
SUBSTITUTE SENATE BILL 6550

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Wojahn, Wood and Fairley)

Read first time 02/02/98.

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 an effective date.

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 registered chemical dependency treatment program director; one
18 physician licensed under chapter 18.71 or 18.57 RCW who is certified in
19 addiction medicine or a licensed or certified mental health
20 practitioner; and one member of the public who has received chemical
21 dependency counseling.

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

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

30 (4) Each member of the committee shall be reimbursed for travel
31 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
32 members of the committee shall be compensated in accordance with RCW
33 43.03.240 when engaged in the authorized business of the committee.

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

1 (6) The secretary, members of the committee, or individuals acting
2 on their behalf are immune from suit in any action, civil or criminal,
3 based on any certification or disciplinary proceedings or other
4 official acts performed in the course of their duties.

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

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

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

13 (c) Successful completion of any experience requirement established
14 by the secretary.

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

17 (3) Applicants are subject to the grounds for denial of a
18 certificate or issuance of a conditional certificate under chapter
19 18.130 RCW.

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

22 (5) Applicants who are registered as counselors under chapter 18.19
23 RCW shall not pay a duplicate fee for certification as chemical
24 dependency professionals.

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

35 NEW SECTION. **Sec. 10.** (1) The date and location of examinations
36 shall be established by the secretary. Applicants who have been found

1 by the secretary to meet the other requirements for certification shall
2 be scheduled for the next examination following the filing of the
3 application. The secretary shall establish by rule the examination
4 application deadline.

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

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

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

22 (5) The secretary may approve an examination prepared or
23 administered by a private testing agency or association of licensing
24 agencies for use by an applicant in meeting the certification
25 requirements.

26 NEW SECTION. **Sec. 11.** Applications for certification shall be
27 submitted on forms provided by the secretary. The secretary may
28 require any information and documentation that reasonably relates to
29 the need to determine whether the applicant meets the criteria for
30 certification provided for in this chapter and chapter 18.130 RCW.
31 Each applicant shall pay a fee determined by the secretary under RCW
32 43.70.250. The fee shall accompany the application.

33 NEW SECTION. **Sec. 12.** (1) Within two years after the effective
34 date of this act, the secretary shall waive the examination and certify
35 a person authorized to practice within the state of Washington if an
36 applicant pays a fee and produces a valid chemical dependency counselor

1 certificate of qualification from the department of social and health
2 services.

3 (2) Within two years after the effective date of this act, the
4 secretary shall certify applicants who pay a fee, pass the examination,
5 and have four thousand clock hours of chemical dependency counseling
6 experience in a chemical dependency treatment program certified by the
7 department of social and health services.

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

13 NEW SECTION. **Sec. 14.** The secretary shall establish by rule the
14 procedural requirements and fees for renewal of certification. Failure
15 to renew shall invalidate the certification and all privileges granted
16 by certification. If a certificate has lapsed for a period longer than
17 three years, the person shall demonstrate competence to the
18 satisfaction of the secretary by taking continuing education courses,
19 or meeting other standards determined by the secretary.

20 NEW SECTION. **Sec. 15.** The uniform disciplinary act, chapter
21 18.130 RCW, shall govern the issuance and denial of certificates,
22 unauthorized practice, and the discipline of persons certified under
23 this chapter. The secretary shall be the disciplining authority under
24 this chapter.

25 NEW SECTION. **Sec. 16.** At the time treatment is undertaken,
26 certified chemical dependency professionals shall disclose, to persons
27 receiving treatment, information the department determines by rule must
28 be disclosed. At a minimum, disclosure must include identification of
29 the certified chemical dependency professional's credentials, relevant
30 education, and training; therapeutic orientation of the practice; the
31 proposed course of treatment; financial requirements; the right to
32 refuse treatment; the right to file a complaint; and the effect of
33 certification under this chapter. A single disclosure statement may be
34 used for one or more chemical dependency professionals if the chemical
35 dependency professionals are providing services from a single plan of

1 treatment within a single chemical dependency treatment program
2 approved under chapter 70.96A RCW. The certified chemical dependency
3 professional shall have the treatment recipient acknowledge disclosure
4 by obtaining a signed receipt.

5 **Sec. 17.** RCW 18.130.040 and 1997 c 392 s 516, 1997 c 334 s 14,
6 1997 c 285 s 13, and 1997 c 275 s 2 are each reenacted and amended to
7 read as follows:

8 (1) This chapter applies only to the secretary and the boards and
9 commissions having jurisdiction in relation to the professions licensed
10 under the chapters specified in this section. This chapter does not
11 apply to any business or profession not licensed under the chapters
12 specified in this section.

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

15 (i) Dispensing opticians licensed under chapter 18.34 RCW;

16 (ii) Naturopaths licensed under chapter 18.36A RCW;

17 (iii) Midwives licensed under chapter 18.50 RCW;

18 (iv) Ocularists licensed under chapter 18.55 RCW;

19 (v) Massage operators and businesses licensed under chapter 18.108
20 RCW;

21 (vi) Dental hygienists licensed under chapter 18.29 RCW;

22 (vii) Acupuncturists licensed under chapter 18.06 RCW;

23 (viii) Radiologic technologists certified and X-ray technicians
24 registered under chapter 18.84 RCW;

25 (ix) Respiratory care practitioners licensed under chapter 18.89
26 RCW;

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

28 (xi) Persons registered as nursing pool operators under chapter
29 18.52C RCW;

30 (xii) Nursing assistants registered or certified under chapter
31 18.88A RCW;

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

33 (xiv) Dietitians and nutritionists certified under chapter 18.138
34 RCW;

35 (xv) Chemical dependency professionals certified under chapter 18.-
36 - RCW (sections 1 through 16 of this act);

37 (xvi) Sex offender treatment providers certified under chapter
38 18.155 RCW;

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

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

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

6 (~~(xix)~~) (xx) Orthotists and prosthetists licensed under chapter
7 18.200 RCW.

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

10 (i) The podiatric medical board as established in chapter 18.22
11 RCW;

12 (ii) The chiropractic quality assurance commission as established
13 in chapter 18.25 RCW;

14 (iii) The dental quality assurance commission as established in
15 chapter 18.32 RCW;

16 (iv) The board of hearing and speech as established in chapter
17 18.35 RCW;

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

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

22 (vii) The board of osteopathic medicine and surgery as established
23 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
24 18.57A RCW;

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

27 (ix) The medical quality assurance commission as established in
28 chapter 18.71 RCW governing licenses and registrations issued under
29 chapters 18.71 and 18.71A RCW;

30 (x) The board of physical therapy as established in chapter 18.74
31 RCW;

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

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

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

38 (xiv) The veterinary board of governors as established in chapter
39 18.92 RCW.

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

9 (4) All disciplining authorities shall adopt procedures to ensure
10 substantially consistent application of this chapter, the Uniform
11 Disciplinary Act, among the disciplining authorities listed in
12 subsection (2) of this section.

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

15 NEW SECTION. **Sec. 19.** This act takes effect July 1, 1998.

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