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**SUBSTITUTE HOUSE BILL 2715**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Skinner, Cody, Cooke, Wolfe, Dyer, Backlund, Ballasiotes and Costa)

Read first time 02/03/98. Referred to Committee on .

1 AN ACT Relating to chemical dependency counselor regulation;  
2 reenacting and amending RCW 18.130.040; adding a new chapter to Title  
3 18 RCW; and providing effective dates.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes chemical  
6 dependency professionals as discrete health professionals. Chemical  
7 dependency professional certification serves the public interest.

8 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
9 otherwise, the definitions in this section apply throughout this  
10 chapter.

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

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

17 (3) "Chemical dependency counseling" means employing the core  
18 competencies of chemical dependency counseling to assist or attempt to

1 assist an alcohol or drug addicted person to develop and maintain  
2 abstinence from alcohol and other mood-altering drugs.

3 (4) "Committee" means the chemical dependency certification  
4 advisory committee established under this chapter.

5 (5) "Core competencies of chemical dependency counseling" means  
6 competency in the nationally recognized knowledge, skills, and  
7 attitudes of professional practice, including assessment and diagnosis  
8 of chemical dependency, chemical dependency treatment planning and  
9 referral, patient and family education in the disease of chemical  
10 dependency, individual and group counseling with alcoholic and drug  
11 addicted individuals, relapse prevention counseling, and case  
12 management, all oriented to assist alcoholic and drug addicted patients  
13 to achieve and maintain abstinence from mood-altering substances and  
14 develop independent support systems.

15 (6) "Department" means the department of health.

16 (7) "Health profession" means a profession providing health  
17 services regulated under the laws of this state.

18 (8) "Secretary" means the secretary of health or the secretary's  
19 designee.

20 NEW SECTION. **Sec. 3.** No person may represent oneself as a  
21 certified chemical dependency professional or use any title or  
22 description of services of certified chemical dependency professional  
23 without applying for certification, meeting the required  
24 qualifications, and being certified by the department of health, unless  
25 otherwise exempted by this chapter.

26 NEW SECTION. **Sec. 4.** Nothing in this chapter shall be construed  
27 to prohibit or restrict:

28 (1) The practice by an individual licensed, certified, or  
29 registered under the laws of this state and performing services within  
30 the authorized scope of practice;

31 (2) The practice by an individual employed by the government of the  
32 United States while engaged in the performance of duties prescribed by  
33 the laws of the United States;

34 (3) The practice by a person who is a regular student in an  
35 educational program approved by the secretary, and whose performance of  
36 services is pursuant to a regular course of instruction or assignments  
37 from an instructor and under the general supervision of the instructor.

1        NEW SECTION.    **Sec. 5.**    In addition to any other authority provided  
2 by law, the secretary has the authority to:

3        (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
4 chapter, in consultation with the committee;

5        (2) Establish all certification, examination, and renewal fees in  
6 accordance with RCW 43.70.250;

7        (3) Establish forms and procedures necessary to administer this  
8 chapter;

9        (4) Issue certificates to applicants who have met the education,  
10 training, and examination requirements for certification and to deny  
11 certification to applicants who do not meet the minimum qualifications,  
12 except that proceedings concerning the denial of certification based  
13 upon unprofessional conduct or impairment shall be governed by the  
14 uniform disciplinary act, chapter 18.130 RCW;

15        (5) Hire clerical, administrative, investigative, and other staff  
16 as needed to implement this chapter, and hire individuals certified  
17 under this chapter to serve as examiners for any practical  
18 examinations;

19        (6) Determine minimum education requirements and evaluate and  
20 designate those educational programs that will be accepted as proof of  
21 eligibility to take a qualifying examination for applicants for  
22 certification;

23        (7) Prepare, grade, and administer, or determine the nature of, and  
24 supervise the grading and administration of, examinations for  
25 applicants for certification;

26        (8) Determine whether alternative methods of training are  
27 equivalent to formal education, and establish forms, procedures, and  
28 criteria for evaluation of an applicant's alternative training to  
29 determine the applicant's eligibility to take any qualifying  
30 examination;

31        (9) Determine which states have credentialing requirements  
32 equivalent to those of this state, and issue certificates to  
33 individuals credentialed in those states without examinations;

34        (10) Define and approve any experience requirement for  
35 certification;

36        (11) Implement and administer a program for consumer education;

37        (12) Adopt rules implementing a continuing competency program;

38        (13) Maintain the official department record of all applicants and  
39 certificated individuals;

1 (14) Establish by rule the procedures for an appeal of an  
2 examination failure; and

3 (15) Establish disclosure requirements.

4 NEW SECTION. **Sec. 6.** The secretary shall keep an official record  
5 of all proceedings. A part of the record shall consist of a register  
6 of all applicants for certification under this chapter and the results  
7 of each application.

8 NEW SECTION. **Sec. 7.** The secretary shall appoint a chemical  
9 dependency certification advisory committee to further the purposes of  
10 this chapter. The committee shall be composed of seven members, one  
11 member initially appointed for a term of one year, three for a term of  
12 two years, and three for a term of three years. Subsequent  
13 appointments shall be for terms of three years. No person may serve as  
14 a member of the committee for more than two consecutive terms. Members  
15 of the committee shall be residents of this state. The committee shall  
16 be composed of four certified chemical dependency professionals; one  
17 chemical dependency treatment program director; one physician licensed  
18 under chapter 18.71 or 18.57 RCW who is certified in addiction medicine  
19 or a licensed or certified mental health practitioner; and one member  
20 of the public who has received chemical dependency counseling.

21 (2) The secretary may remove any member of the committee for cause  
22 as specified by rule. In the case of a vacancy, the secretary shall  
23 appoint a person to serve for the remainder of the unexpired term.

24 (3) The committee shall meet at the times and places designated by  
25 the secretary and shall hold meetings during the year as necessary to  
26 provide advice to the director. The committee may elect a chair and a  
27 vice-chair. A majority of the members currently serving shall  
28 constitute a quorum.

29 (4) Each member of the committee shall be reimbursed for travel  
30 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,  
31 members of the committee shall be compensated in accordance with RCW  
32 43.03.240 when engaged in the authorized business of the committee.

33 (5) The director of the department of social and health services  
34 division of alcohol and substance abuse or the director's designee,  
35 shall serve as an ex officio member of the committee.

36 (6) The secretary, members of the committee, or individuals acting  
37 on their behalf are immune from suit in any action, civil or criminal,

1 based on any certification or disciplinary proceedings or other  
2 official acts performed in the course of their duties.

3 NEW SECTION. **Sec. 8.** (1) The secretary shall issue a certificate  
4 to any applicant who demonstrates to the secretary's satisfaction that  
5 the following requirements have been met:

6 (a) Completion of an educational program approved by the secretary  
7 or successful completion of alternate training that meets established  
8 criteria;

9 (b) Successful completion of an approved examination, based on core  
10 competencies of chemical dependency counseling; and

11 (c) Successful completion of any experience requirement established  
12 by the secretary.

13 (2) The secretary shall establish by rule what constitutes adequate  
14 proof of meeting the criteria.

15 (3) Applicants are subject to the grounds for denial of a  
16 certificate or issuance of a conditional certificate under chapter  
17 18.130 RCW.

18 (4) Certified chemical dependency professionals shall not be  
19 required to be registered under chapter 18.19 RCW.

20 NEW SECTION. **Sec. 9.** The secretary shall establish by rule the  
21 standards and procedures for approval of educational programs and  
22 alternative training. The secretary may utilize or contract with  
23 individuals or organizations having expertise in the profession or in  
24 education to assist in the evaluations. The secretary shall establish  
25 by rule the standards and procedures for revocation of approval of  
26 education programs. The standards and procedures set shall apply  
27 equally to educational programs and training in the United States and  
28 in foreign jurisdictions. The secretary may establish a fee for  
29 educational program evaluations.

30 NEW SECTION. **Sec. 10.** (1) The date and location of examinations  
31 shall be established by the secretary. Applicants who have been found  
32 by the secretary to meet the other requirements for certification shall  
33 be scheduled for the next examination following the filing of the  
34 application. The secretary shall establish by rule the examination  
35 application deadline.

1 (2) The secretary or the secretary's designees shall examine each  
2 applicant, by means determined most effective, on subjects appropriate  
3 to the scope of practice, as applicable. Such examinations shall be  
4 limited to the purpose of determining whether the applicant possesses  
5 the minimum skill and knowledge necessary to practice competently.

6 (3) The examination papers, all grading of the papers, and the  
7 grading of any practical work shall be preserved for a period of not  
8 less than one year after the secretary has made and published the  
9 decisions. All examinations shall be conducted under fair and wholly  
10 impartial methods.

11 (4) Any applicant failing to make the required grade in the first  
12 examination may take up to three subsequent examinations as the  
13 applicant desires upon prepaying a fee determined by the secretary  
14 under RCW 43.70.250 for each subsequent examination. Upon failing four  
15 examinations, the secretary may invalidate the original application and  
16 require such remedial education before the person may take future  
17 examinations.

18 (5) The secretary may approve an examination prepared or  
19 administered by a private testing agency or association of licensing  
20 agencies for use by an applicant in meeting the certification  
21 requirements.

22 NEW SECTION. **Sec. 11.** Applications for certification shall be  
23 submitted on forms provided by the secretary. The secretary may  
24 require any information and documentation that reasonably relates to  
25 the need to determine whether the applicant meets the criteria for  
26 certification provided for in this chapter and chapter 18.130 RCW.  
27 Each applicant shall pay a fee determined by the secretary under RCW  
28 43.70.250. The fee shall accompany the application.

29 NEW SECTION. **Sec. 12.** (1) Within two years after the effective  
30 date of this section, the secretary shall waive the examination and  
31 certify a person authorized to practice within the state of Washington  
32 if an applicant pays a fee and produces a valid chemical dependency  
33 counselor certificate of qualification from the department of social  
34 and health services.

35 (2) Within two years after the effective date of this section, the  
36 secretary shall certify applicants who pay a fee, pass the examination,  
37 and have four thousand clock hours of chemical dependency counseling

1 experience in a chemical dependency treatment program certified by the  
2 department of social and health services.

3 (3) It is the intent of the legislature that the credentialing of  
4 chemical dependency professionals be established solely by the  
5 department.

6 NEW SECTION. **Sec. 13.** An applicant holding a credential in  
7 another state may be certified to practice in this state without  
8 examination if the secretary determines that the other state's  
9 credentialing standards are substantially equivalent to the standards  
10 in this state.

11 NEW SECTION. **Sec. 14.** The uniform disciplinary act, chapter  
12 18.130 RCW, shall govern the issuance and denial of certificates,  
13 unauthorized practice, and the discipline of persons certified under  
14 this chapter. The secretary shall be the disciplining authority under  
15 this chapter.

16 **Sec. 15.** RCW 18.130.040 and 1997 c 392 s 516, 1997 c 334 s 14,  
17 1997 c 285 s 13, and 1997 c 275 s 2 are each reenacted and amended to  
18 read as follows:

19 (1) This chapter applies only to the secretary and the boards and  
20 commissions having jurisdiction in relation to the professions licensed  
21 under the chapters specified in this section. This chapter does not  
22 apply to any business or profession not licensed under the chapters  
23 specified in this section.

24 (2)(a) The secretary has authority under this chapter in relation  
25 to the following professions:

- 26 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 27 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 28 (iii) Midwives licensed under chapter 18.50 RCW;
- 29 (iv) Ocularists licensed under chapter 18.55 RCW;
- 30 (v) Massage operators and businesses licensed under chapter 18.108  
31 RCW;
- 32 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 33 (vii) Acupuncturists licensed under chapter 18.06 RCW;
- 34 (viii) Radiologic technologists certified and X-ray technicians  
35 registered under chapter 18.84 RCW;

1 (ix) Respiratory care practitioners licensed under chapter 18.89  
2 RCW;

3 (x) Persons registered or certified under chapter 18.19 RCW;

4 (xi) Persons registered as nursing pool operators under chapter  
5 18.52C RCW;

6 (xii) Nursing assistants registered or certified under chapter  
7 18.88A RCW;

8 (xiii) Health care assistants certified under chapter 18.135 RCW;

9 (xiv) Dietitians and nutritionists certified under chapter 18.138  
10 RCW;

11 (xv) Chemical dependency professionals certified under chapter  
12 18.-- RCW (sections 1 through 14 of this act);

13 ~~(xvi)~~ Sex offender treatment providers certified under chapter  
14 18.155 RCW;

15 ~~((~~xvi~~))~~ (xvii) Persons licensed and certified under chapter 18.73  
16 RCW or RCW 18.71.205;

17 ~~((~~xvii~~))~~ (xviii) Persons registered as adult family home  
18 providers and resident managers under RCW 18.48.020;

19 ~~((~~xviii~~))~~ (xix) Denturists licensed under chapter 18.30 RCW; and

20 ~~((~~xix~~))~~ (xx) Orthotists and prosthetists licensed under chapter  
21 18.200 RCW.

22 (b) The boards and commissions having authority under this chapter  
23 are as follows:

24 (i) The podiatric medical board as established in chapter 18.22  
25 RCW;

26 (ii) The chiropractic quality assurance commission as established  
27 in chapter 18.25 RCW;

28 (iii) The dental quality assurance commission as established in  
29 chapter 18.32 RCW;

30 (iv) The board of hearing and speech as established in chapter  
31 18.35 RCW;

32 (v) The board of examiners for nursing home administrators as  
33 established in chapter 18.52 RCW;

34 (vi) The optometry board as established in chapter 18.54 RCW  
35 governing licenses issued under chapter 18.53 RCW;

36 (vii) The board of osteopathic medicine and surgery as established  
37 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
38 18.57A RCW;



1 (viii) The board of pharmacy as established in chapter 18.64 RCW  
2 governing licenses issued under chapters 18.64 and 18.64A RCW;

3 (ix) The medical quality assurance commission as established in  
4 chapter 18.71 RCW governing licenses and registrations issued under  
5 chapters 18.71 and 18.71A RCW;

6 (x) The board of physical therapy as established in chapter 18.74  
7 RCW;

8 (xi) The board of occupational therapy practice as established in  
9 chapter 18.59 RCW;

10 (xii) The nursing care quality assurance commission as established  
11 in chapter 18.79 RCW governing licenses issued under that chapter;

12 (xiii) The examining board of psychology and its disciplinary  
13 committee as established in chapter 18.83 RCW; and

14 (xiv) The veterinary board of governors as established in chapter  
15 18.92 RCW.

16 (3) In addition to the authority to discipline license holders, the  
17 disciplining authority has the authority to grant or deny licenses  
18 based on the conditions and criteria established in this chapter and  
19 the chapters specified in subsection (2) of this section. This chapter  
20 also governs any investigation, hearing, or proceeding relating to  
21 denial of licensure or issuance of a license conditioned on the  
22 applicant's compliance with an order entered pursuant to RCW 18.130.160  
23 by the disciplining authority.

24 (4) All disciplining authorities shall adopt procedures to ensure  
25 substantially consistent application of this chapter, the Uniform  
26 Disciplinary Act, among the disciplining authorities listed in  
27 subsection (2) of this section.

28 NEW SECTION. **Sec. 16.** Sections 1 through 14 of this act constitute  
29 a new chapter in Title 18 RCW.

30 NEW SECTION. **Sec. 17.** This act takes effect July 1, 1998, except  
31 for sections 3, 8, 13, and 16 of this act, which take effect July 1,  
32 1999.

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