
SENATE BILL 6456

State of Washington

60th Legislature

2008 Regular Session

By Senators Keiser, Kohl-Welles, and McAuliffe; by request of Governor Gregoire

Read first time 01/16/08. Referred to Committee on Health & Long-Term Care.

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

29 (10) "Secretary" means the secretary of the department or the
30 secretary's designee.

31 **Sec. 2.** RCW 18.19.030 and 2001 c 251 s 19 are each amended to read
32 as follows:

33 ~~((No))~~ A person may not, ~~((for a fee or))~~ as a part of his or her
34 position as an employee of a state agency, practice counseling without
35 being registered to practice as an agency affiliated counselor by the
36 department under this chapter unless exempt under RCW 18.19.040.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.19 RCW
2 to read as follows:

3 A person may not, for a fee or as a part of his or her position as
4 an employee of a state agency, practice hypnotherapy without being
5 registered to practice as a hypnotherapist by the department under this
6 chapter unless exempt under RCW 18.19.040.

7 **Sec. 4.** RCW 18.19.040 and 2001 c 251 s 20 are each amended to read
8 as follows:

9 Nothing in this chapter may be construed to prohibit or restrict:

10 (1) The practice of a profession by a person who is either
11 registered, certified, licensed, or similarly regulated under the laws
12 of this state and who is performing services within the person's
13 authorized scope of practice, including any attorney admitted to
14 practice law in this state when providing counseling incidental to and
15 in the course of providing legal counsel;

16 (2) The practice of counseling by an employee or trainee of any
17 federal agency, or the practice of counseling by a student of a college
18 or university, if the employee, trainee, or student is practicing
19 solely under the supervision of and accountable to the agency, college,
20 or university, through which he or she performs such functions as part
21 of his or her position for no additional fee other than ordinary
22 compensation;

23 (3) The practice of counseling by a person (~~((without a mandatory~~
24 ~~charge))~~) for no compensation;

25 (4) The practice of counseling by persons offering services for
26 public and private nonprofit organizations or charities not primarily
27 engaged in counseling for a fee when approved by the organizations or
28 agencies for whom they render their services;

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

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

35 (7) Counselors (~~((whose residency is not))~~) who reside outside
36 Washington state from providing up to ten days per quarter of training

1 or workshops in the state, as long as they (~~don't~~) do not hold
2 themselves out to be registered or certified in Washington state.

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

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

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

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

12 (c) To establish forms and procedures necessary to administer this
13 chapter;

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

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

18 (f) To (~~develop a dictionary of recognized professions and~~
19 ~~occupations providing counseling services to the public included under~~
20 ~~this chapter~~) establish education equivalency, examination,
21 supervisory, consultation, and continuing education requirements for
22 certified counselors.

23 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the
24 issuance and denial of registrations and certifications and the
25 discipline of registrants under this chapter. The secretary shall be
26 the disciplining authority under this chapter. (~~The absence of~~
27 ~~educational or training requirements for counselors registered under~~
28 ~~this chapter or the counselor's use of nontraditional nonabusive~~
29 ~~therapeutic techniques shall not, in and of itself, give the secretary~~
30 ~~authority to unilaterally determine the training and competence or to~~
31 ~~define or restrict the scope of practice of such individuals.~~)

32 (3) The department shall publish and disseminate information (~~in~~
33 ~~order~~) to educate the public about the responsibilities of counselors,
34 the types of counselors, and the rights and responsibilities of clients
35 established under this chapter. (~~Solely for the purposes of~~
36 ~~administering this education requirement,~~) The secretary (~~shall~~) may
37 assess an additional fee for each application and renewal (~~, equal to~~

1 ~~five percent of the fee. The revenue collected from the assessment fee~~
2 ~~may be appropriated by the legislature for the department's use in~~
3 ~~educating consumers pursuant to this section. The authority to charge~~
4 ~~the assessment fee shall terminate on June 30, 1994)) to fund public~~
5 ~~education efforts under this section.~~

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

8 ((~~Persons registered under this chapter~~)) Agency affiliated
9 counselors and certified counselors shall provide clients at the
10 commencement of any program of treatment with accurate disclosure
11 information concerning their practice, in accordance with guidelines
12 developed by the department, that will inform clients of the purposes
13 of and resources available under this chapter, including the right of
14 clients to refuse treatment, the responsibility of clients for choosing
15 the provider and treatment modality which best suits their needs, and
16 the extent of confidentiality provided by this chapter, the department,
17 another agency, or other jurisdiction. The disclosure statement must
18 inform the client of the counselor's supervisory or consultation
19 arrangement as defined in rules adopted by the secretary. The
20 disclosure information provided by the counselor, the receipt of which
21 shall be acknowledged in writing by the counselor and client, shall
22 include any relevant education and training, the therapeutic
23 orientation of the practice, the proposed course of treatment where
24 known, any financial requirements, referral resources, and such other
25 information as the department may require by rule. The disclosure
26 information shall also include a statement that the registration or
27 certification of an individual under this chapter does not include a
28 recognition of any practice standards, nor necessarily imply the
29 effectiveness of any treatment. Certified counselors must also
30 disclose that they are not credentialed to diagnose or treat mental
31 disorders or to conduct psychotherapy as defined by the secretary by
32 rule. The client is not liable for any fees or charges for services
33 rendered prior to receipt of the disclosure statement.

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

36 ((~~The secretary shall issue a registration to any applicant who~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 Agency affiliated counselors shall notify the department if they
15 are either no longer employed by the agency identified on their
16 application or are now employed with another agency, or both. Agency
17 affiliated counselors may not engage in the practice of counseling
18 unless they are currently affiliated with an agency.

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

21 The secretary shall establish administrative procedures,
22 administrative requirements, continuing education, and fees for renewal
23 of (~~registrations~~) credentials as provided in RCW 43.70.250 and
24 43.70.280.

25 Sec. 10. RCW 18.225.010 and 2001 c 251 s 1 are each amended to
26 read as follows:

27 (~~Unless the context clearly requires otherwise,~~) The definitions
28 in this section apply throughout this chapter unless the context
29 clearly requires otherwise.

30 (1) "Advanced social work" means the application of social work
31 theory and methods including emotional and biopsychosocial assessment,
32 psychotherapy under the supervision of a licensed independent clinical
33 social worker, case management, consultation, advocacy, counseling, and
34 community organization.

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

5 (3) "Associate" means a prelicensure candidate who has a graduate
6 degree in a mental health field under RCW 18.225.090 and is gaining the
7 supervision and supervised experience necessary to become a licensed
8 independent clinical social worker, a licensed advanced social worker,
9 a licensed mental health counselor, or a licensed marriage and family
10 therapist.

11 (4) "Committee" means the Washington state mental health
12 counselors, marriage and family therapists, and social workers advisory
13 committee.

14 ((+4)) (5) "Department" means the department of health.

15 ((+5)) (6) "Disciplining authority" means the department.

16 ((+6)) (7) "Independent clinical social work" means the diagnosis
17 and treatment of emotional and mental disorders based on knowledge of
18 human development, the causation and treatment of psychopathology,
19 psychotherapeutic treatment practices, and social work practice as
20 defined in advanced social work. Treatment modalities include but are
21 not limited to diagnosis and treatment of individuals, couples,
22 families, groups, or organizations.

23 ((+7)) (8) "Marriage and family therapy" means the diagnosis and
24 treatment of mental and emotional disorders, whether cognitive,
25 affective, or behavioral, within the context of relationships,
26 including marriage and family systems. Marriage and family therapy
27 involves the professional application of psychotherapeutic and family
28 systems theories and techniques in the delivery of services to
29 individuals, couples, and families for the purpose of treating such
30 diagnosed nervous and mental disorders. The practice of marriage and
31 family therapy means the rendering of professional marriage and family
32 therapy services to individuals, couples, and families, singly or in
33 groups, whether such services are offered directly to the general
34 public or through organizations, either public or private, for a fee,
35 monetary or otherwise.

36 ((+8)) (9) "Mental health counseling" means the application of
37 principles of human development, learning theory, psychotherapy, group
38 dynamics, and etiology of mental illness and dysfunctional behavior to

1 individuals, couples, families, groups, and organizations, for the
2 purpose of treatment of mental disorders and promoting optimal mental
3 health and functionality. Mental health counseling also includes, but
4 is not limited to, the assessment, diagnosis, and treatment of mental
5 and emotional disorders, as well as the application of a wellness model
6 of mental health.

7 ~~((9))~~ (10) "Secretary" means the secretary of health or the
8 secretary's designee.

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

11 A person must not represent himself or herself as a licensed
12 advanced social worker, a licensed independent clinical social worker,
13 a licensed mental health counselor, ~~((9))~~ a licensed marriage and
14 family therapist, a licensed social work associate--advanced, a
15 licensed social work associate--independent clinical, a licensed mental
16 health counselor associate, or a licensed marriage and family therapist
17 associate, without being licensed by the department.

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

20 (1) The secretary shall issue an associate license to any applicant
21 who demonstrates to the satisfaction of the secretary that the
22 applicant meets the following requirements for the applicant's practice
23 area and submits a declaration that the applicant is working toward
24 full licensure in that category:

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

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

34 (c) Licensed marriage and family therapist associate: Graduation
35 from a master's degree or doctoral degree educational program in
36 marriage and family therapy or graduation from an educational program

1 in an allied field equivalent to a master's degree or doctoral degree
2 in marriage and family therapy approved by the secretary based upon
3 nationally recognized standards.

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

8 (3) Associates shall provide each client or patient, during the
9 first professional contact, with a disclosure form according to RCW
10 18.225.100, disclosing that he or she is an associate under the
11 supervision of an approved supervisor.

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

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

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

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

20 The secretary shall establish by rule the procedural requirements
21 and fees for renewal of a license or associate license. Failure to
22 renew shall invalidate the license or associate license and all
23 privileges granted by the license. If an associate license has lapsed,
24 the person shall submit an updated declaration, in accordance with
25 rules adopted by the department, that the person is working toward full
26 licensure. If a license has lapsed for a period longer than three
27 years, the person shall demonstrate competence to the satisfaction of
28 the secretary by taking continuing education courses, or meeting other
29 standards determined by the secretary. If an associate license has
30 lapsed, the person shall submit an updated declaration, in accordance
31 with rules adopted by the department, that the person is working toward
32 full licensure.

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

35 (~~Unless the context clearly requires otherwise,~~) The definitions

1 in this section apply throughout this chapter unless the context
2 clearly requires otherwise.

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

6 (2) "Certified chemical dependency professional" means an
7 individual certified in chemical dependency counseling, under this
8 chapter.

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

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

16 ((+4)) (5) "Committee" means the chemical dependency certification
17 advisory committee established under this chapter.

18 ((+5)) (6) "Core competencies of chemical dependency counseling"
19 means competency in the nationally recognized knowledge, skills, and
20 attitudes of professional practice, including assessment and diagnosis
21 of chemical dependency, chemical dependency treatment planning and
22 referral, patient and family education in the disease of chemical
23 dependency, individual and group counseling with alcoholic and drug
24 addicted individuals, relapse prevention counseling, and case
25 management, all oriented to assist alcoholic and drug addicted patients
26 to achieve and maintain abstinence from mood-altering substances and
27 develop independent support systems.

28 ((+6)) (7) "Department" means the department of health.

29 ((+7)) (8) "Health profession" means a profession providing health
30 services regulated under the laws of this state.

31 ((+8)) (9) "Secretary" means the secretary of health or the
32 secretary's designee.

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

35 No person may represent oneself as a certified chemical dependency
36 professional or certified chemical dependency professional trainee or
37 use any title or description of services of a certified chemical

1 dependency professional or certified chemical dependency professional
2 trainee without applying for certification, meeting the required
3 qualifications, and being certified by the department of health, unless
4 otherwise exempted by this chapter.

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

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

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

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

17 (2) A trainee certified under this section shall submit to the
18 secretary for approval a declaration, in accordance with rules adopted
19 by the department, that he or she is enrolled in an approved education
20 program and actively pursuing the experience requirements in RCW
21 18.205.090. This declaration must be updated with the trainee's annual
22 renewal.

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

28 (4) A certified chemical dependency professional trainee provides
29 chemical dependency assessments, counseling, and case management with
30 a state regulated agency and can provide clinical services to patients
31 consistent with his or her education, training, and experience as
32 approved by his or her supervisor.

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

34 (6) Applicants are subject to denial of a certificate or issuance
35 of a conditional certificate for the reasons set forth in chapter
36 18.130 RCW.

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

3 The Washington state certified counselors, agency affiliated
4 counselors, and hypnotherapist advisory committee is established.

5 (1) The committee is comprised of nine members. Two committee
6 members must be certified counselors. Two committee members must be
7 agency affiliated counselors. Two committee members must be
8 hypnotherapists. Three committee members must be consumers and
9 represent the public at large and may not hold any mental health care
10 provider license, certification, or registration.

11 (2) Three committee members must be appointed for a term of one
12 year, three committee members must be appointed for a term of two
13 years, and three committee members must be appointed for a term of
14 three years. Subsequent committee members must be appointed for terms
15 of three years. A person may not serve as a committee member for more
16 than two consecutive terms.

17 (3)(a) Each committee member must be a resident of the state of
18 Washington.

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

21 (c) Other than agency affiliated counselor members, advisory
22 committee members may not be employed by the state of Washington.

23 (d) Each professional committee member must have been actively
24 engaged in their profession for five years immediately preceding
25 appointment.

26 (e) The consumer committee members must represent the general
27 public and be unaffiliated directly or indirectly with the professions
28 licensed under this chapter.

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

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

33 (6) Committee members must be compensated in accordance with RCW
34 43.03.240, including travel expenses in carrying out his or her
35 authorized duties in accordance with RCW 43.03.050 and 43.03.060.

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

1 NEW SECTION. **Sec. 19.** To practice counseling, all registered
2 counselors must obtain another health profession credential by July 1,
3 2010. The registered counselor credential is abolished July 1, 2010.

4 NEW SECTION. **Sec. 20.** Sections 1, 2, 6 through 8, and 10 through
5 18 of this act take effect July 1, 2009.

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

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