
HOUSE BILL 3156

State of Washington

56th Legislature

2000 Regular Session

By Representatives Ogden, Schual-Berke, Conway, Campbell, Ruderman, Cody, Linville, Hankins and Mitchell

Read first time . Referred to Committee on .

1 AN ACT Relating to the omnibus credentialing act for counselors,
2 social workers, mental health counselors, and marriage and family
3 therapists; amending RCW 18.19.010, 18.19.020, 18.19.030, 18.19.090,
4 18.19.040, 18.19.050, 18.19.060, 18.19.070, 18.19.080, 18.19.100,
5 18.19.140, 18.19.150, 18.19.160, 18.19.170, 18.19.180, 18.19.190,
6 18.19.900, and 18.130.040; adding new sections to chapter 18.19 RCW;
7 creating a new section; and repealing RCW 18.19.110, 18.19.120, and
8 18.19.130.

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

10 **Sec. 1.** RCW 18.19.010 and 1987 c 512 s 1 are each amended to read
11 as follows:

12 (1) The qualifications and practices of counselors in this state
13 are virtually unknown to potential clients. Beyond the regulated
14 practices of psychiatry and psychology, there are a considerable
15 variety of disciplines, theories, and techniques employed by other
16 counselors under a number of differing titles. The legislature
17 recognizes the right of all counselors to practice their skills freely,
18 consistent with the requirements of the public health and safety, as
19 well as the right of individuals to choose which counselors best suit

1 their needs and purposes. This chapter shall not be construed to
2 require or prohibit that individual or group policies or contracts of
3 an insurance carrier, health care service contractor, or health
4 maintenance organization provide benefits or coverage for services and
5 supplies provided by a person registered or (~~certified~~) licensed
6 under this chapter.

7 (2) There are three existing professional mental health professions
8 that have become valued disciplines within the larger scope of mental
9 health practices over the past twenty-five years. These include social
10 work, mental health counseling, and marriage and family therapy.
11 Though these professions may use a variety of theoretical orientations,
12 they have demonstrated a comprehensive body of knowledge that can be
13 quantified and used as the basis for ethical practice. While all
14 counselors have the right to practice their skills freely, for a
15 profession to become licensed, its practitioners must demonstrate
16 skills that are internally cohesive and successful in practice. Social
17 work, mental health counseling, and marriage and family therapy have
18 met these criteria.

19 **Sec. 2.** RCW 18.19.020 and 1991 c 3 s 19 are each amended to read
20 as follows:

21 (~~Unless the context clearly requires otherwise,~~) The definitions
22 in this section apply throughout this chapter unless the context
23 clearly requires otherwise.

24 (1) (~~"Certified marriage and family therapist" means a person~~
25 ~~certified to practice marriage and family therapy pursuant to RCW~~
26 ~~18.19.130.~~

27 (2) ~~"Certified mental health counselor" means a person certified to~~
28 ~~practice mental health counseling pursuant to RCW 18.19.120.~~

29 (3) ~~"Certified social worker" means a person certified to practice~~
30 ~~social work pursuant to RCW 18.19.110.)~~ "Approved clinical supervisor"
31 means a licensed independent clinical social worker, licensed marriage
32 and family therapist, or licensed mental health counselor, who has met
33 the qualifications to be a clinical supervisor.

34 (2) "Approved social work program" means a school of social work or
35 a social work educational program that has been accredited by the
36 council on social work education, as determined by the secretary.

37 (3) "Case management" means the application of social work
38 knowledge including finding appropriate services, providing assistance

1 with daily living tasks, assessing needs of clients in terms of service
2 needs, and providing referrals to needed services.

3 (4) "Client" means an individual (~~(who)~~), couple, family, group,
4 organization, or community that receives or participates in counseling
5 or group counseling.

6 (5) "Clinical supervision" means a professional relationship
7 between a supervisor and a social worker, marriage and family
8 therapist, or mental health counselor that provides evaluation and
9 direction to the supervisee and promotes continued development of the
10 social worker's knowledge skills and abilities in master's, advanced,
11 or clinical social work, marriage and family therapy, or mental health
12 counseling.

13 (6) "Consultation" means problem solving in a process that offers
14 social work expertise to an individual, couple, family, group,
15 organization, or community.

16 (7) "Continuing education" means education and training that will
17 maintain, improve, or enhance social work knowledge and practice.

18 (8) "Counseling" means licensed counseling as defined in subsection
19 (13) of this section or employing any therapeutic techniques, including
20 but not limited to social work, mental health counseling, marriage and
21 family therapy, and hypnotherapy, for a fee that offer, assist or
22 attempt to assist an individual or individuals in the amelioration or
23 adjustment of mental, emotional, or behavioral problems, and includes
24 therapeutic techniques to achieve sensitivity and awareness of self and
25 others and the development of human potential. For the purposes of
26 this chapter, nothing may be construed to imply that the practice of
27 hypnotherapy is necessarily limited to counseling.

28 (~~((6))~~) (9) "Counselor" means an individual, practitioner,
29 therapist, or analyst who engages in the practice of counseling to the
30 public for a fee, including for the purposes of this chapter,
31 hypnotherapists.

32 (~~((7))~~) (10) "Department" means the department of health.

33 (11) "Independent practice" means the practice of clinical social
34 work, marriage and family therapy, and mental health counseling outside
35 an organized setting, such as a social, governmental, or medical
36 agency, in which a clinical social worker, marriage and family
37 therapist, and mental health counselor assumes responsibility and
38 accountability for services provided.

1 (12) "Licensed advanced social worker" means a person licensed to
2 practice advanced social work under this chapter.

3 (13) "Licensed counseling" means the application of social work,
4 marriage and family therapy, or mental health counseling knowledge to
5 a client with problems in relationships or with the environment through
6 a supportive relationship, providing advice, and techniques that help
7 a client to cope with current life stresses.

8 (14) "Licensed independent clinical social worker" means a person
9 licensed to practice independent clinical social work under this
10 chapter.

11 (15) "Licensed marriage and family therapist" means a person
12 licensed to practice marriage and family therapy under this chapter.

13 (16) "Licensed mental health counselor" means a person licensed to
14 practice mental health counseling under this chapter.

15 (17) "Licensed social worker" means a person licensed to practice
16 master's level social work under this chapter.

17 (18) "Mental health advisory committee" means the advisory
18 committee created under this chapter to advise the secretary on
19 disciplinary matters, continuing education, scope of practice issues,
20 and any other matters related to the professions of social work,
21 marriage and family therapy, and mental health counseling.

22 (19) "Mental health counseling" means the application of principles
23 of human development, learning theory, group dynamics, and etiology of
24 mental illness and dysfunctional behavior to individuals, couples,
25 families, groups, and organizations, for the purpose of treating mental
26 disorders and promoting optimal mental health and functionality. It
27 includes, but is not limited to, the assessment, diagnosis, and
28 treatment of mental and emotional disorders, as well as the application
29 of a wellness model of mental health.

30 (20) "Psychotherapy" means the diagnosis and treatment of emotional
31 disorders through the utilization of specialized formal interaction
32 between a clinical social worker, a marriage and family therapist, or
33 a mental health counselor, and a client. It includes a therapeutic
34 relationship that is established, maintained, and sustained through
35 attention to conscious and unconscious processes in the treatment of
36 psychosocial disorders, emotional disorders, behavioral disorders,
37 addictive disorders, and interpersonal disorders.

38 ((+8)) (21) "Secretary" means the secretary of the department or
39 the secretary's designee.

1 **PART ONE**

2 **REGISTRATION OF COUNSELORS**

3 **Sec. 3.** RCW 18.19.030 and 1991 c 3 s 20 are each amended to read
4 as follows:

5 No person may, for a fee or as a part of his or her position as an
6 employee of a state agency, practice counseling without being
7 registered to practice by the department under this chapter unless
8 exempt under RCW 18.19.040. (~~No person may represent himself or~~
9 ~~herself as a certified social worker, certified mental health~~
10 ~~counselor, or certified marriage and family therapist without being so~~
11 ~~certified by the department under this chapter.~~)

12 **Sec. 4.** 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. Each applicant shall pay a fee
25 determined by the secretary as provided in RCW 43.70.250, which
26 (~~shall~~) must accompany the application.

27 **PART TWO**

28 **LICENSED SOCIAL WORK**

29 NEW SECTION. **Sec. 5.** The legislature finds that the practice of
30 social work affects the public health, safety, and welfare, and that
31 only qualified persons should be permitted to engage in the practice.
32 The legislature declares that the licensure of social work practice by
33 the state is in the public interest.

1 NEW SECTION. **Sec. 6.** (1) No person may represent himself or
2 herself as a licensed social worker, licensed advanced social worker,
3 or licensed independent clinical social worker without being licensed
4 by the department under this chapter unless exempted by this chapter.

5 (2) No public employee may represent himself or herself as a social
6 worker, advanced social worker, or independent clinical social worker
7 without holding a baccalaureate, master's, or doctoral degree from an
8 educational program in social work approved by the secretary.

9 NEW SECTION. **Sec. 7.** The secretary shall issue a license to
10 practice social work, advanced social work, or independent clinical
11 social work to an applicant who demonstrates to the secretary's
12 satisfaction that the following requirements have been met:

13 (1) For a license to practice social work, the qualifications are:

14 (a) Graduation from a master's level educational program approved
15 by the secretary; and

16 (b) Successful completion of an approved examination.

17 (2) For a license to practice advanced social work, the
18 qualifications are:

19 (a) Graduation from a master's or doctorate educational program
20 approved by the secretary; and

21 (b) Successful completion of a supervised experience requirement.
22 The experience requirement consists of a minimum of three thousand two
23 hundred hours of experience over a two-year period as a licensed social
24 worker, with supervision by a licensed clinical social worker of at
25 least ninety hours. Of the total supervision, fifty hours must be in
26 individual face-to-face supervision by a licensed advanced social
27 worker, and forty hours of supervision may be with another qualified
28 mental health professional. Distance supervision may be obtained for
29 no more than forty hours supervision.

30 (3) For a license to practice independent clinical social work, the
31 qualifications are:

32 (a) Graduation from a master's or doctorate level educational
33 program approved by the secretary;

34 (b) Successful completion of an approved examination; and

35 (c) Successful completion of a supervised experience requirement.
36 The experience requirement consists of a minimum of four thousand hours
37 of experience over a three-year period as a licensed social worker or
38 licensed advanced social worker with supervision by a licensed

1 independent clinical social worker, with at least one hundred thirty
2 hours in individual supervision. Of total supervision, seventy hours
3 must be face-to-face supervision with a licensed advanced social
4 worker, and sixty hours may be supervised by another qualified mental
5 health professional. Distance supervision may be obtained for no more
6 than sixty hours.

7 (4) Until twenty-four months after the effective date of this act,
8 the secretary shall waive the examination and issue a license to
9 practice.

10 NEW SECTION. **Sec. 8.** (1) The practice of licensed social work
11 includes the knowledge and application of social work theory, methods,
12 and ethics, including emotional assessment, case management,
13 consultation, advocacy, counseling, and community organization.

14 (2) The practice of licensed advanced social work is a specialty
15 which requires the knowledge and application of social work theory,
16 methods, and ethics to individuals, couples, families, groups,
17 organizations, and communities, and includes the ability to assess,
18 develop, and implement treatment plans in the areas of counseling for
19 emotional disorders, family systems, prevention, and psychosocial
20 assessment. It also includes administration, policy development,
21 school social work, medical social work, case management,
22 organizational consultation, teaching, and research. Advanced social
23 work involves the use of independent judgment, but does not include the
24 independent practice of psychotherapy. Advanced social work practice
25 that includes psychotherapy must be practiced under the supervision of
26 a licensed independent clinical social worker. Other types of advanced
27 social work may be practiced under the supervision of a licensed
28 advanced social worker. Advanced social work is practiced in agency
29 and organizational settings such as hospitals, community mental health
30 agencies, schools, and other locales.

31 (3) The practice of licensed independent clinical social work is a
32 specialty which requires the knowledge and application of social
33 theory, methods, and ethics to individuals, couples, families, groups,
34 organizations, and communities, and includes the ability to work
35 independently with vulnerable clients to diagnose emotional disorders
36 and treat disorders through psychotherapy, as well as assessment,
37 consultation, supervision, and prevention. It requires clinical skills
38 to restore, improve, or enhance emotional, cognitive, or social

1 functioning. It is practiced with diagnostic assessment and treatment
2 tools and the use of theory bases that may be psychodynamic, cognitive
3 behavioral, family therapeutic, case management, biopsychosocial, and
4 other established theory bases, including the functions of a licensed
5 advanced social worker.

6 NEW SECTION. **Sec. 9.** A social worker licensed under this chapter
7 shall biennially attend at least thirty-six hours of continuing
8 education in curricula approved by the secretary as a condition of
9 license renewal, of which six hours must be devoted to professional law
10 and ethics. In approving the curricula, the secretary shall consider
11 the educational and training standards of nationally recognized
12 professional organizations of social work, mental health counseling,
13 and marriage and family counseling and accredited schools offering
14 graduate degrees in these programs in the state of Washington.

15 NEW SECTION. **Sec. 10.** In addition to acts of unprofessional
16 conduct specified in RCW 18.130.180, a social worker licensed under
17 this chapter committing the following acts of unethical conduct is
18 subject to the disciplinary process and sanctions under the uniform
19 disciplinary act, chapter 18.130 RCW.

20 (1) A licensee shall not engage in sexual relations with a past,
21 present, or future client who has been, or is, in a counseling or
22 therapeutic relationship with the licensee.

23 (2) A licensee shall not charge a client in a professional
24 relationship a fee higher than the usual and customary fees recognized
25 by the profession, as determined by the secretary, or otherwise profit
26 from the professional relationship.

27 (3) A licensee shall not diagnose or treat a relative or other
28 person who has a social relationship with the licensee.

29 (4) A licensee shall not have a business relationship outside the
30 counseling or psychotherapeutic relationship with his or her client
31 during the counseling or psychotherapy and for at least two years after
32 the end of the counseling or psychotherapy.

33 NEW SECTION. **Sec. 11.** A social worker licensed for independent
34 clinical social work for a period of at least two years may supervise
35 social work practice. A social worker licensed for advanced social
36 work for at least two years may supervise licensed social work.

1 a license provided for in this chapter and chapter 18.130 RCW. Each
2 applicant shall pay a fee determined by the secretary under RCW
3 43.70.250. The fee must accompany the application.

4 (2) An applicant for a license must:

5 (a) Provide official transcripts documenting the applicant's
6 completion of a master's or doctoral degree in mental health counseling
7 or a related discipline from a college or university accredited by a
8 regional accrediting agency;

9 (b) Successfully complete a written examination on knowledge and
10 application of mental health counseling which has been approved by the
11 department for mental health counselors;

12 (c) Successfully complete thirty-six months or three thousand hours
13 of postgraduate mental health counseling experience under supervision
14 of a qualified mental health professional; and

15 (d) Provide three letters of reference from health or mental health
16 practitioners attesting to the applicant's character and professional
17 integrity.

18 NEW SECTION. **Sec. 16.** The applicant must demonstrate to the
19 satisfaction of the secretary that the three thousand hours of required
20 experience:

21 (1) Were performed under the general supervision of a qualified
22 mental health professional who either meets or exceeds the standards of
23 a licensed mental health counselor;

24 (2) Included a minimum of one hundred hours spent in immediate
25 supervision with the qualified mental health professional; and

26 (3) Included a minimum of one thousand two hundred hours of direct
27 counseling with individuals, couples, families, or groups.

28 NEW SECTION. **Sec. 17.** (1) A mental health counselor certified
29 pursuant to this chapter to practice mental health counseling for at
30 least two years before the effective date of this act is eligible for
31 a license as a mental health counselor, and upon application the
32 secretary shall issue the license.

33 (2) An uncertified mental health counselor meeting the requirements
34 for mental health counselor licensure is eligible, upon application to
35 the secretary, for a license to practice as a mental health counselor
36 for two years following the effective date of this act.

1 (3) An uncertified mental health counselor meeting partial
2 requirements for licensure under this chapter may have up to two years
3 from the effective date of this act to complete the qualifications for
4 licensure.

5 (4) An uncertified mental health counselor may have up to three
6 years from the effective date of this act to meet the qualifications
7 for licensure under this chapter.

8 **PART FOUR**

9 **MARRIAGE AND FAMILY THERAPISTS**

10 NEW SECTION. **Sec. 18.** (1) No person may represent himself or
11 herself as a licensed marriage and family therapist, or use any title
12 or description of services, without applying for licensure, meeting the
13 required qualifications, and being licensed by the department under
14 this chapter, unless otherwise exempted by this chapter.

15 (2) The practice of marriage and family therapy means the rendering
16 of professional marriage and family therapy services to individuals,
17 couples, and families, singly or in groups, whether such services are
18 offered directly to the general public or through organizations, either
19 public or private, for a fee, monetary or otherwise. "Marriage and
20 family therapy" means the diagnosis and treatment of mental and
21 emotional disorders, whether cognitive, affective, or behavioral,
22 within the context of marriage and family systems. Marriage and family
23 therapy involves the professional application of psychotherapeutic and
24 family systems theories and techniques in the delivery of services to
25 individuals, couples, and families for the purpose of treating
26 diagnosed nervous and mental disorders.

27 NEW SECTION. **Sec. 19.** (1) The secretary shall issue a license to
28 any applicant who demonstrates to the secretary's satisfaction that the
29 following requirements have been met:

30 (a) Graduation from a master's degree or doctoral degree
31 educational program in marriage and family therapy approved by the
32 secretary, or from a graduate degree educational program in an allied
33 field equivalent to a master's degree in marriage and family therapy
34 approved by the secretary;

35 (b) Successful completion of work experience equal to at least two
36 calendar years in marriage and family therapy under qualified

1 supervision after graduation. "Qualified supervision" means the
2 supervision of clinical services by an approved supervisor in
3 accordance with standards approved by the secretary in consultation
4 with the advisory committee. Clinical membership in a nationally
5 recognized marriage and family therapy organization is deemed to meet
6 the educational and experience qualifications for licensure provided
7 under (a) and (b) of this subsection; and

8 (c) Successful completion of an approved examination.

9 (2) Applicants are subject to the grounds for denial of a license
10 or temporary permit under chapter 18.130 RCW.

11 (3) The secretary shall issue a license to any applicant who is
12 certified to practice marriage and family therapy by the department on
13 the effective date of this act.

14 NEW SECTION. **Sec. 20.** The secretary is authorized to issue a
15 temporary permit to an applicant to practice marriage and family
16 therapy for up to one year while the application for examination is
17 being processed, pending the taking of the examination and the receipt
18 of the results.

19 NEW SECTION. **Sec. 21.** If both parties to a marriage have obtained
20 marriage and family therapy by the same licensed marriage and family
21 therapist, the therapist may not testify in an alimony or divorce
22 action concerning information acquired in the course of the therapeutic
23 relationship. The therapist is otherwise competent to testify in
24 custody actions.

25 **PART FIVE**

26 **COMMON ADMINISTRATIVE PROVISIONS FOR LICENSED SOCIAL WORK,**
27 **MENTAL HEALTH COUNSELING, AND MARRIAGE AND FAMILY THERAPY**

28 NEW SECTION. **Sec. 22.** The secretary shall establish by rule the
29 procedural requirements and fees for license renewal. Failure to renew
30 invalidates the license and all privileges granted by the license. If
31 a license has lapsed for a period longer than three years, the
32 individual must demonstrate competence to the satisfaction of the
33 secretary by taking continuing education courses or meeting other
34 standards determined by the secretary.

1 NEW SECTION. **Sec. 23.** (1) A person licensed under this chapter to
2 practice social work, mental health counseling, or marriage and family
3 therapy must provide clients at the commencement of any program of
4 treatment with accurate disclosure information concerning the practice,
5 in accordance with rules adopted by the secretary, including the right
6 of clients to refuse treatment, the responsibility of clients to choose
7 the provider and treatment modality which best suits their needs, and
8 the extent of confidentiality provided by this chapter. The disclosure
9 information must also include the license holder's professional
10 education and training, the therapeutic orientation of the practice,
11 the proposed course of treatment where known, financial requirements,
12 and such other information as required by rule. The disclosure must be
13 acknowledged in writing by the client and license holder.

14 (2) The secretary, in consultation with the board, may adopt rules
15 implementing this section.

16 NEW SECTION. **Sec. 24.** (1) The communication of a client in a
17 treatment relationship with a person licensed under this chapter is
18 considered confidential health care information and shall not be
19 disclosed except as authorized pursuant to chapter 70.02 RCW.

20 (2) Confidential health care information is privileged against
21 public disclosure to the same extent and subject to the same conditions
22 as communications between an attorney and client under RCW 5.60.060.

23 NEW SECTION. **Sec. 25.** An applicant holding a credential in
24 another state to practice social work, mental health counseling, or
25 marriage and family therapy may be licensed to practice in this state
26 without examination if the secretary determines that the other state's
27 credentialing standards are substantially equivalent to the licensing
28 standards in this state.

29 NEW SECTION. **Sec. 26.** The uniform disciplinary act, chapter
30 18.130 RCW, governs the issuance and denial of a license, unauthorized
31 practice, and the discipline of persons licensed under this chapter.

32 **Sec. 27.** RCW 18.19.040 and 1987 c 512 s 4 are each amended to read
33 as follows:

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

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

7 (2) The practice of counseling by an employee or trainee of any
8 federal agency, or the practice of counseling by a student of a college
9 or university, if the employee, trainee, or student is practicing
10 solely under the supervision of and accountable to the agency, college,
11 or university, through which he or she performs such functions as part
12 of his or her position for no additional fee other than ordinary
13 compensation;

14 (3) The practice of counseling by a person without a mandatory
15 charge;

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

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

23 (6) The practice of counseling by a person under the auspices of a
24 religious denomination, church, or organization, or the practice of
25 religion itself;

26 (7) Counselors whose residency is not Washington state from
27 providing up to ten days per quarter of training or workshops in the
28 state, as long as they don't hold themselves out to be registered or
29 ((certified)) licensed in Washington state.

30 **Sec. 28.** RCW 18.19.050 and 1991 c 3 s 21 are each amended to read
31 as follows:

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

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

36 (b) To set all ((certification)) license, registration, and renewal
37 fees in accordance with RCW 43.70.250 and to collect and deposit all

1 such fees in the health professions account established under RCW
2 43.70.320;

3 (c) To establish forms and procedures necessary to administer this
4 chapter;

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

7 (e) To issue a registration to any applicant who has met the
8 requirements for registration;

9 (f) To set educational, ethical, and professional standards of
10 practice for ((~~certification~~)) licensure;

11 (g) To prepare and administer or cause to be prepared and
12 administered an examination for all qualified applicants for
13 ((~~certification~~)) licensure;

14 (h) To establish criteria for evaluating the ability and
15 qualifications of persons applying for a ((~~certificate~~)) license,
16 including standards for passing the examination and standards of
17 qualification for ((~~certification~~)) licensure to practice;

18 (i) To evaluate and designate those schools from which graduation
19 will be accepted as proof of an applicant's eligibility to receive a
20 ((~~certificate~~)) license and to establish standards and procedures for
21 accepting alternative training in lieu of such graduation;

22 (j) To issue a ((~~certificate~~)) license to any applicant who has met
23 the education, training, and conduct requirements for ((~~certification~~))
24 licensure;

25 (k) To set competence requirements for maintaining
26 ((~~certification~~)) licensure; and

27 (l) To develop a dictionary of recognized professions and
28 occupations providing counseling services to the public included under
29 this chapter.

30 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the
31 issuance and denial of ((~~certifications~~)) licenses and registrations
32 and the discipline of ((~~certified practitioners~~)) licensees and
33 registrants under this chapter. The secretary shall be the
34 disciplining authority under this chapter. The absence of educational
35 or training requirements for counselors registered under this chapter
36 or the counselor's use of nontraditional nonabusive therapeutic
37 techniques shall not, in and of itself, give the secretary authority to
38 unilaterally determine the training and competence or to define or
39 restrict the scope of practice of such individuals.

1 (3) The department shall publish and disseminate information in
2 order to educate the public about the responsibilities of counselors
3 and the rights and responsibilities of clients established under this
4 chapter. ~~((Solely for the purposes of administering this education
5 requirement, the secretary shall assess an additional fee for each
6 registration and certification application and renewal, equal to five
7 percent of the fee. The revenue collected from the assessment fee may
8 be appropriated by the legislature for the department's use in
9 educating consumers pursuant to this section. The authority to charge
10 the assessment fee shall terminate on June 30, 1994.))~~

11 **Sec. 29.** RCW 18.19.060 and 1987 c 512 s 6 are each amended to read
12 as follows:

13 Persons registered or ~~((certified))~~ licensed under this chapter
14 shall provide clients at the commencement of any program of treatment
15 with accurate disclosure information concerning their practice, in
16 accordance with guidelines developed by the department, that will
17 inform clients of the purposes of and resources available under this
18 chapter, including the right of clients to refuse treatment, the
19 responsibility of clients for choosing the provider and treatment
20 modality which best suits their needs, and the extent of
21 confidentiality provided by this chapter. The disclosure information
22 provided by the counselor, the receipt of which shall be acknowledged
23 in writing by the counselor and client, shall include any relevant
24 education and training, the therapeutic orientation of the practice,
25 the proposed course of treatment where known, any financial
26 requirements, and such other information as the department may require
27 by rule. The disclosure information shall also include a statement
28 that registration of an individual under this chapter does not include
29 a recognition of any practice standards, nor necessarily imply the
30 effectiveness of any treatment.

31 **Sec. 30.** RCW 18.19.070 and 1996 c 191 s 4 are each amended to read
32 as follows:

33 (1) The Washington state mental health quality assurance council is
34 created, consisting of seven members appointed by the secretary. All
35 appointments shall be for a term of four years. No person may serve as
36 a member of the council for more than two consecutive full terms.

1 Voting members of the council must include one social worker
2 ((certified)) licensed under ((RCW 18.19.110)) this chapter, one mental
3 health counselor ((certified)) licensed under ((RCW 18.19.120)) this
4 chapter, one marriage and family therapist ((certified)) licensed under
5 ((RCW 18.19.130)) this chapter, one counselor registered under RCW
6 18.19.090, one hypnotherapist registered under RCW 18.19.090, and two
7 public members. Each member of the council must be a citizen of the
8 United States and a resident of this state. Public members of the
9 council may not be a member of any other health care licensing board or
10 commission, or have a fiduciary obligation to a facility rendering
11 health services regulated by the council, or have a material or
12 financial interest in the rendering of health services regulated by the
13 council.

14 The secretary may appoint the initial members of the council to
15 staggered terms of from one to four years. Thereafter, all members
16 shall be appointed to full four-year terms. Members of the council
17 hold office until their successors are appointed.

18 The secretary may remove any member of the council for cause as
19 specified by rule. In the case of a vacancy, the secretary shall
20 appoint a person to serve for the remainder of the unexpired term.

21 (2) The council shall meet at the times and places designated by
22 the secretary and shall hold meetings during the year as necessary to
23 provide advice to the secretary.

24 Each member of the council shall be reimbursed for travel expenses
25 as authorized in RCW 43.03.050 and 43.03.060. In addition, members of
26 the council shall be compensated in accordance with RCW 43.03.240 when
27 engaged in the authorized business of the council. The members of the
28 council are immune from suit in an action, civil or criminal, based on
29 their official acts performed in good faith as members of the council.

30 NEW SECTION. Sec. 31. (1) The secretary shall appoint an advisory
31 committee on licensed social work, mental health counseling, and
32 marriage and family therapy to further the purposes of this chapter.
33 The committee may provide recommendations to the secretary on the
34 implementation of the licensing provisions of this chapter, including
35 the development of credentialing standards for licensed social work,
36 mental health counseling, and marriage and family therapy, standards of
37 practice, ethics, clinical issues related to disciplinary proceedings,
38 administrative processes, and other matters within the secretary's

1 authority under this chapter. The secretary shall consult with the
2 committee on all policy or substantive matters pertaining to the
3 implementation of this chapter, and the secretary shall consider the
4 recommendations of the committee with due regard to the health, safety,
5 and welfare of clients served by persons licensed under this chapter.

6 (2) The committee shall be composed of nine members, of which two
7 members shall be mental health counselors, two members shall be
8 marriage and family therapists, one member shall be an independent
9 clinical social worker, one member shall be an advanced social worker,
10 and three shall represent the public. Three members shall be appointed
11 for a term of one year, three members appointed for a term of two
12 years, and three members appointed for a term of three years.
13 Subsequent members shall be appointed for terms of three years. No
14 person may serve as a member for more than two consecutive terms. Each
15 member must have been, for five years immediately preceding
16 appointment, actively engaged in practice or in the education or
17 training of license holders and have spent the majority of the time
18 devoted to such activity in this state during the two years immediately
19 preceding appointment. Members of the committee must be residents of
20 the state. Three members must hold a license to practice social work,
21 mental health counseling, and marriage and family therapy respectively.
22 Two members must represent the public at large and be unaffiliated
23 directly or indirectly with the professions licensed under this
24 chapter. No person who holds an office in a mental health counseling,
25 social work, or marriage and family therapy professional association or
26 who is a public employee may be a member of the advisory committee.

27 (3) The secretary may remove any member of the committee for cause
28 as specified by rule. In the case of a vacancy, the secretary shall
29 appoint a qualified person to serve the remainder of the unexpired
30 term.

31 (4) The committee shall meet at the times and places designated by
32 the secretary and shall hold meetings as necessary to advise the
33 secretary on the implementation of this chapter. The committee shall
34 elect from its members a chair and vice-chair. A majority of the
35 members currently serving constitute a quorum.

36 (5) Each member shall be reimbursed for travel expenses as
37 authorized in RCW 43.03.250 and 43.03.060. In addition, members of the
38 committee shall be compensated in accordance with RCW 43.03.240 when
39 engaged in the authorized business of the committee.

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

4 **Sec. 32.** RCW 18.19.080 and 1991 c 3 s 23 are each amended to read
5 as follows:

6 The secretary shall keep an official record of all proceedings, a
7 part of which record shall consist of a register of all applicants for
8 registration or ((certification)) licensure under this chapter, with
9 the result of each application.

10 **Sec. 33.** RCW 18.19.100 and 1996 c 191 s 5 are each amended to read
11 as follows:

12 The secretary shall establish administrative procedures,
13 administrative requirements, and fees for renewal of registrations and
14 licenses as provided in RCW 43.70.250 and 43.70.280.

15 **Sec. 34.** RCW 18.19.140 and 1991 c 3 s 29 are each amended to read
16 as follows:

17 Applications for ((certification)) licensure shall be submitted on
18 forms provided by the secretary. The secretary may require any
19 information and documentation which reasonably relates to the need to
20 determine whether the applicant meets the criteria for
21 ((certification)) licensure provided for in this chapter and chapter
22 18.130 RCW. Each applicant shall pay a fee determined by the secretary
23 as provided in RCW 43.70.250, which shall accompany the application.
24 The department shall not knowingly permit access to or use of its
25 mailing list of ((certificae)) license holders for commercial
26 purposes.

27 **Sec. 35.** RCW 18.19.150 and 1991 c 3 s 30 are each amended to read
28 as follows:

29 (1) The date and location of the examinations required under this
30 chapter shall be established by the secretary. Applicants who have
31 been found by the secretary to meet the other requirements for
32 ((certification)) licensure will be scheduled for the next examination
33 following the filing of the application. However, the applicant will
34 not be scheduled for any examination taking place sooner than sixty
35 days after the application is filed.

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

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

11 (4) Any applicant who fails to make the required grade in the first
12 examination is entitled to take up to three subsequent examinations as
13 the applicant desires upon the prepayment of a fee determined by the
14 secretary as provided in RCW 43.70.250 for each subsequent examination.
15 Upon failure of four examinations, the secretary may invalidate the
16 original application and require remedial education prior to admittance
17 to future examinations.

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

22 **Sec. 36.** RCW 18.19.160 and 1991 c 3 s 31 are each amended to read
23 as follows:

24 (1) Upon receiving a written application, evidence of qualification
25 and the required fee, the department shall issue a certificate for
26 (~~(certification)~~) licensure without examination to an applicant who is
27 currently credentialed under the laws of another jurisdiction, if the
28 requirements of the other jurisdiction are substantially equal to the
29 requirements of this chapter.

30 (2) A person (~~(certified)~~) licensed under this chapter who is or
31 desires to be temporarily retired from practice in this state shall
32 send written notice to the secretary. Upon receipt of the notice, the
33 person shall be placed upon the nonpracticing list. While on the list,
34 the person is not required to pay the renewal fees and shall not engage
35 in any such practice. In order to resume practice, application for
36 renewal shall be made in the ordinary course with the renewal fee for
37 the current period. Persons in a nonpracticing status for a period

1 exceeding five years shall provide evidence of current knowledge or
2 skill, by examination, as the secretary may require.

3 **Sec. 37.** RCW 18.19.170 and 1998 c 32 s 1 are each amended to read
4 as follows:

5 A ((certificate)) license issued under this chapter shall be
6 renewed as provided in RCW 43.70.250 and 43.70.280. The secretary
7 shall establish continuing ((competence)) education requirements by
8 rule in consultation with the ((mental health quality assurance
9 council)) advisory committee. ((Certified)) Licensed counselors are
10 responsible for obtaining thirty-six clock hours of continuing
11 education during the two-year reporting period immediately preceding
12 renewal of ((certification)) licensure, including subjects in
13 professional ethics and law.

14 **Sec. 38.** RCW 18.19.180 and 1991 c 3 s 33 are each amended to read
15 as follows:

16 An individual registered or ((certified)) licensed under this
17 chapter shall not disclose the written acknowledgment of the disclosure
18 statement pursuant to RCW 18.19.060 nor any information acquired from
19 persons consulting the individual in a professional capacity when that
20 information was necessary to enable the individual to render
21 professional services to those persons except:

22 (1) With the written consent of that person or, in the case of
23 death or disability, the person's personal representative, other person
24 authorized to sue, or the beneficiary of an insurance policy on the
25 person's life, health, or physical condition;

26 (2) That a person registered or ((certified)) licensed under this
27 chapter is not required to treat as confidential a communication that
28 reveals the contemplation or commission of a crime or harmful act;

29 (3) If the person is a minor, and the information acquired by the
30 person registered or ((certified)) licensed under this chapter
31 indicates that the minor was the victim or subject of a crime, the
32 person registered or ((certified)) licensed under this chapter may
33 testify fully upon any examination, trial, or other proceeding in which
34 the commission of the crime is the subject of the inquiry;

35 (4) If the person waives the privilege by bringing charges against
36 the person registered or ((certified)) licensed under this chapter;

1 (5) In response to a subpoena from ((a court of law or)) the
2 secretary. The secretary may subpoena only records related to a
3 complaint or report under chapter 18.130 RCW; or

4 (6) As required under chapter 26.44 RCW.

5 **Sec. 39.** RCW 18.19.190 and 1987 c 512 s 18 are each amended to
6 read as follows:

7 This chapter shall not be construed as permitting the
8 administration or prescription of drugs or in any way infringing upon
9 the practice of medicine and surgery as defined in chapter 18.71 RCW,
10 or in any way infringing upon the practice of psychology as defined in
11 chapter 18.83 RCW, or restricting the scope of the practice of
12 counseling for those registered or ((certified)) licensed under this
13 chapter.

14 **Sec. 40.** RCW 18.19.900 and 1987 c 512 s 20 are each amended to
15 read as follows:

16 This chapter shall be known as the omnibus credentialing act for
17 counselors, social workers, mental health counselors, and marriage and
18 family therapists.

19 **Sec. 41.** RCW 18.130.040 and 1999 c 335 s 10 are each amended to
20 read as follows:

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

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

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

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

30 (iii) Midwives licensed under chapter 18.50 RCW;

31 (iv) Ocularists licensed under chapter 18.55 RCW;

32 (v) Massage operators and businesses licensed under chapter 18.108
33 RCW;

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

35 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

3 (ix) Respiratory care practitioners licensed under chapter 18.89
4 RCW;

5 (x) Persons registered or (~~certified~~) licensed under chapter
6 18.19 RCW;

7 (xi) Persons registered as nursing pool operators under chapter
8 18.52C RCW;

9 (xii) Nursing assistants registered or certified under chapter
10 18.88A RCW;

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

12 (xiv) Dietitians and nutritionists certified under chapter 18.138
13 RCW;

14 (xv) Chemical dependency professionals certified under chapter
15 18.205 RCW;

16 (xvi) Sex offender treatment providers certified under chapter
17 18.155 RCW;

18 (xvii) Persons licensed and certified under chapter 18.73 RCW or
19 RCW 18.71.205;

20 (xviii) Persons registered as adult family home providers and
21 resident managers under RCW 18.48.020;

22 (xix) Denturists licensed under chapter 18.30 RCW;

23 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
24 and

25 (xxi) Surgical technologists registered under chapter 18.215 RCW.

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

28 (i) The podiatric medical board as established in chapter 18.22
29 RCW;

30 (ii) The chiropractic quality assurance commission as established
31 in chapter 18.25 RCW;

32 (iii) The dental quality assurance commission as established in
33 chapter 18.32 RCW;

34 (iv) The board of hearing and speech as established in chapter
35 18.35 RCW;

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

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

1 (vii) The board of osteopathic medicine and surgery as established
2 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
3 18.57A RCW;

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

6 (ix) The medical quality assurance commission as established in
7 chapter 18.71 RCW governing licenses and registrations issued under
8 chapters 18.71 and 18.71A RCW;

9 (x) The board of physical therapy as established in chapter 18.74
10 RCW;

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

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

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

17 (xiv) The veterinary board of governors as established in chapter
18 18.92 RCW.

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

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

31 NEW SECTION. **Sec. 42.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 18.19.110 (Certification of social workers) and 1991 c 3 s
34 26 & 1987 c 512 s 12;

35 (2) RCW 18.19.120 (Certification of mental health counselors--
36 Practice defined--Continuing education) and 1995 c 183 s 1, 1991 c 3 s
37 27, & 1987 c 512 s 13; and

1 (3) RCW 18.19.130 (Certification of marriage and family
2 therapists--Practice defined) and 1993 c 259 s 1, 1991 c 3 s 28, & 1987
3 c 512 s 14.

4 NEW SECTION. **Sec. 43.** Sections 5 through 26 and 31 of this act
5 are each added to chapter 18.19 RCW.

6 NEW SECTION. **Sec. 44.** Part headings used in this act are not part
7 of the law.

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