

# FINAL BILL REPORT

## 2SHB 2674

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Synopsis as Enacted

**Brief Description:** Modifying credentialing standards for counselors.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Barlow, Morrell, Moeller, Conway, Simpson and Kenney; by request of Governor Gregoire).

**House Committee on Health Care & Wellness**

**House Committee on Appropriations**

**Senate Committee on Health & Long-Term Care**

**Background:**

The Department of Health (Department) regulates several different categories of behavioral health professionals. These include registered counselors, hypnotherapists, psychologists, chemical dependency professionals, mental health counselors, marriage and family therapists, and social workers. Registration as a counselor or hypnotherapist requires that an individual submit an application and a fee of \$40 and obtain a background check. Certification as a chemical dependency professional requires that an individual have at least an associate's degree, pass an examination, and meet specified experience requirements. Licensing as a psychologist, mental health counselor, marriage and family therapist, or social worker requires that an individual hold a graduate degree, pass an examination, and meet specified experience requirements.

In 2006, at the direction of the Governor, the Department conducted a review of the registered counselor profession to determine the appropriate level of regulation for the profession. The final report included recommendations to eliminate the profession of registered counselors and create several pre-licensure credentials, an agency-affiliated counselor credential, and a private practice counselor credential. The report also made recommendations regarding the scope of practice, content of disclosure statements, and public education campaigns. Two bills, HB 1494 and HB 1993, were introduced in the 2007 legislative session which addressed many of the recommendations in the Department's report. Neither bill passed the Legislature.

The 2007-09 operating budget directed the Department to convene another work group to develop recommendations regarding the need to regulate registered counselors. The work group report was due by November 15, 2007. The report included several recommendations pertaining to the creation of new pre-licensure credentials, an agency-affiliated counselor credential, and a private practice counselor credential similar to the 2006 report. A survey of registered counselors conducted at the direction of the work group found that about 35 percent of registered counselors are using the credential to work toward obtaining the experience requirements of another type of license, 30 percent work in a state-regulated agency, and 28 percent practice in a private practice setting.

## **Summary:**

The health profession of registered counselors is divided into eight new categories of fully-credentialed and pre-credential status health professions. To continue to practice counseling, all registered counselors must obtain another health profession credential by July 1, 2010, when the registered counselor credential is eliminated.

### Agency-Affiliated Counselors, Certified Counselors, and Certified Advisers.

#### *Practice Requirements.*

Agency-affiliated counselors are registered health professionals who engage in counseling and are employed by an agency or facility that operates under state regulations. Applicants for registration as an agency-affiliated counselor must provide documentation of their employment with an agency or an offer of employment with an agency.

Certified counselors and advisers are certified health professionals authorized to engage in private practice counseling. "Private practice counseling" includes screening a client's level of functional impairment and recognizing mental or physical disorders or reduced functioning levels that require the client to seek diagnosis and treatment from an appropriate health care provider. The term also includes counseling and guiding clients in adjusting to life situations, developing new skills, and making desired changes through specific counseling methods.

Certified counselors and advisers may provide private practice counseling services to clients with a global assessment of functioning score over 60. Certified counselors and advisers must refer clients with a mental or physical disorder or a global assessment of functioning score of 60 or less to a physician, osteopathic physician, psychiatric advanced registered nurse practitioner, or mental health practitioner. Only certified counselors may counsel clients with a global assessment of functioning score of 60 or less. They may counsel such clients only when: (1) the clients are referred by certain licensed professionals and only to the extent provided in a plan of treatment designed by the referring professional; or (2) the clients refuse in writing the referral made by the counselor, and services are provided to the extent authorized in a plan of treatment developed by the counselor with his or her consultant or supervisor. Certified counselors may not be the sole treatment provider for any client with a global assessment of functioning score less than 50.

Applicants for a certificate to conduct private practice counseling as a certified counselor who apply prior to July 1, 2010, must:

- be a currently registered counselor in good standing;
- have been a registered counselor for at least five years;
- have completed courses in risk assessment, ethics, screening and referral, Washington law, and other subjects identified by the Secretary of Health (Secretary) and pass an examination in these subjects; and
- have a written consultation agreement with a credential holder.

Applicants for a certificate to conduct private practice counseling as a certified counselor or adviser after July 1, 2010, must:

- have a bachelors degree in a field related to counseling to become a certified counselor or have an associates degree and supervised experience to become a certified adviser;
- pass an examination in risk assessment, ethics, screening and referral, Washington law, and other subjects identified by the Secretary; and
- have a written supervisory agreement with an approved supervisor.

In addition to the Secretary's present authority relating to registered counselors, the Secretary is authorized to establish requirements for credentialed professions related to education equivalency, examinations, supervision, consultation, and continuing education.

*Disclosure Statements.*

Certified counselors and advisers must provide disclosure statements to clients similar to the disclosures currently provided by registered counselors with additional information requirements. The disclosures must also include referral resources, a statement regarding the supervisory arrangement of the certified counselor or adviser, and a statement that they are not credentialed to diagnose mental disorders or to conduct psychotherapy. Clients are not responsible for any charges prior to the receipt of the disclosure statement.

*Advisory Committee.*

The Washington State Certified Counselors and Hypnotherapist Advisory Committee (Committee) is established. The Committee is comprised of two certified counselors or advisers, two hypnotherapists, and three members of the public. Members shall be appointed by the Secretary.

Associates and Trainees.

Associate licenses are created for individuals pursuing a license as a social worker, mental health counselor, or marriage and family therapist. Associates must have a graduate degree and be working toward meeting the supervised experience requirements as required for a full license. Associates may not practice independently for a fee. Associates may only practice under approved supervision. An associate license may be renewed up to four times.

A chemical dependency professional trainee credential is created for individuals working toward the education and experience requirements for certification as a chemical dependency professional. To obtain a trainee credential, an individual must submit a declaration to the Secretary that he or she is enrolled in an approved education program and pursuing the experience requirements for full certification. Trainees must practice under levels of supervision determined by rule, except that the first 50 hours of client contact must be under direct supervision. A trainee credential may be renewed up to four times.

Other.

One must be registered with the Department to practice hypnotherapy for a fee.

Peer counselors and peer counselor training activities are exempt from credentialing requirements.

The Department of Health must report to the Legislature and the Governor by December 15, 2011, regarding the number of certified counselors and advisers, the number of disciplinary

actions, credentialing requirements, and cost savings or expenditures regarding the administration of the profession.

**Votes on Final Passage:**

House	89	8	
Senate	44	3	(Senate amended)
House	90	3	(House concurred)

**Effective:** June 12, 2008

July 1, 2009 (Sections 1, 2, 7-9, and 11-19)