

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE HOUSE BILL 2674**

60th Legislature  
2008 Regular Session

Passed by the House March 8, 2008  
Yeas 90 Nays 3

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**Speaker of the House of Representatives**

Passed by the Senate March 6, 2008  
Yeas 44 Nays 3

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2674** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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SECOND SUBSTITUTE HOUSE BILL 2674

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AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington                      60th Legislature                      2008 Regular Session

By House Appropriations (originally sponsored by Representatives Barlow, Morrell, Moeller, Conway, Simpson, and Kenney; by request of Governor Gregoire)

READ FIRST TIME 02/12/08.

1            AN ACT Relating to modifying credentialing standards for  
2 counselors; amending RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050,  
3 18.19.060, 18.19.090, 18.19.100, 18.225.010, 18.225.020, 18.225.150,  
4 18.205.020, 18.205.030, and 18.205.040; adding new sections to chapter  
5 18.19 RCW; adding a new section to chapter 18.225 RCW; adding a new  
6 section to chapter 18.205 RCW; creating new sections; and providing an  
7 effective date.

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

9            **Sec. 1.** RCW 18.19.020 and 2001 c 251 s 18 are each amended to read  
10 as follows:

11            (~~Unless the context clearly requires otherwise,~~) The definitions  
12 in this section apply throughout this chapter unless the context  
13 clearly requires otherwise.

14            (1) "Agency" means an agency or facility operated, licensed, or  
15 certified by the state of Washington.

16            (2) "Agency affiliated counselor" means a person registered under  
17 this chapter who is engaged in counseling and employed by an agency.

18            (3) "Certified adviser" means a person certified under this chapter

1 who is engaged in private practice counseling to the extent authorized  
2 in section 4 of this act.

3 (4) "Certified counselor" means a person certified under this  
4 chapter who is engaged in private practice counseling to the extent  
5 authorized in section 4 of this act.

6 (5) "Client" means an individual who receives or participates in  
7 counseling or group counseling.

8 ~~((+2))~~ (6) "Counseling" means employing any therapeutic  
9 techniques, including but not limited to social work, mental health  
10 counseling, marriage and family therapy, and hypnotherapy, for a fee  
11 that offer, assist or attempt to assist an individual or individuals in  
12 the amelioration or adjustment of mental, emotional, or behavioral  
13 problems, and includes therapeutic techniques to achieve sensitivity  
14 and awareness of self and others and the development of human  
15 potential. For the purposes of this chapter, nothing may be construed  
16 to imply that the practice of hypnotherapy is necessarily limited to  
17 counseling.

18 ~~((+3))~~ (7) "Counselor" means an individual, practitioner,  
19 therapist, or analyst who engages in the practice of counseling to the  
20 public for a fee, including for the purposes of this chapter,  
21 hypnotherapists.

22 ~~((+4))~~ (8) "Department" means the department of health.

23 ~~((+5))~~ (9) "Hypnotherapist" means a person registered under this  
24 chapter who is practicing hypnosis as a modality.

25 (10) "Private practice counseling" means the practice of counseling  
26 by a certified counselor or certified adviser as specified in section  
27 4 of this act.

28 (11) "Psychotherapy" means the practice of counseling using  
29 diagnosis of mental disorders according to the fourth edition of the  
30 diagnostic and statistical manual of mental disorders, published in  
31 1994, and the development of treatment plans for counseling based on  
32 diagnosis of mental disorders in accordance with established practice  
33 standards.

34 (12) "Secretary" means the secretary of the department or the  
35 secretary's designee.

36 **Sec. 2.** RCW 18.19.030 and 2001 c 251 s 19 are each amended to read  
37 as follows:



1 secretary, and care is provided as part of a plan of treatment  
2 developed by the referring practitioner who is actively treating the  
3 client. The certified counselor must adhere to any conditions related  
4 to the certified counselor's role as specified in the plan of care; or

5 (b) The certified counselor referred the client to seek diagnosis  
6 and treatment from a physician, osteopathic physician, psychiatric  
7 registered nurse practitioner, or licensed mental health practitioner,  
8 as defined by the secretary, and the client refused, in writing, to  
9 seek treatment from the other provider. The certified counselor may  
10 provide services to the client consistent with a treatment plan  
11 developed by the certified counselor and the consultant or supervisor  
12 with whom the certified counselor has a written consultation or  
13 supervisory agreement. A certified counselor shall not be a sole  
14 treatment provider for a client with a global assessment of functioning  
15 score of less than fifty.

16 **Sec. 5.** RCW 18.19.040 and 2001 c 251 s 20 are each amended to read  
17 as follows:

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

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

25 (2) The practice of counseling by an employee or trainee of any  
26 federal agency, or the practice of counseling by a student of a college  
27 or university, if the employee, trainee, or student is practicing  
28 solely under the supervision of and accountable to the agency, college,  
29 or university, through which he or she performs such functions as part  
30 of his or her position for no additional fee other than ordinary  
31 compensation;

32 (3) The practice of counseling by a person (~~without a mandatory~~  
33 ~~charge~~) for no compensation;

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

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

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

7 (7) The practice of counseling by peer counselors who use their own  
8 experience to encourage and support people with similar conditions or  
9 activities related to the training of peer counselors; and

10 (8) Counselors (~~whose residency is not~~) who reside outside  
11 Washington state from providing up to ten days per quarter of training  
12 or workshops in the state, as long as they (~~don't~~) do not hold  
13 themselves out to be registered or certified in Washington state.

14 **Sec. 6.** RCW 18.19.050 and 2001 c 251 s 21 are each amended to read  
15 as follows:

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

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

20 (b) To set all registration, certification, and renewal fees in  
21 accordance with RCW 43.70.250 and to collect and deposit all such fees  
22 in the health professions account established under RCW 43.70.320;

23 (c) To establish forms and procedures necessary to administer this  
24 chapter;

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

27 (e) To issue a registration or certification to any applicant who  
28 has met the requirements for registration or certification; and

29 (f) To (~~develop a dictionary of recognized professions and~~  
30 ~~occupations providing counseling services to the public included under~~  
31 ~~this chapter~~) establish education equivalency, examination,  
32 supervisory, consultation, and continuing education requirements for  
33 certified counselors and certified advisers.

34 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the  
35 issuance and denial of registrations and certifications and the  
36 discipline of registrants under this chapter. The secretary shall be  
37 the disciplining authority under this chapter. (~~The absence of~~

1 ~~educational or training requirements for counselors registered under~~  
2 ~~this chapter or the counselor's use of nontraditional nonabusive~~  
3 ~~therapeutic techniques shall not, in and of itself, give the secretary~~  
4 ~~authority to unilaterally determine the training and competence or to~~  
5 ~~define or restrict the scope of practice of such individuals.))~~

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

17 **Sec. 7.** RCW 18.19.060 and 2001 c 251 s 22 are each amended to read  
18 as follows:

19 ((~~Persons registered under this chapter~~)) Certified counselors and  
20 certified advisers shall provide clients at the commencement of any  
21 program of treatment with accurate disclosure information concerning  
22 their practice, in accordance with guidelines developed by the  
23 department, that will inform clients of the purposes of and resources  
24 available under this chapter, including the right of clients to refuse  
25 treatment, the responsibility of clients for choosing the provider and  
26 treatment modality which best suits their needs, and the extent of  
27 confidentiality provided by this chapter, the department, another  
28 agency, or other jurisdiction. The disclosure statement must inform  
29 the client of the certified counselor's or certified adviser's  
30 consultation arrangement or supervisory agreement as defined in rules  
31 adopted by the secretary. The disclosure information provided by the  
32 certified counselor or certified adviser, the receipt of which shall be  
33 acknowledged in writing by the certified counselor or certified adviser  
34 and the client, shall include any relevant education and training, the  
35 therapeutic orientation of the practice, the proposed course of  
36 treatment where known, any financial requirements, referral resources,  
37 and such other information as the department may require by rule. The

1 disclosure information shall also include a statement that  
2 (~~registration~~) the certification of an individual under this chapter  
3 does not include a recognition of any practice standards, nor  
4 necessarily imply the effectiveness of any treatment. Certified  
5 counselors and certified advisers must also disclose that they are not  
6 credentialed to diagnose mental disorders or to conduct psychotherapy  
7 as defined by the secretary by rule. The client is not liable for any  
8 fees or charges for services rendered prior to receipt of the  
9 disclosure statement.

10 **Sec. 8.** RCW 18.19.090 and 1991 c 3 s 24 are each amended to read  
11 as follows:

12 (~~The secretary shall issue a registration to any applicant who~~  
13 ~~submits, on forms provided by the secretary, the applicant's name,~~  
14 ~~address, occupational title, name and location of business, and other~~  
15 ~~information as determined by the secretary, including information~~  
16 ~~necessary to determine whether there are grounds for denial of~~  
17 ~~registration or issuance of a conditional registration under this~~  
18 ~~chapter or chapter 18.130 RCW. Applicants for registration shall~~  
19 ~~register as counselors or may register as hypnotherapists if employing~~  
20 ~~hypnosis as a modality. Applicants shall, in addition, provide in~~  
21 ~~their titles a description of their therapeutic orientation,~~  
22 ~~discipline, theory, or technique.)) (1) Application for agency  
23 affiliated counselor, certified counselor, certified adviser, or  
24 hypnotherapist must be made on forms approved by the secretary. The  
25 secretary may require information necessary to determine whether  
26 applicants meet the qualifications for the credential and whether there  
27 are any grounds for denial of the credential, or for issuance of a  
28 conditional credential, under this chapter or chapter 18.130 RCW. The  
29 application for agency affiliated counselor, certified counselor, or  
30 certified adviser must include a description of the applicant's  
31 orientation, discipline, theory, or technique. Each applicant shall  
32 pay a fee determined by the secretary as provided in RCW 43.70.250,  
33 which shall accompany the application.~~

34 (2) Applicants for agency affiliated counselor must provide  
35 satisfactory documentation that they are employed by an agency or have  
36 an offer of employment from an agency.



1       (3) At the time of application for initial certification,  
2 applicants for certified counselor prior to July 1, 2010, are required  
3 to:

4       (a) Have been registered for no less than five years at the time of  
5 application for an initial certification;

6       (b) Have held a valid, active registration that is in good standing  
7 and be in compliance with any disciplinary process and orders at the  
8 time of application for an initial certification;

9       (c) Show evidence of having completed course work in risk  
10 assessment, ethics, appropriate screening and referral, and Washington  
11 state law and other subjects identified by the secretary;

12       (d) Pass an examination in risk assessment, ethics, appropriate  
13 screening and referral, and Washington state law, and other subjects as  
14 determined by the secretary; and

15       (e) Have a written consultation agreement with a credential holder  
16 who meets the qualifications established by the secretary.

17       (4) Unless eligible for certification under subsection (3) of this  
18 section, applicants for certified counselor or certified adviser are  
19 required to:

20       (a)(i) Have a bachelor's degree in a counseling-related field, if  
21 applying for certified counselor; or

22       (ii) Have an associate degree in a counseling-related field and a  
23 supervised internship, if applying for certified adviser;

24       (b) Pass an examination in risk assessment, ethics, appropriate  
25 screening and referral, and Washington state law, and other subjects as  
26 determined by the secretary; and

27       (c) Have a written supervisory agreement with a supervisor who  
28 meets the qualifications established by the secretary.

29       (5) Each applicant shall include payment of the fee determined by  
30 the secretary as provided in RCW 43.70.250.

31       NEW SECTION. Sec. 9. A new section is added to chapter 18.19 RCW  
32 to read as follows:

33       Agency affiliated counselors shall notify the department if they  
34 are either no longer employed by the agency identified on their  
35 application or are now employed with another agency, or both. Agency  
36 affiliated counselors may not engage in the practice of counseling  
37 unless they are currently affiliated with an agency.



1 psychotherapeutic treatment practices, and social work practice as  
2 defined in advanced social work. Treatment modalities include but are  
3 not limited to diagnosis and treatment of individuals, couples,  
4 families, groups, or organizations.

5 ~~((+7))~~ (8) "Marriage and family therapy" means the diagnosis and  
6 treatment of mental and emotional disorders, whether cognitive,  
7 affective, or behavioral, within the context of relationships,  
8 including marriage and family systems. Marriage and family therapy  
9 involves the professional application of psychotherapeutic and family  
10 systems theories and techniques in the delivery of services to  
11 individuals, couples, and families for the purpose of treating such  
12 diagnosed nervous and mental disorders. The practice of marriage and  
13 family therapy means the rendering of professional marriage and family  
14 therapy services to individuals, couples, and families, singly or in  
15 groups, whether such services are offered directly to the general  
16 public or through organizations, either public or private, for a fee,  
17 monetary or otherwise.

18 ~~((+8))~~ (9) "Mental health counseling" means the application of  
19 principles of human development, learning theory, psychotherapy, group  
20 dynamics, and etiology of mental illness and dysfunctional behavior to  
21 individuals, couples, families, groups, and organizations, for the  
22 purpose of treatment of mental disorders and promoting optimal mental  
23 health and functionality. Mental health counseling also includes, but  
24 is not limited to, the assessment, diagnosis, and treatment of mental  
25 and emotional disorders, as well as the application of a wellness model  
26 of mental health.

27 ~~((+9))~~ (10) "Secretary" means the secretary of health or the  
28 secretary's designee.

29 **Sec. 12.** RCW 18.225.020 and 2001 c 251 s 2 are each amended to  
30 read as follows:

31 A person must not represent himself or herself as a licensed  
32 advanced social worker, a licensed independent clinical social worker,  
33 a licensed mental health counselor, ~~((+))~~ a licensed marriage and  
34 family therapist, a licensed social work associate--advanced, a  
35 licensed social work associate--independent clinical, a licensed mental  
36 health counselor associate, or a licensed marriage and family therapist  
37 associate, without being licensed by the department.



1       **Sec. 14.** RCW 18.225.150 and 2001 c 251 s 15 are each amended to  
2 read as follows:

3       The secretary shall establish by rule the procedural requirements  
4 and fees for renewal of a license or associate license. Failure to  
5 renew shall invalidate the license or associate license and all  
6 privileges granted by the license. If an associate license has lapsed,  
7 the person shall submit an updated declaration, in accordance with  
8 rules adopted by the department, that the person is working toward full  
9 licensure. If a license has lapsed for a period longer than three  
10 years, the person shall demonstrate competence to the satisfaction of  
11 the secretary by taking continuing education courses, or meeting other  
12 standards determined by the secretary. If an associate license has  
13 lapsed, the person shall submit an updated declaration, in accordance  
14 with rules adopted by the department, that the person is working toward  
15 full licensure.

16       **Sec. 15.** RCW 18.205.020 and 1998 c 243 s 2 are each amended to  
17 read as follows:

18       (~~Unless the context clearly requires otherwise,~~) The definitions  
19 in this section apply throughout this chapter unless the context  
20 clearly requires otherwise.

21       (1) "Certification" means a voluntary process recognizing an  
22 individual who qualifies by examination and meets established  
23 educational prerequisites, and which protects the title of practice.

24       (2) "Certified chemical dependency professional" means an  
25 individual certified in chemical dependency counseling, under this  
26 chapter.

27       (3) "Certified chemical dependency professional trainee" means an  
28 individual working toward the education and experience requirements for  
29 certification as a chemical dependency professional.

30       (4) "Chemical dependency counseling" means employing the core  
31 competencies of chemical dependency counseling to assist or attempt to  
32 assist an alcohol or drug addicted person to develop and maintain  
33 abstinence from alcohol and other mood-altering drugs.

34       (~~(4)~~) (5) "Committee" means the chemical dependency certification  
35 advisory committee established under this chapter.

36       (~~(5)~~) (6) "Core competencies of chemical dependency counseling"  
37 means competency in the nationally recognized knowledge, skills, and

1 attitudes of professional practice, including assessment and diagnosis  
2 of chemical dependency, chemical dependency treatment planning and  
3 referral, patient and family education in the disease of chemical  
4 dependency, individual and group counseling with alcoholic and drug  
5 addicted individuals, relapse prevention counseling, and case  
6 management, all oriented to assist alcoholic and drug addicted patients  
7 to achieve and maintain abstinence from mood-altering substances and  
8 develop independent support systems.

9 ((+6)) (7) "Department" means the department of health.

10 ((+7)) (8) "Health profession" means a profession providing health  
11 services regulated under the laws of this state.

12 ((+8)) (9) "Secretary" means the secretary of health or the  
13 secretary's designee.

14 **Sec. 16.** RCW 18.205.030 and 2000 c 171 s 41 are each amended to  
15 read as follows:

16 No person may represent oneself as a certified chemical dependency  
17 professional or certified chemical dependency professional trainee or  
18 use any title or description of services of a certified chemical  
19 dependency professional or certified chemical dependency professional  
20 trainee without applying for certification, meeting the required  
21 qualifications, and being certified by the department of health, unless  
22 otherwise exempted by this chapter.

23 **Sec. 17.** RCW 18.205.040 and 1998 c 243 s 4 are each amended to  
24 read as follows:

25 Nothing in this chapter shall be construed to authorize the use of  
26 the title "certified chemical dependency professional" or "certified  
27 chemical dependency professional trainee" when treating patients in  
28 settings other than programs approved under chapter 70.96A RCW.

29 NEW SECTION. **Sec. 18.** A new section is added to chapter 18.205  
30 RCW to read as follows:

31 (1) The secretary shall issue a trainee certificate to any  
32 applicant who demonstrates to the satisfaction of the secretary that he  
33 or she is working toward the education and experience requirements in  
34 RCW 18.205.090.

1 (2) A trainee certified under this section shall submit to the  
2 secretary for approval a declaration, in accordance with rules adopted  
3 by the department, that he or she is enrolled in an approved education  
4 program and actively pursuing the experience requirements in RCW  
5 18.205.090. This declaration must be updated with the trainee's annual  
6 renewal.

7 (3) A trainee certified under this section may practice only under  
8 the supervision of a certified chemical dependency professional. The  
9 first fifty hours of any face-to-face client contact must be under  
10 direct observation. All remaining experience must be under supervision  
11 in accordance with rules adopted by the department.

12 (4) A certified chemical dependency professional trainee provides  
13 chemical dependency assessments, counseling, and case management with  
14 a state regulated agency and can provide clinical services to patients  
15 consistent with his or her education, training, and experience as  
16 approved by his or her supervisor.

17 (5) A trainee certification may only be renewed four times.

18 (6) Applicants are subject to denial of a certificate or issuance  
19 of a conditional certificate for the reasons set forth in chapter  
20 18.130 RCW.

21 NEW SECTION. **Sec. 19.** A new section is added to chapter 18.19 RCW  
22 to read as follows:

23 The Washington state certified counselors and hypnotherapist  
24 advisory committee is established.

25 (1) The committee is comprised of seven members. Two committee  
26 members must be certified counselors or certified advisers. Two  
27 committee members must be hypnotherapists. Three committee members  
28 must be consumers and represent the public at large and may not hold  
29 any mental health care provider license, certification, or  
30 registration.

31 (2) Two committee members must be appointed for a term of one year,  
32 two committee members must be appointed for a term of two years, and  
33 three committee members must be appointed for a term of three years.  
34 Subsequent committee members must be appointed for terms of three  
35 years. A person may not serve as a committee member for more than two  
36 consecutive terms.

1 (3)(a) Each committee member must be a resident of the state of  
2 Washington.

3 (b) A committee member may not hold an office in a professional  
4 association for their profession.

5 (c) Advisory committee members may not be employed by the state of  
6 Washington.

7 (d) Each professional committee member must have been actively  
8 engaged in their profession for five years immediately preceding  
9 appointment.

10 (e) The consumer committee members must represent the general  
11 public and be unaffiliated directly or indirectly with the professions  
12 credentialed under this chapter.

13 (4) The secretary shall appoint the committee members.

14 (5) Committee members are immune from suit in an action, civil or  
15 criminal, based on the department's disciplinary proceedings or other  
16 official acts performed in good faith.

17 (6) Committee members must be compensated in accordance with RCW  
18 43.03.240, including travel expenses in carrying out his or her  
19 authorized duties in accordance with RCW 43.03.050 and 43.03.060.

20 (7) The committee shall elect a chair and vice-chair.

21 NEW SECTION. **Sec. 20.** To practice counseling, all registered  
22 counselors must obtain another health profession credential by July 1,  
23 2010. The registered counselor credential is abolished July 1, 2010.

24 NEW SECTION. **Sec. 21.** Sections 1, 2, 7 through 9, and 11 through  
25 19 of this act take effect July 1, 2009.

26 NEW SECTION. **Sec. 22.** The department of health may not issue any  
27 new registered counselor credentials after July 1, 2009.

28 NEW SECTION. **Sec. 23.** (1) The department of health shall report  
29 to the legislature and the governor by December 15, 2011, on:

30 (a) The number of registered counselors who become certified  
31 counselors or certified advisers;

32 (b) The number, status, type, and outcome of disciplinary actions  
33 involving certified counselors and certified advisers beginning on the  
34 effective date of this section; and



1 (c) The state of education equivalency, examination, supervisory,  
2 consultation, and continuing education requirements established under  
3 this act.

4 (2) The department of health shall also report on cost savings or  
5 expenditures to administer the provisions of this act and make  
6 recommendations regarding future reports or evaluations.

7 NEW SECTION. **Sec. 24.** If specific funding for the purposes of  
8 this act, referencing this act by bill or chapter number, is not  
9 provided by June 30, 2008, in the omnibus appropriations act, this act  
10 is null and void.

--- END ---