

SENATE BILL REPORT

SB 6456

As Reported By Senate Committee On:
Health & Long-Term Care, February 07, 2008

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

Brief Description: Modifying credentialing standards for counselors.

Sponsors: Senators Keiser, Kohl-Welles and McAuliffe; by request of Governor Gregoire.

Brief History:

Committee Activity: Health & Long-Term Care: 1/24/08, 2/07/08 [DPS-WM].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6456 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Kohl-Welles and Marr.

Staff: Edith Rice (786-7444)

Background: The Washington State Legislature directed the Department of Health to convene a work group to develop recommendations regarding the need to regulate those individuals currently registered with the Department of Health as counselors. This was done as part of the 2007-2009 operating budget. The Registered Counselor Work Group met, identified issues, and adopted recommendations. These recommendations were made available in November 2007 in a final report.

Membership of the work group included: registered counselors, consumers, legislators, community mental health and chemical dependency treatment organizations, state agencies, hypnotherapists, mental health counselors, social workers, psychologists, advanced practice psychiatric nurses, and marriage and family therapists. A letter was sent to all registered counselors in the state (approximately 18,000) notifying them of the work group.

Current law requires that registered counselors pay a yearly fee of \$40 to the Department of Health and complete four clock hours of AIDS education. They are subject to the Uniform Disciplinary Act. The work group found that current registered counselor regulations do not set adequate minimum standards for registered counselors to practice counseling and should be modified to clarify their role, establish different categories and minimum requirement, improve public understanding of state standards and consumer rights, and retain agency oversight.

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.

Summary of Bill (Recommended Substitute): The registered counselor credential is abolished July 1, 2010.

A new health profession credential of certified counselor is created and the Secretary of the Department of Health (Secretary) is given authority to establish administrative procedures, continuing education, and fees for renewal of this credential.

Certified counselors must have a bachelors degree in a counseling related field or the equivalent to be determined by the Secretary. They must pass an examination in risk assessment, ethics, screening and referral, and other subjects to be determined by the Secretary. Certified counselors must have a written supervisory agreement with a supervisor who meets qualifications established by the Secretary.

Registered counselors who wish to become a certified counselor but do not meet the above requirements can still qualify if they have been a registered counselor for a minimum of five years; are in compliance with any disciplinary orders; have taken course work, and passed an examination in risk assessment, ethics, screening and referral, Washington State law; and other subjects to be determined by the Secretary. They must have a written consultation agreement with a credential holder who meets qualifications set by the Secretary. Application must be made by July 1, 2009.

Private practice counseling by a certified counselor is limited to screening of the client's condition and counseling in accordance with specific counseling methods.

Five new associate/trainee licenses are established for those who are working towards becoming mental health counselors, clinical or advanced social workers, marriage and family therapists, or certified chemical dependency professionals.

An advisory committee is established with representation from certified counselors, hypnotherapists, and consumers representing the public at large.

"Mental disorder" and "psychotherapy" are defined.

Peer counselors are exempt from the credentialing requirement. The Secretary of the Department of Health will consult with other agencies regarding continuing education requirements for agency affiliated counselors.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Substitute): "Mental disorder" and "psychotherapy" are defined. Peer counselors are exempt from the credentialing requirement. The Secretary of the Department of Health will consult with other agencies regarding continuing education requirements for agency affiliated counselors. Agency affiliated counselors are removed as members of the advisory committee.

Appropriation: None.

Fiscal Note: Requested on January 16, 2008.
[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Original Bill: PRO: The work group that produced these recommendations exceeded our expectations. We agree with the recommendations which reflect the consensus of the group. We can support the recommendations adopted in this bill generally. There are many other kinds of counseling other than psychotherapy. We support the bill.

OTHER: We are pleased with the work group results and want them to work in the real world. A Catch-22 is created in the scope of practice for certified counselors. The bill offers appropriate protections. This bill causes me concerns regarding counselors free enterprise and commerce. It will hurt my clients and is an over-reaction to charges of sexual abuse.

Persons Testifying: PRO: Christina Hulet, Office of the Governor; Mary Selecky, Secretary, Department of Health; Adrian Magnuson-White, Washington Mental Health Counselors Association; Scott Edwards, Washington Association for Marriage and Family Therapy; Lucy Homans, Washington State Psychological Association; Melissa Johnson, Association of Alcoholism and Addition Programs; Laura Groshong, Washington State Society for Clinical Social Work.

OTHER: Miriam Dyak, Kate Abbott, Virginia Hadley, Washington Professional Counselors Association, Dr. Roger Libby, citizen.