



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: October 31, 2023

TIME: 8:27 AM

WSR 23-22-103

**Agency:** Department of Labor & Industries (L&I)

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) January 1, 2024 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** This rulemaking adopts amendments to WAC 296-21-270, Mental Health Services, by adding master’s level therapists (MLTs) to the list of providers for mental health services. The rulemaking will help address the shortage of mental health providers available to provide appropriate services on accepted mental health conditions. MLTs are qualified licensed independent clinical social workers, licensed marriage and family therapists, and licensed mental health counselors.

Labor & Industries initiated a pilot in January 2020 to help determine how master’s level therapists (MLTs) could best be incorporated into the workers’ compensation setting. The pilot showed an increased access to behavioral and mental health services, both in rural and urban areas. L&I anticipates adding MLTs will continue expanding options in care for injured workers.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: WAC 296-21-270
- Suspended:

**Statutory authority for adoption:** RCW 34.05.313, 51.04.020, and 51.04.030

**Other authority:** None

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 23-16-154 on August 2, 2023 (date).  
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	<u>1</u>	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** October 31, 2023

**Name:** Joel Sacks

**Title:** Director

**Signature:**

