record is disposed of, it shall be done in a secure and confidential manner. Proper disposal means paper is shredded; electronic media is deleted, erased, or reformatted; and other readable forms of media is defaced or rendered unusable or unreadable.

246-810-040

What are the requirements for the Reporting of suspected abuse or neglect of a child, dependent adult, or a developmentally disabled person-?

As required by chapter 26.44 RCW, all counselors must report 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.

The report shall 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 hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

246-810-045

What are the requirements regarding Fees paid in advance by a client-?

(1) Any practice of collecting fees in advance, as well as refund policies, must be disclosed in accordance with WAC [246-810-031](#) 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 until such time as the service is provided. Any funds left in the account, for which services were not rendered, 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., as relates to group therapy), are not considered fees paid in advance.

246-810-049

What are the Ssexual 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.

246-810-060

What are the Mmandatory reporting requirements.?

(1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) Reports made in accordance with WAC [246-810-061](#), [246-810-062](#), [246-810-063](#), and [246-810-064](#) should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name, address and telephone number of the counselors being reported.

(c) The case number of any client or patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under chapter 42.17 RCW.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

246-810-061

What are the requirements for Hhealth care institutions.?

The chief administrator or executive officer or their designee of any hospital, nursing home, chemical dependency treatment programs as defined in chapter 70.96A RCW, drug treatment agency as defined in chapter 69.54 RCW, and public and private mental health treatment agencies as defined in RCW 71.05.020 (6) and (7), and 71.24.025(3), shall report to the department when any counselor's services are terminated or are restricted based upon a determination that the counselor has committed an act which may constitute unprofessional conduct or that the counselor may be unable to practice with reasonable skill or safety to clients by reason of a mental or physical condition. Reports are to be made in accordance with WAC [246-810-060](#).

246-810-062

What are the requirements for Counselor associations or societies--?

The president or chief executive officer of any counselor association or society within this state shall report to the department when the association or society determines that a registered counselor has committed unprofessional conduct or that a counselor may not be able to practice counseling with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by must be made regardless of whether the counselor appeals, accepts, or acts upon the association or society's determination. The report must include notification of appeal. Reports must meet the requirements of WAC [246-810-060](#).

246-810-063

What are the requirements for Health care service contractors and disability insurance carriers--?

The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a counselor has engaged in fraud in billing for services. Reports are to be made in accordance with WAC [246-810-060](#).

246-810-064

What are the requirements for Professional liability carriers--?

Every institution or organization providing professional liability insurance directly or indirectly to counselors shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured counselor's incompetency or negligence in the practice of counseling. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the counselor's alleged incompetence or negligence in the practice of counseling. Reports are to be made in accordance with WAC [246-810-060](#).

246-810-065

What is requested from Courts--?

The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of counselors, other than minor traffic violations.

246-810-066

What is requested from State and federal agencies--?

The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a counselor is employed to provide client care services, to report to the department whenever such a counselor has been judged to have demonstrated his/her incompetency or negligence in the practice of counseling, or has otherwise committed unprofessional conduct, or may not be able to practice with reasonable skill and safety by reason of any mental or physical condition. These requirements do not supersede any federal or state law.

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.

246-810-990

What are the Counselors fees and renewal cycle -?

(4) 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.

Additional Provisions Applicable Only To Registered Counselors

246-810-991

What are the transitional dates regarding the registered counselor credential?

(1) The department of health will not issue any new registered counselor credentials after July 1, 2009.

(2) Provided all fees are paid and requirements are satisfied, individuals with a current or prior credential as a registered counselor may renew and/or reinstate their credential. However, no registered counselor credential will be renewed or reinstated beyond June 30, 2010.

(2) To continue to practice counseling, all registered counselors must obtain a different counseling credential by July 1, 2010

(3) All registered counselor credentials are abolished at 12:01 am on July 1, 2010.