

SENATE BILL REPORT

SB 5877

As Reported By Senate Committee On:
Health & Long-Term Care, February 27, 2001

Title: An act relating to licensed mental health counselors, marriage and family therapists, and social workers.

Brief Description: Providing licensing standards for mental health counselors, marriage and family therapists, and social workers.

Sponsors: Senators Thibaudeau, Winsley, Costa and Kohl-Welles.

Brief History:

Committee Activity: Health & Long-Term Care: 2/14/01, 2/27/01 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5877 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Parlette.

Staff: Joan K. Mell (786-7447)

Background: Under current provisions of state law, a person who refers to him or herself as a counselor must be registered with the Department of Health. Registration brings the counselor under the Uniform Disciplinary Act, which regulates the practice. Registration does not require education, training or experience.

Certain counselors meeting specified education, training and experience requirements may be certified. Certified counselors are covered by the Uniform Disciplinary Act. Certification also provides title protection for the term state certified.–

Social workers, marriage and family therapists, and mental health counselors each have national associations with model licensing acts. These national models protect a specified title and scope of practice. This state does not have state licensing for these counselors.

In January of 2001, the Department of Health issued a sunrise review report on a bill similar to this legislation. The department made three recommendations: the legislation proposed should not be enacted because the requisite harm to the public was not demonstrated; further investigation is required to ensure there are no reimbursement problems; and finally, privileged communication requirements for all counselors make sense.–

Summary of Substitute Bill: Mental health counselors, marriage and family therapists, and social workers may be licensed if they meet certain education, experience, and training requirements. They must pass an exam and pay a fee.

The titles licensed advanced social worker,– licensed independent clinical social worker,– licensed mental health counselor,– or licensed marriage and family therapist– are protected.

The Department of Health regulates the practice and must consult with a committee of licensed professionals and consumers on rule-making and disciplinary matters.

These licensed professionals have a privileged relationship with their clients, even under circumstances where a parent or legal guardian is present at the time of the communication. The privilege is limited by the duty to report mandatory abuse of kids and vulnerable adults, and is limited by the obligation to testify in civil commitment proceedings.

Certified counselors are eliminated.

Substitute Bill Compared to Original Bill: The Department of Health is the disciplining authority rather than an independent counselors' commission. The counselors have a committee established by the department, which must be consulted on rule-making and disciplinary matters. Technical language clarifications are made. State social workers are exempt from the licensing requirements. Changes are made to the privilege provision that are consistent with psychologist's privilege and meet the requests of the Department of Social and Health Services.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill allows the public to be confident that licensed professionals have skills, ethics, and competence to serve their needs. The public is protected through licensure. Washington is only one of five states without licensure for counselors. Licensure allows the public to make an informed choice. The survey indicated persons polled felt it was a bad thing not to have standards for education and experience. Consistency with national standards are needed. Privilege is essential to effective care. The commission is in the best interest of public input of licensed professionals and would assist with numerous complaints and disciplinary cases.

Testimony Against: Registered counselors should be covered. The Department of Health opposes the creation of an independent counselors' commission. Concerns regarding grandfathering provisions mandatory licensing pursuant to sunrise might increase cases and reduce access. There are questions regarding adequate reimbursement for the professions.

Testified: PRO: Kevin Host, WSSCSW; Glee Palmer Davis, NASW; Christin Lein, WAMFT; Lisa Erikson, WMHCA, CMHC; Keith Myers, Laura Gros Wong, WSSCSW; Gail McGaffick, Washington State Psychological Association; Standley Gellinieau, Walla Walla College; Richard Onizer, MTTD/DSHS; Randy Hoopman, Dean School of Social Work WW; Sue Shobloom, Ron Weaver, Department of Health (concerns).