

# HOUSE BILL REPORT

## SSB 6456

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**As Reported by House Committee On:**  
Health Care & Wellness

**Title:** An act relating to modifying credentialing standards for counselors.

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

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Kohl-Welles and McAuliffe; by request of Governor Gregoire).

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 2/21/08, 2/27/08 [DPA].

**Brief Summary of Substitute Bill  
(As Amended by House Committee)**

- Separates the profession of registered counselors into three professions that can perform counseling functions: agency-affiliated counselors, certified advisors, and certified counselors.
- Establishes associate and trainee credentials for individuals pursuing a certificate as a chemical dependency professional or a license as a mental health counselor, social worker, or marriage and family therapist.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass as amended. Signed by 13 members: Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow, Campbell, Condotta, DeBolt, Green, Moeller, Pedersen, Schual-Berke and Seaquist.

**Staff:** Chris Blake (786-7392).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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 as well as 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 Registered Counselor Work Group 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 Registered Counselor Work Group report also made recommendations regarding the scope of practice, disclosure statements, and public education campaigns. Three bills, HB 1494, HB 1993, and SB 5579 were introduced in the 2007 legislative session which addressed many of the recommendations in the Department's report. None of these bills 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 Registered Counselor 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 Registered Counselor 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.

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### **Summary of Amended Bill:**

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 and Certified Counselors

##### *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 certified advisers are certified health professionals authorized to engage in private practice counseling. "Private practice counseling" includes screening a client's condition and recognizing mental or physical disorders or a global assessment of functioning score of 60 or less that require the certified counselor or adviser to refer the client to a physician, osteopathic physician, or mental health practitioner for diagnosis and treatment. The term also includes counseling and guiding clients in adjusting to life situations, developing new skills, and making desired changes through specific counseling methods and established practice standards. Both certified counselors and advisers may counsel and guide clients with a global assessment of functioning score over 60. Only certified counselors may counsel clients with a global assessment of functioning score of 60 or less and they may only do so when the client: (1) was referred by certain licensed professionals and to the extent provided in a plan of treatment designed by the referring professional; or (2) refused the referral made by the counselor, in writing, and services are provided to the extent authorized in a plan of treatment developed by the counselor with his or her consultant or supervisor.

Applicants to conduct private practice counseling as a certified counselor prior to July 1, 2009, 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 an approved health care provider.

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

- have a bachelors degree in a field related to counseling to become a certified counselor or an associate degree in a field related to counseling and a supervised internship 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, he or she is authorized to establish requirements for certified counselors 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 certified advisors, 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 by December 15, 2011, regarding the number of registered counselors that became certified counselors or certified advisors, disciplinary activities related to these professions, and the state of certification requirements for the professions.

The bill is null and void if not referenced in the operating budget.

#### **Amended Bill Compared to Substitute Bill:**

The amended bill creates the profession of certified adviser which is a profession that can only provide private practice counseling services to clients with a global assessment of functioning score over 60. Credentialing standards for certified advisers include an associate degree and a supervised internship as well as the specific course requirements and supervisory agreements that certified counselors must meet. The ability of certified counselors to become credentialed with only an associate degree is removed.

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, or mental health practitioner instead of recommending that clients with a mental or physical disorder seek diagnosis from an appropriate health care provider.

Certified counselors may only counsel clients with a global assessment of functioning score of 60 or less only when: (1) referred by certain licensed professionals and to the extent provided in a plan of treatment designed by the referring professional; or (2) the client refused the referral made by the counselor, in writing, and services are provided to the extent authorized in a plan of treatment developed by the counselor with his or her consultant or supervisor.

The requirement that certified counselors and advisers disclose to clients that they cannot treat mental disorders is removed and only requires that they disclose that they cannot diagnose mental disorders or conduct psychotherapy.

The definition of mental disorder is removed. Peer counselor training activities are exempt from regulation.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** This bill takes effect 90 days after adjournment of session in which bill is passed, except for sections 1, 2, and 7 through 9, relating to the establishment of credentials for agency-affiliated counselor and certified counselor, and 11 through 19, relating to the establishment of pre-licensure credentials for mental health counselors, marriage and family therapists, social workers, and chemical dependency professionals, which take effect July 1, 2009. However the bill is null and void if not funded in the budget.

**Staff Summary of Public Testimony:**

(In support) This bill increases the standards for registered counselors through education and examinations. This bill provides client safety, improves standards, and safeguards services. The services of certified counselors should be improved, not taken away. There is a need for this category of counselors which supports the activities of licensed counselors. Without this credential many people will not be able to afford help. Having this type of counselor available helps to stabilize individuals, families, and communities. This bill respects the rights of clients to choose the services that best suit their needs and the type of counselor that they would like to see. This bill stays true to the Registered Counselor Work Group recommendations.

(Opposed) Mental health counseling needs to be regulated and many registered counselors are using their registration to do things other than counseling. The House bill's language should be put on the Senate bill. The name of the profession should be changed to certified alternative counselors.

**Persons Testifying:** (In support) Miriam Dyak and Kate Abbott, Washington Professional Counselors Association; Elizabeth Rae Larson; Annie McManus; and Christina Hulet, Office of the Governor.

(Opposed) Laura Groshong, Washington State Society for Clinical Social Work; and Melanie Stewart, Washington Mental Health Counselors Association.

**Persons Signed In To Testify But Not Testifying:** None.