
SUBSTITUTE SENATE BILL 6456

State of Washington

60th Legislature

2008 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Keiser, Kohl-Welles, and McAuliffe; by request of Governor Gregoire)

READ FIRST TIME 02/08/08.

1 AN ACT Relating to modifying credentialing standards for
2 counselors; amending RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050,
3 18.19.060, 18.19.090, 18.19.100, 18.225.010, 18.225.020, 18.225.150,
4 18.205.020, 18.205.030, and 18.205.040; adding new sections to chapter
5 18.19 RCW; adding a new section to chapter 18.225 RCW; adding a new
6 section to chapter 18.205 RCW; creating new sections; and providing an
7 effective date.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 18.19.020 and 2001 c 251 s 18 are each amended to read
10 as follows:

11 ~~((Unless the context clearly requires otherwise,))~~ The definitions
12 in this section apply throughout this chapter unless the context
13 clearly requires otherwise.

14 (1) "Agency" means an agency or facility operated, licensed, or
15 certified by the state of Washington.

16 (2) "Agency affiliated counselor" means a person registered under
17 this chapter who is engaged in counseling and employed by an agency.

18 (3) "Certified counselor" means a person certified under this
19 chapter who is engaged in private practice counseling.

1 (4) "Client" means an individual who receives or participates in
2 counseling or group counseling.

3 (~~(+2)~~) (5) "Counseling" means employing any therapeutic
4 techniques, including but not limited to social work, mental health
5 counseling, marriage and family therapy, and hypnotherapy, for a fee
6 that offer, assist or attempt to assist an individual or individuals in
7 the amelioration or adjustment of mental, emotional, or behavioral
8 problems, and includes therapeutic techniques to achieve sensitivity
9 and awareness of self and others and the development of human
10 potential. For the purposes of this chapter, nothing may be construed
11 to imply that the practice of hypnotherapy is necessarily limited to
12 counseling.

13 (~~(+3)~~) (6) "Counselor" means an individual, practitioner,
14 therapist, or analyst who engages in the practice of counseling to the
15 public for a fee, including for the purposes of this chapter,
16 hypnotherapists.

17 (~~(+4)~~) (7) "Department" means the department of health.

18 (~~(+5)~~) (8) "Hypnotherapist" means a person registered under this
19 chapter who is practicing hypnosis as a modality.

20 (9) "Mental disorder" means, for the purposes of this chapter, a
21 score of sixty or lower on the global assessment of functioning scale
22 as set forth in the 1994 edition of the diagnostic and statistical
23 manual of mental disorders, 4th edition.

24 (10) "Private practice counseling" means the practice of counseling
25 by a certified counselor and is limited to: (a) Appropriate screening
26 of the client's condition. Recognition of a mental or physical
27 disorder requires that the certification holder recommend that the
28 client seek diagnosis and treatment from an appropriate health care
29 professional; and (b) counseling and guiding clients in adjusting to
30 life situations, developing new skills, and making desired changes, in
31 accordance with the theories and techniques of a specific counseling
32 method and established practice standards.

33 (11) "Psychotherapy" means the practice of counseling through the
34 diagnosis of mental illness according to the diagnostic and statistical
35 manual of mental disorders, 4th edition, text revision and
36 international classification of diseases codes, and the development of
37 treatment plans for counseling based on a diagnosis in accordance with
38 established practice standards.

1 engaged in counseling for a fee when approved by the organizations or
2 agencies for whom they render their services;

3 (5) Evaluation, consultation, planning, policy-making, research, or
4 related services conducted by social scientists for private
5 corporations or public agencies;

6 (6) The practice of counseling by a person under the auspices of a
7 religious denomination, church, or organization, or the practice of
8 religion itself;

9 (7) The practice of counseling by peer counselors who use their own
10 experience to encourage and support people with similar conditions;

11 (8) Counselors (~~whose residency is not~~) who reside outside
12 Washington state from providing up to ten days per quarter of training
13 or workshops in the state, as long as they (~~don't~~) do not hold
14 themselves out to be registered or certified in Washington state.

15 **Sec. 5.** RCW 18.19.050 and 2001 c 251 s 21 are each amended to read
16 as follows:

17 (1) In addition to any other authority provided by law, the
18 secretary has the following authority:

19 (a) To adopt rules, in accordance with chapter 34.05 RCW, necessary
20 to implement this chapter;

21 (b) To set all registration, certification, and renewal fees in
22 accordance with RCW 43.70.250 and to collect and deposit all such fees
23 in the health professions account established under RCW 43.70.320;

24 (c) To establish forms and procedures necessary to administer this
25 chapter;

26 (d) To hire clerical, administrative, and investigative staff as
27 needed to implement this chapter;

28 (e) To issue a registration or certification to any applicant who
29 has met the requirements for registration or certification; and

30 (f) To (~~develop a dictionary of recognized professions and~~
31 ~~occupations providing counseling services to the public included under~~
32 ~~this chapter~~) establish education equivalency, examination,
33 supervisory, consultation, and continuing education requirements for
34 certified counselors.

35 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the
36 issuance and denial of registrations and certifications and the
37 discipline of registrants under this chapter. The secretary shall be

1 the disciplining authority under this chapter. (~~The absence of~~
2 ~~educational or training requirements for counselors registered under~~
3 ~~this chapter or the counselor's use of nontraditional nonabusive~~
4 ~~therapeutic techniques shall not, in and of itself, give the secretary~~
5 ~~authority to unilaterally determine the training and competence or to~~
6 ~~define or restrict the scope of practice of such individuals.))~~

7 (3) The department shall publish and disseminate information (~~in~~
8 ~~order~~)) to educate the public about the responsibilities of counselors,
9 the types of counselors, and the rights and responsibilities of clients
10 established under this chapter. (~~Solely for the purposes of~~
11 ~~administering this education requirement,~~) The secretary (~~shall~~) may
12 assess an additional fee for each application and renewal (~~, equal to~~
13 ~~five percent of the fee. The revenue collected from the assessment fee~~
14 ~~may be appropriated by the legislature for the department's use in~~
15 ~~educating consumers pursuant to this section. The authority to charge~~
16 ~~the assessment fee shall terminate on June 30, 1994~~)) to fund public
17 education efforts under this section.

18 **Sec. 6.** RCW 18.19.060 and 2001 c 251 s 22 are each amended to read
19 as follows:

20 (~~Persons registered under this chapter~~)) Certified counselors
21 shall provide clients at the commencement of any program of treatment
22 with accurate disclosure information concerning their practice, in
23 accordance with guidelines developed by the department, that will
24 inform clients of the purposes of and resources available under this
25 chapter, including the right of clients to refuse treatment, the
26 responsibility of clients for choosing the provider and treatment
27 modality which best suits their needs, and the extent of
28 confidentiality provided by this chapter, the department, another
29 agency, or other jurisdiction. The disclosure statement must inform
30 the client of the certified counselor's supervisory or consultation
31 arrangement as defined in rules adopted by the secretary. The
32 disclosure information provided by the certified counselor, the receipt
33 of which shall be acknowledged in writing by the certified counselor
34 and client, shall include any relevant education and training, the
35 therapeutic orientation of the practice, the proposed course of
36 treatment where known, any financial requirements, referral resources,
37 and such other information as the department may require by rule. The

1 disclosure information shall also include a statement that
2 (~~registration~~) the certification of an individual under this chapter
3 does not include a recognition of any practice standards, nor
4 necessarily imply the effectiveness of any treatment. Certified
5 counselors must also disclose that they are not credentialed to
6 diagnose or treat mental disorders or to conduct psychotherapy. The
7 client is not liable for any fees or charges for services rendered
8 prior to receipt of the disclosure statement.

9 **Sec. 7.** RCW 18.19.090 and 1991 c 3 s 24 are each amended to read
10 as follows:

11 (~~The secretary shall issue a registration to any applicant who~~
12 ~~submits, on forms provided by the secretary, the applicant's name,~~
13 ~~address, occupational title, name and location of business, and other~~
14 ~~information as determined by the secretary, including information~~
15 ~~necessary to determine whether there are grounds for denial of~~
16 ~~registration or issuance of a conditional registration under this~~
17 ~~chapter or chapter 18.130 RCW. Applicants for registration shall~~
18 ~~register as counselors or may register as hypnotherapists if employing~~
19 ~~hypnosis as a modality. Applicants shall, in addition, provide in~~
20 ~~their titles a description of their therapeutic orientation,~~
21 ~~discipline, theory, or technique.)) (1) Application for agency
22 affiliated counselor, certified counselor, or hypnotherapist must be
23 made on forms approved by the secretary. The secretary may require
24 information necessary to determine whether applicants meet the
25 qualifications for the credential and whether there are any grounds for
26 denial of the credential, or for issuance of a conditional credential,
27 under this chapter or chapter 18.130 RCW. The application for agency
28 affiliated counselor or certified counselor must include a description
29 of the applicant's orientation, discipline, theory, or technique. Each
30 applicant shall pay a fee determined by the secretary as provided in
31 RCW 43.70.250, which shall accompany the application.~~

32 (2) Applicants for agency affiliated counselor must provide
33 satisfactory documentation that they are employed by an agency or have
34 an offer of employment from an agency.

35 (3) Applicants for certified counselor prior to July 1, 2009, who
36 are currently registered counselors are required to:

37 (a) Have been registered for no less than five years;

1 (b) Have a registration that is in good standing and be in
2 compliance with any disciplinary process and orders;

3 (c) Show evidence of having completed course work in risk
4 assessment, ethics, appropriate screening and referral, and Washington
5 state law and other subjects identified by the secretary;

6 (d) Pass an examination in risk assessment, ethics, appropriate
7 screening and referral, and Washington state law, and other subjects as
8 determined by the secretary; and

9 (e) Have a written consultation agreement with a credential holder
10 who meets the qualifications established by the secretary.

11 (4) Unless eligible for certification under subsection (3) of this
12 section, applicants for certified counselor are required to:

13 (a) Have a bachelors degree in a counseling related field, or the
14 equivalent in education and supervised experience, that may, among
15 other things, include an associate degree in a counseling-related field
16 plus a supervised internship, to be determined by the secretary;

17 (b) Pass an examination in risk assessment, ethics, appropriate
18 screening and referral, and Washington state law, and other subjects as
19 determined by the secretary; and

20 (c) Have a written supervisory agreement with a supervisor who
21 meets the qualifications established by the secretary.

22 (5) Each applicant shall include payment of the fee determined by
23 the secretary as provided in RCW 43.70.250.

24 NEW SECTION. Sec. 8. A new section is added to chapter 18.19 RCW
25 to read as follows:

26 Agency affiliated counselors shall notify the department if they
27 are either no longer employed by the agency identified on their
28 application or are now employed with another agency, or both. Agency
29 affiliated counselors may not engage in the practice of counseling
30 unless they are currently affiliated with an agency.

31 Sec. 9. RCW 18.19.100 and 1996 c 191 s 5 are each amended to read
32 as follows:

33 The secretary shall establish administrative procedures,
34 administrative requirements, continuing education, and fees for renewal
35 of (~~registrations~~) credentials as provided in RCW 43.70.250 and
36 43.70.280. When establishing continuing education requirements for

1 agency affiliated counselors, the secretary shall consult with the
2 appropriate state agency director responsible for licensing,
3 certifying, or operating the relevant agency practice setting.

4 **Sec. 10.** RCW 18.225.010 and 2001 c 251 s 1 are each amended to
5 read as follows:

6 ~~((Unless the context clearly requires otherwise,))~~ The definitions
7 in this section apply throughout this chapter unless the context
8 clearly requires otherwise.

9 (1) "Advanced social work" means the application of social work
10 theory and methods including emotional and biopsychosocial assessment,
11 psychotherapy under the supervision of a licensed independent clinical
12 social worker, case management, consultation, advocacy, counseling, and
13 community organization.

14 (2) "Applicant" means a person who completes the required
15 application, pays the required fee, is at least eighteen years of age,
16 and meets any background check requirements and uniform disciplinary
17 act requirements.

18 (3) "Associate" means a prelicensure candidate who has a graduate
19 degree in a mental health field under RCW 18.225.090 and is gaining the
20 supervision and supervised experience necessary to become a licensed
21 independent clinical social worker, a licensed advanced social worker,
22 a licensed mental health counselor, or a licensed marriage and family
23 therapist.

24 (4) "Committee" means the Washington state mental health
25 counselors, marriage and family therapists, and social workers advisory
26 committee.

27 ~~((4))~~ (5) "Department" means the department of health.

28 ~~((5))~~ (6) "Disciplining authority" means the department.

29 ~~((6))~~ (7) "Independent clinical social work" means the diagnosis
30 and treatment of emotional and mental disorders based on knowledge of
31 human development, the causation and treatment of psychopathology,
32 psychotherapeutic treatment practices, and social work practice as
33 defined in advanced social work. Treatment modalities include but are
34 not limited to diagnosis and treatment of individuals, couples,
35 families, groups, or organizations.

36 ~~((7))~~ (8) "Marriage and family therapy" means the diagnosis and
37 treatment of mental and emotional disorders, whether cognitive,

1 affective, or behavioral, within the context of relationships,
2 including marriage and family systems. Marriage and family therapy
3 involves the professional application of psychotherapeutic and family
4 systems theories and techniques in the delivery of services to
5 individuals, couples, and families for the purpose of treating such
6 diagnosed nervous and mental disorders. The practice of marriage and
7 family therapy means the rendering of professional marriage and family
8 therapy services to individuals, couples, and families, singly or in
9 groups, whether such services are offered directly to the general
10 public or through organizations, either public or private, for a fee,
11 monetary or otherwise.

12 ((+8)) (9) "Mental health counseling" means the application of
13 principles of human development, learning theory, psychotherapy, group
14 dynamics, and etiology of mental illness and dysfunctional behavior to
15 individuals, couples, families, groups, and organizations, for the
16 purpose of treatment of mental disorders and promoting optimal mental
17 health and functionality. Mental health counseling also includes, but
18 is not limited to, the assessment, diagnosis, and treatment of mental
19 and emotional disorders, as well as the application of a wellness model
20 of mental health.

21 ((+9)) (10) "Secretary" means the secretary of health or the
22 secretary's designee.

23 **Sec. 11.** RCW 18.225.020 and 2001 c 251 s 2 are each amended to
24 read as follows:

25 A person must not represent himself or herself as a licensed
26 advanced social worker, a licensed independent clinical social worker,
27 a licensed mental health counselor, ((+8)) a licensed marriage and
28 family therapist, a licensed social work associate--advanced, a
29 licensed social work associate--independent clinical, a licensed mental
30 health counselor associate, or a licensed marriage and family therapist
31 associate, without being licensed by the department.

32 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.225
33 RCW to read as follows:

34 (1) The secretary shall issue an associate license to any applicant
35 who demonstrates to the satisfaction of the secretary that the

1 applicant meets the following requirements for the applicant's practice
2 area and submits a declaration that the applicant is working toward
3 full licensure in that category:

4 (a) Licensed social worker associate--advanced or licensed social
5 worker associate--independent clinical: Graduation from a master's
6 degree or doctoral degree educational program in social work accredited
7 by the council on social work education and approved by the secretary
8 based upon nationally recognized standards.

9 (b) Licensed mental health counselor associate: Graduation from a
10 master's degree or doctoral degree educational program in mental health
11 counseling or a related discipline from a college or university
12 approved by the secretary based upon nationally recognized standards.

13 (c) Licensed marriage and family therapist associate: Graduation
14 from a master's degree or doctoral degree educational program in
15 marriage and family therapy or graduation from an educational program
16 in an allied field equivalent to a master's degree or doctoral degree
17 in marriage and family therapy approved by the secretary based upon
18 nationally recognized standards.

19 (2) Associates may not provide independent social work, mental
20 health counseling, or marriage and family therapy for a fee, monetary
21 or otherwise. Associates must work under the supervision of an
22 approved supervisor.

23 (3) Associates shall provide each client or patient, during the
24 first professional contact, with a disclosure form according to RCW
25 18.225.100, disclosing that he or she is an associate under the
26 supervision of an approved supervisor.

27 (4) The department shall adopt by rule what constitutes adequate
28 proof of compliance with the requirements of this section.

29 (5) Applicants are subject to the denial of a license or issuance
30 of a conditional license for the reasons set forth in chapter 18.130
31 RCW.

32 (6) An associate license may be renewed no more than four times.

33 **Sec. 13.** RCW 18.225.150 and 2001 c 251 s 15 are each amended to
34 read as follows:

35 The secretary shall establish by rule the procedural requirements
36 and fees for renewal of a license or associate license. Failure to
37 renew shall invalidate the license or associate license and all

1 privileges granted by the license. If an associate license has lapsed,
2 the person shall submit an updated declaration, in accordance with
3 rules adopted by the department, that the person is working toward full
4 licensure. If a license has lapsed for a period longer than three
5 years, the person shall demonstrate competence to the satisfaction of
6 the secretary by taking continuing education courses, or meeting other
7 standards determined by the secretary. If an associate license has
8 lapsed, the person shall submit an updated declaration, in accordance
9 with rules adopted by the department, that the person is working toward
10 full licensure.

11 **Sec. 14.** RCW 18.205.020 and 1998 c 243 s 2 are each amended to
12 read as follows:

13 ~~((Unless the context clearly requires otherwise,))~~ The definitions
14 in this section apply throughout this chapter unless the context
15 clearly requires otherwise.

16 (1) "Certification" means a voluntary process recognizing an
17 individual who qualifies by examination and meets established
18 educational prerequisites, and which protects the title of practice.

19 (2) "Certified chemical dependency professional" means an
20 individual certified in chemical dependency counseling, under this
21 chapter.

22 (3) "Certified chemical dependency professional trainee" means an
23 individual working toward the education and experience requirements for
24 certification as a chemical dependency professional.

25 (4) "Chemical dependency counseling" means employing the core
26 competencies of chemical dependency counseling to assist or attempt to
27 assist an alcohol or drug addicted person to develop and maintain
28 abstinence from alcohol and other mood-altering drugs.

29 ~~((4))~~ (5) "Committee" means the chemical dependency certification
30 advisory committee established under this chapter.

31 ~~((5))~~ (6) "Core competencies of chemical dependency counseling"
32 means competency in the nationally recognized knowledge, skills, and
33 attitudes of professional practice, including assessment and diagnosis
34 of chemical dependency, chemical dependency treatment planning and
35 referral, patient and family education in the disease of chemical
36 dependency, individual and group counseling with alcoholic and drug
37 addicted individuals, relapse prevention counseling, and case

1 management, all oriented to assist alcoholic and drug addicted patients
2 to achieve and maintain abstinence from mood-altering substances and
3 develop independent support systems.

4 ~~((+6))~~ (7) "Department" means the department of health.

5 ~~((+7))~~ (8) "Health profession" means a profession providing health
6 services regulated under the laws of this state.

7 ~~((+8))~~ (9) "Secretary" means the secretary of health or the
8 secretary's designee.

9 **Sec. 15.** RCW 18.205.030 and 2000 c 171 s 41 are each amended to
10 read as follows:

11 No person may represent oneself as a certified chemical dependency
12 professional or certified chemical dependency professional trainee or
13 use any title or description of services of a certified chemical
14 dependency professional or certified chemical dependency professional
15 trainee without applying for certification, meeting the required
16 qualifications, and being certified by the department of health, unless
17 otherwise exempted by this chapter.

18 **Sec. 16.** RCW 18.205.040 and 1998 c 243 s 4 are each amended to
19 read as follows:

20 Nothing in this chapter shall be construed to authorize the use of
21 the title "certified chemical dependency professional" or "certified
22 chemical dependency professional trainee" when treating patients in
23 settings other than programs approved under chapter 70.96A RCW.

24 NEW SECTION. **Sec. 17.** A new section is added to chapter 18.205
25 RCW to read as follows:

26 (1) The secretary shall issue a trainee certificate to any
27 applicant who demonstrates to the satisfaction of the secretary that he
28 or she is working toward the education and experience requirements in
29 RCW 18.205.090.

30 (2) A trainee certified under this section shall submit to the
31 secretary for approval a declaration, in accordance with rules adopted
32 by the department, that he or she is enrolled in an approved education
33 program and actively pursuing the experience requirements in RCW
34 18.205.090. This declaration must be updated with the trainee's annual
35 renewal.

1 (3) A trainee certified under this section may practice only under
2 the supervision of a certified chemical dependency professional. The
3 first fifty hours of any face-to-face client contact must be under
4 direct observation. All remaining experience must be under supervision
5 in accordance with rules adopted by the department.

6 (4) A certified chemical dependency professional trainee provides
7 chemical dependency assessments, counseling, and case management with
8 a state regulated agency and can provide clinical services to patients
9 consistent with his or her education, training, and experience as
10 approved by his or her supervisor.

11 (5) A trainee certification may only be renewed four times.

12 (6) Applicants are subject to denial of a certificate or issuance
13 of a conditional certificate for the reasons set forth in chapter
14 18.130 RCW.

15 NEW SECTION. **Sec. 18.** A new section is added to chapter 18.19 RCW
16 to read as follows:

17 The Washington state certified counselors and hypnotherapist
18 advisory committee is established.

19 (1) The committee is comprised of seven members. Two committee
20 members must be certified counselors. Two committee members must be
21 hypnotherapists. Three committee members must be consumers and
22 represent the public at large and may not hold any mental health care
23 provider license, certification, or registration.

24 (2) Two committee members must be appointed for a term of one year,
25 two committee members must be appointed for a term of two years, and
26 three committee members must be appointed for a term of three years.
27 Subsequent committee members must be appointed for terms of three
28 years. A person may not serve as a committee member for more than two
29 consecutive terms.

30 (3)(a) Each committee member must be a resident of the state of
31 Washington.

32 (b) A committee member may not hold an office in a professional
33 association for their profession.

34 (c) Advisory committee members may not be employed by the state of
35 Washington.

36 (d) Each professional committee member must have been actively

1 engaged in their profession for five years immediately preceding
2 appointment.

3 (e) The consumer committee members must represent the general
4 public and be unaffiliated directly or indirectly with the professions
5 credentialed under this chapter.

6 (4) The secretary shall appoint the committee members.

7 (5) Committee members are immune from suit in an action, civil or
8 criminal, based on the department's disciplinary proceedings or other
9 official acts performed in good faith.

10 (6) Committee members must be compensated in accordance with RCW
11 43.03.240, including travel expenses in carrying out his or her
12 authorized duties in accordance with RCW 43.03.050 and 43.03.060.

13 (7) The committee shall elect a chair and vice-chair.

14 NEW SECTION. **Sec. 19.** To practice counseling, all registered
15 counselors must obtain another health profession credential by July 1,
16 2010. The registered counselor credential is abolished July 1, 2010.

17 NEW SECTION. **Sec. 20.** Sections 1, 2, 6 through 8, and 10 through
18 18 of this act take effect July 1, 2009.

19 NEW SECTION. **Sec. 21.** The department of health may not issue any
20 new registered counselor credentials after July 1, 2009.

--- END ---