
SUBSTITUTE HOUSE BILL 2674

State of Washington 60th Legislature 2008 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Barlow, Morrell, Moeller, Conway, Simpson, and Kenney; by request of Governor Gregoire)

READ FIRST TIME 02/04/08.

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) "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 level of functional impairment using the global
23 assessment of functioning as described in the fourth edition of the
24 diagnostic and statistical manual of mental disorders, published in
25 1994. Recognition of a mental or physical disorder or a global
26 assessment of functioning score of sixty or less requires that the
27 certification holder recommend that the client seek diagnosis and
28 treatment from an appropriate health care professional; and (b)
29 counseling and guiding clients in adjusting to life situations,
30 developing new skills, and making desired changes, in accordance with
31 the theories and techniques of a specific counseling method and
32 established practice standards. A certified counselor may not provide
33 counseling or guidance services to a client with a global assessment of
34 functioning score of sixty or less.

35 (10) "Psychotherapy" means the practice of counseling using
36 diagnosis of serious mental disorders according to the fourth edition
37 of the diagnostic and statistical manual of mental disorders, published

1 in 1994, and the development of treatment plans for counseling based on
2 diagnosis of serious mental disorders in accordance with established
3 practice standards.

4 (11) "Secretary" means the secretary of the department or the
5 secretary's designee.

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

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

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

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

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

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

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

27 (2) The practice of counseling by an employee or trainee of any
28 federal agency, or the practice of counseling by a student of a college
29 or university, if the employee, trainee, or student is practicing
30 solely under the supervision of and accountable to the agency, college,
31 or university, through which he or she performs such functions as part
32 of his or her position for no additional fee other than ordinary
33 compensation;

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

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

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

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

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

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

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

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

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

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

26 (c) To establish forms and procedures necessary to administer this
27 chapter;

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

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

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

1 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the
2 issuance and denial of registrations and certifications and the
3 discipline of registrants under this chapter. The secretary shall be
4 the disciplining authority under this chapter. (~~The absence of~~
5 ~~educational or training requirements for counselors registered under~~
6 ~~this chapter or the counselor's use of nontraditional nonabusive~~
7 ~~therapeutic techniques shall not, in and of itself, give the secretary~~
8 ~~authority to unilaterally determine the training and competence or to~~
9 ~~define or restrict the scope of practice of such individuals.~~)

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

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

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

1 orientation of the practice, the proposed course of treatment where
2 known, any financial requirements, referral resources, and such other
3 information as the department may require by rule. The disclosure
4 information shall also include a statement that ((~~registration~~)) the
5 certification of an individual under this chapter does not include a
6 recognition of any practice standards, nor necessarily imply the
7 effectiveness of any treatment. Certified counselors must also
8 disclose that they are not credentialed to diagnose or treat mental
9 disorders or to conduct psychotherapy as defined by the secretary by
10 rule. The client is not liable for any fees or charges for services
11 rendered prior to receipt of the disclosure statement.

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

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

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

- 1 (3) Applicants for certified counselor are required to:
2 (a) Have been registered for no less than five years;
3 (b) Have a valid, active registration that is in good standing and
4 be in compliance with any disciplinary process and orders;
5 (c) Show evidence of having completed course work in risk
6 assessment, ethics, appropriate screening and referral, and Washington
7 state law and other subjects identified by the secretary;
8 (d) Pass an examination in risk assessment, ethics, appropriate
9 screening and referral, and Washington state law, and other subjects as
10 determined by the secretary; and
11 (e) Have a written supervisory agreement with a supervisor who
12 meets the qualifications established by the secretary.
13 (4) Each applicant shall include payment of the fee determined by
14 the secretary as provided in RCW 43.70.250.

15 **NEW SECTION. Sec. 8.** A new section is added to chapter 18.19 RCW
16 to read as follows:

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

22 **Sec. 9.** RCW 18.19.100 and 1996 c 191 s 5 are each amended to read
23 as follows:

24 The secretary shall establish administrative procedures,
25 administrative requirements, continuing education, and fees for renewal
26 of (~~registrations~~) credentials as provided in RCW 43.70.250 and
27 43.70.280. When establishing continuing education requirements for
28 agency affiliated counselors, the secretary shall consult with the
29 appropriate state agency director responsible for licensing,
30 certifying, or operating the relevant agency practice setting.

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

33 (~~Unless the context clearly requires otherwise,~~) The definitions
34 in this section apply throughout this chapter unless the context
35 clearly requires otherwise.

1 (1) "Advanced social work" means the application of social work
2 theory and methods including emotional and biopsychosocial assessment,
3 psychotherapy under the supervision of a licensed independent clinical
4 social worker, case management, consultation, advocacy, counseling, and
5 community organization.

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

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

16 (4) "Committee" means the Washington state mental health
17 counselors, marriage and family therapists, and social workers advisory
18 committee.

19 ~~((4))~~ (5) "Department" means the department of health.

20 ~~((5))~~ (6) "Disciplining authority" means the department.

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

28 ~~((7))~~ (8) "Marriage and family therapy" means the diagnosis and
29 treatment of mental and emotional disorders, whether cognitive,
30 affective, or behavioral, within the context of relationships,
31 including marriage and family systems. Marriage and family therapy
32 involves the professional application of psychotherapeutic and family
33 systems theories and techniques in the delivery of services to
34 individuals, couples, and families for the purpose of treating such
35 diagnosed nervous and mental disorders. The practice of marriage and
36 family therapy means the rendering of professional marriage and family
37 therapy services to individuals, couples, and families, singly or in

1 groups, whether such services are offered directly to the general
2 public or through organizations, either public or private, for a fee,
3 monetary or otherwise.

4 ~~((+8))~~ (9) "Mental health counseling" means the application of
5 principles of human development, learning theory, psychotherapy, group
6 dynamics, and etiology of mental illness and dysfunctional behavior to
7 individuals, couples, families, groups, and organizations, for the
8 purpose of treatment of mental disorders and promoting optimal mental
9 health and functionality. Mental health counseling also includes, but
10 is not limited to, the assessment, diagnosis, and treatment of mental
11 and emotional disorders, as well as the application of a wellness model
12 of mental health.

13 ~~((+9))~~ (10) "Secretary" means the secretary of health or the
14 secretary's designee.

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

17 A person must not represent himself or herself as a licensed
18 advanced social worker, a licensed independent clinical social worker,
19 a licensed mental health counselor, ~~((+))~~ a licensed marriage and
20 family therapist, a licensed social work associate--advanced, a
21 licensed social work associate--independent clinical, a licensed mental
22 health counselor associate, or a licensed marriage and family therapist
23 associate, without being licensed by the department.

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

26 (1) The secretary shall issue an associate license to any applicant
27 who demonstrates to the satisfaction of the secretary that the
28 applicant meets the following requirements for the applicant's practice
29 area and submits a declaration that the applicant is working toward
30 full licensure in that category:

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

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

5 (c) Licensed marriage and family therapist associate: Graduation
6 from a master's degree or doctoral degree educational program in
7 marriage and family therapy or graduation from an educational program
8 in an allied field equivalent to a master's degree or doctoral degree
9 in marriage and family therapy approved by the secretary based upon
10 nationally recognized standards.

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

15 (3) Associates shall provide each client or patient, during the
16 first professional contact, with a disclosure form according to RCW
17 18.225.100, disclosing that he or she is an associate under the
18 supervision of an approved supervisor.

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

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

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

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

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

1 lapsed, the person shall submit an updated declaration, in accordance
2 with rules adopted by the department, that the person is working toward
3 full licensure.

4 **Sec. 14.** RCW 18.205.020 and 1998 c 243 s 2 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) "Certification" means a voluntary process recognizing an
10 individual who qualifies by examination and meets established
11 educational prerequisites, and which protects the title of practice.

12 (2) "Certified chemical dependency professional" means an
13 individual certified in chemical dependency counseling, under this
14 chapter.

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

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

22 ~~((4))~~ (5) "Committee" means the chemical dependency certification
23 advisory committee established under this chapter.

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

34 ~~((6))~~ (7) "Department" means the department of health.

35 ~~((7))~~ (8) "Health profession" means a profession providing health
36 services regulated under the laws of this state.

1 (~~(8)~~) (9) "Secretary" means the secretary of health or the
2 secretary's designee.

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

5 No person may represent oneself as a certified chemical dependency
6 professional or certified chemical dependency professional trainee or
7 use any title or description of services of a certified chemical
8 dependency professional or certified chemical dependency professional
9 trainee without applying for certification, meeting the required
10 qualifications, and being certified by the department of health, unless
11 otherwise exempted by this chapter.

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

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

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

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

24 (2) A trainee certified under this section shall submit to the
25 secretary for approval a declaration, in accordance with rules adopted
26 by the department, that he or she is enrolled in an approved education
27 program and actively pursuing the experience requirements in RCW
28 18.205.090. This declaration must be updated with the trainee's annual
29 renewal.

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

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

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

7 (6) Applicants are subject to denial of a certificate or issuance
8 of a conditional certificate for the reasons set forth in chapter
9 18.130 RCW.

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

12 The Washington state certified counselors and hypnotherapist
13 advisory committee is established.

14 (1) The committee is comprised of seven members. Two committee
15 members must be certified counselors. Two committee members must be
16 hypnotherapists. Three committee members must be consumers and
17 represent the public at large and may not hold any mental health care
18 provider license, certification, or registration.

19 (2) Two committee members must be appointed for a term of one year,
20 two committee members must be appointed for a term of two years, and
21 three committee members must be appointed for a term of three years.
22 Subsequent committee members must be appointed for terms of three
23 years. A person may not serve as a committee member for more than two
24 consecutive terms.

25 (3)(a) Each committee member must be a resident of the state of
26 Washington.

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

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

31 (d) Each professional committee member must have been actively
32 engaged in their profession for five years immediately preceding
33 appointment.

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

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

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

4 (6) Committee members must be compensated in accordance with RCW
5 43.03.240, including travel expenses in carrying out his or her
6 authorized duties in accordance with RCW 43.03.050 and 43.03.060.

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

8 NEW SECTION. **Sec. 19.** To practice counseling, all registered
9 counselors must obtain another health profession credential by July 1,
10 2010. The registered counselor credential is abolished July 1, 2010.

11 NEW SECTION. **Sec. 20.** Sections 1, 2, 6 through 8, and 10 through
12 18 of this act take effect July 1, 2009.

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

15 NEW SECTION. **Sec. 22.** The department of health may not issue any
16 initial certified counselor credentials after July 1, 2010. After July
17 1, 2010, the department of health may only issue certified counselor
18 credential renewals to individuals who held a certified counselor
19 credential on or before July 1, 2010, without interruption.

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