
SENATE BILL 5440

State of Washington

64th Legislature

2015 Regular Session

By Senators Jayapal, Becker, and McAuliffe; by request of Department of Health

Read first time 01/21/15. Referred to Committee on Health Care.

1 AN ACT Relating to scope of practice for certified counselors and
2 advisers; and amending RCW 18.19.020 and 18.19.200.

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

4 **Sec. 1.** RCW 18.19.020 and 2011 c 86 s 1 are each amended to read
5 as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Agency" means (a) an agency or facility operated, licensed,
9 or certified by the state of Washington; (b) a federally recognized
10 Indian tribe located within the state; or (c) a county.

11 (2) "Agency affiliated counselor" means a person registered under
12 this chapter who is engaged in counseling and employed by an agency.
13 "Agency affiliated counselor" includes juvenile probation counselors
14 who are employees of the juvenile court under RCW 13.04.035 and
15 13.04.040 and juvenile court employees providing functional family
16 therapy, aggression replacement training, or other evidence-based
17 programs approved by the juvenile rehabilitation administration of
18 the department of social and health services.

19 (3) "Certified adviser" means a person certified under this
20 chapter who ~~((is))~~ may be engaged in private practice counseling to
21 the extent authorized in RCW 18.19.200.

1 (4) "Certified counselor" means a person certified under this
2 chapter who ~~((is))~~ may be engaged in private practice counseling to
3 the extent authorized in RCW 18.19.200.

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

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

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

19 (8) "Department" means the department of health.

20 (9) "Hypnotherapist" means a person registered under this chapter
21 who is practicing hypnosis as a modality.

22 (10) "Private practice counseling" means the practice of
23 counseling by a certified counselor or certified adviser in a setting
24 other than an agency and as specified in RCW 18.19.200.

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

31 (12) "Secretary" means the secretary of the department or the
32 secretary's designee.

33 **Sec. 2.** RCW 18.19.200 and 2008 c 135 s 4 are each amended to
34 read as follows:

35 A person may not practice as a certified counselor or certified
36 adviser unless he or she is certified under this chapter. The scope
37 of practice of certified counselors and certified advisers consists
38 exclusively of the following:

1 (1) Risk assessment and appropriate screening of the client's
2 ~~((level of functional impairment using the global assessment of~~
3 ~~functioning as described in the fourth edition of the diagnostic and~~
4 ~~statistical manual of mental disorders, published in 1994))~~ mental,
5 emotional, or behavioral problems according to the definition of
6 mild, moderate, and severe mental, emotional, or behavioral problems
7 as defined by the secretary in rule. Recognition of ~~((a mental or~~
8 ~~physical disorder or a global assessment of functioning score of~~
9 ~~sixty or less))~~ severe mental, emotional, or behavioral problems
10 requires that the certified counselor or certified adviser refer the
11 client to a ~~((physician, osteopathic physician, psychiatric~~
12 ~~registered nurse practitioner, or))~~ licensed ~~((mental))~~ health care
13 practitioner, as defined by the secretary in rule, for diagnosis and
14 treatment;

15 (2) Certified counselors and certified advisers may counsel and
16 guide a client in adjusting to life situations, developing new
17 skills, and making desired changes, in accordance with the theories
18 and techniques of a specific counseling method and established
19 practice standards, if the client has ~~((a global assessment of~~
20 ~~functioning score greater than sixty))~~ absent to mild mental,
21 emotional, or behavioral problems;

22 (3) Certified counselors may counsel and guide a client in
23 adjusting to life situations, developing new skills, and making
24 desired changes if the client has ~~((a global assessment of~~
25 ~~functioning score of sixty or less if:))~~ moderate mental, emotional,
26 or behavioral problems;

27 ~~((a) The))~~ (4) A certified counselor may not be a sole treatment
28 provider for a client with severe mental, emotional, or behavioral
29 problems. When a client has been referred to the certified counselor
30 by a ((physician, osteopathic physician, psychiatric registered nurse
31 practitioner, or)) licensed ((mental)) health care practitioner, as
32 defined by the secretary in rule, and care is provided as part of a
33 plan of treatment developed by the referring practitioner ((who is
34 actively treating the client.)), the certified counselor may work
35 with the client and must adhere to any conditions related to the
36 certified counselor's role as specified in the plan of care(;~~or~~

37 ~~(b) The certified counselor referred the client to seek diagnosis~~
38 ~~and treatment from a physician, osteopathic physician, psychiatric~~
39 ~~registered nurse practitioner, or licensed mental health~~
40 ~~practitioner, as defined by the secretary, and the client refused, in~~

1 ~~writing, to seek treatment from the other provider. The certified~~
2 ~~counselor may provide services to the client consistent with a~~
3 ~~treatment plan developed by the certified counselor and the~~
4 ~~consultant or supervisor with whom the certified counselor has a~~
5 ~~written consultation or supervisory agreement. A certified counselor~~
6 ~~shall not be a sole treatment provider for a client with a global~~
7 ~~assessment of functioning score of less than fifty)).~~

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