

SENATE BILL REPORT

ESSB 5877

As Passed Senate, March 13, 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: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Winsley, Costa and Kohl-Welles).

Brief History:

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

Passed Senate: 3/13/01, 35-14.

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 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. A minor’s parent or legal guardian must be notified that the licensed provider is working with his or her child by the minor’s third visit.

Certified counselors are eliminated.

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).

House Amendment(s): A striking amendment was adopted. The counselor’s committee is referred to as an advisory– committee. The practice of marriage and family therapy is defined. Other like terms are not protected titles. A temporary permit provision is eliminated. The

department is not required to consult with the advisory board, but it may consult with it. The department is the exclusive disciplining authority. The supervision hours are clarified and include the ability of a currently certified provider to act as supervisor. Technical changes are made. The entire section regarding the privileged relationship between these licensed professionals and their clients is removed, including the language which would have required a minor's parent or legal guardian to be notified that the provider is working with his or her child.