
HOUSE BILL 1349

State of Washington

67th Legislature

2021 Regular Session

By Representatives Davis, Caldier, Frame, Leavitt, Simmons, Paul, Fitzgibbon, Orwall, Shewmake, Ortiz-Self, Slatter, Peterson, Senn, Ramel, Taylor, Ryu, Duerr, Barkis, Pollet, Chopp, Macri, Callan, Ormsby, and Harris

Read first time 01/22/21. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to peer specialists; amending RCW 18.130.040;
2 reenacting and amending RCW 18.130.040, 18.130.175, and 43.43.842;
3 adding new sections to chapter 71.24 RCW; adding a new chapter to
4 Title 18 RCW; creating a new section; providing an effective date;
5 and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** The definitions in this section apply
8 throughout this chapter unless the context clearly requires
9 otherwise.

10 (1) "Advisory committee" means the Washington state licensed peer
11 specialist advisory committee established under section 3 of this
12 act.

13 (2) "Approved supervisor" means:

14 (a) Until July 1, 2024, a behavioral health provider, as defined
15 in RCW 71.24.025 with at least two years of experience working in a
16 behavioral health practice that employs peer specialists as part of
17 treatment teams; or

18 (b) A licensed peer specialist who has completed:

19 (i) At least 1,500 hours of work as a fully licensed peer
20 specialist engaged in the practice of peer support services, with at

1 least 500 hours attained through the joint supervision of peers in
2 conjunction with another approved supervisor; and

3 (ii) The training developed by the health care authority under
4 section 11 of this act.

5 (3) "Department" means the department of health.

6 (4) "Licensed peer specialist" means a person licensed under this
7 chapter to engage in the practice of peer support services.

8 (5) "Licensed peer specialist trainee" means an individual
9 working toward the supervised experience and written examination
10 requirements to become a licensed peer specialist under this chapter.

11 (6) "Practice of peer support services" means the provision of
12 interventions by either a person in recovery from a mental health
13 condition or substance use disorder, or both, or the parent or legal
14 guardian of a youth who is receiving or has received behavioral
15 health services. The client receiving the interventions receives them
16 from a person with a similar lived experience as either a person in
17 recovery from a mental health condition or substance use disorder, or
18 both, or the parent or legal guardian of a youth who is receiving or
19 has received behavioral health services. The person provides the
20 interventions through the use of shared experiences to assist a
21 client in the acquisition and exercise of skills needed to support
22 the client's recovery. Interventions may include activities that
23 assist clients in accessing or engaging in treatment and in symptom
24 management; promote social connection, recovery, and self-advocacy;
25 provide guidance in the development of natural community supports and
26 basic daily living skills; and support clients in engagement,
27 motivation, and maintenance related to achieving and maintaining
28 health and wellness goals.

29 (7) "Secretary" means the secretary of health.

30 NEW SECTION. **Sec. 2.** In addition to any other authority, the
31 secretary has the authority to:

32 (1) Adopt rules under chapter 34.05 RCW necessary to implement
33 this chapter;

34 (2) Establish all licensing, examination, and renewal fees in
35 accordance with RCW 43.70.110 and 43.70.250;

36 (3) Establish forms and procedures necessary to administer this
37 chapter;

1 (4) Issue licenses to applicants who have met the education,
2 training, and examination requirements for obtaining a license and to
3 deny a license to applicants who do not meet the requirements;

4 (5) Hire clerical, administrative, investigative, and other staff
5 as needed to implement this chapter to serve as examiners for any
6 practical examinations;

7 (6) Coordinate with the health care authority to confirm an
8 applicants' successful completion of the licensed peer specialist
9 education course offered by the health care authority under section
10 11 of this act and successful passage of the associated oral
11 examination as proof of eligibility to take a qualifying written
12 examination for applicants for obtaining a license;

13 (7) Establish practice parameters consistent with the definition
14 of the practice of peer support services;

15 (8) Develop a written examination. The initial written
16 examination shall be adapted from that used by the health care
17 authority as of the effective date of this section and modified
18 pursuant to input and comments from the advisory committee;

19 (9) Prepare, grade, and administer, or supervise the grading and
20 administration of written examinations for obtaining a license;

21 (10) Determine which states have licensing requirements
22 equivalent to those of this state, and issue licenses to applicants
23 credentialed in those states without examination;

24 (11) Define and approve any supervised experience requirements
25 for licensure;

26 (12) Adopt rules implementing a continuing competency program;
27 and

28 (13) Establish by rule the procedures for an appeal of an
29 examination failure.

30 NEW SECTION. **Sec. 3.** (1) The Washington state licensed peer
31 specialist advisory committee is established.

32 (2)(a) The advisory committee shall consist of 11 members. Nine
33 members must be licensed peer specialists. Those nine members shall
34 be inclusive of mental health peers, substance use disorder peers,
35 community-based peers, peers who work in clinical settings, youth
36 peers, adult peers, and peer supervisors. One member must represent
37 community behavioral health agencies. One member must represent the
38 public at large and may not be a credentialed behavioral health
39 provider. The advisory committee shall be reflective of the community

1 who receives peer services, including people who are Black,
2 indigenous, people of color, and individuals who identify as LGBTQ.
3 All members of the advisory committee must be residents of Washington
4 state. Members may not hold an office in a professional association
5 for peer specialists or be employed by the state.

6 (b) The members shall be appointed by the secretary to serve
7 three-year terms which may be renewed. Initial members shall be
8 appointed to staggered terms which may be less than three years.
9 Initial membership may vary from the requirements in (a) of this
10 subsection to account for the lack of an available credential for
11 licensed peer specialists at the time the advisory committee is
12 established. The advisory committee shall select a chair and vice
13 chair.

14 (3) The department must adopt recommendations as submitted by the
15 advisory committee on topics related to the administration of this
16 chapter, including:

17 (a) Advice and recommendations regarding the establishment or
18 implementation of rules related to this chapter;

19 (b) Advice, recommendations, and consultation regarding case
20 disposition guidelines and priorities related to unprofessional
21 conduct cases regarding licensed peer specialists;

22 (c) Assistance, recommendations, and consultation of individual
23 committee members as needed in the review, analysis, and disposition
24 of reports of unprofessional conduct and service recipient
25 complaints;

26 (d) Assistance and recommendations to enhance consumer education;

27 (e) Assistance and recommendations regarding any continuing
28 education and continuing competency programs administered under the
29 provisions of this chapter; and

30 (f) Advice and guidance regarding criteria for licensure based on
31 prior experience as a peer specialist attained before July 1, 2022,
32 as described in section 5(2) of this act.

33 (4) Committee members are immune from suit in an action, civil or
34 criminal, based on the department's disciplinary proceedings or other
35 official acts performed in good faith.

36 (5) Committee members shall be compensated in accordance with RCW
37 43.03.240, including travel expenses in carrying out his or her
38 authorized duties in accordance with RCW 43.03.050 and 43.03.060.

1 NEW SECTION. **Sec. 4.** Nothing in this chapter may be construed
2 to prohibit or restrict:

3 (1) An individual who holds a credential issued by this state,
4 other than as a licensed peer specialist or licensed peer specialist
5 trainee, to engage in the practice of an occupation or profession
6 without obtaining an additional credential from the state. The
7 individual may not use the title licensed peer specialist unless the
8 individual holds a credential under this chapter; or

9 (2) The practice of peer support services by a person who is
10 employed by the government of the United States while engaged in the
11 performance of duties prescribed by the laws of the United States.

12 NEW SECTION. **Sec. 5.** (1) Beginning July 1, 2022, except as
13 provided in subsection (2) of this section, the secretary shall issue
14 a license to engage in the practice of peer support services to any
15 applicant who demonstrates to the satisfaction of the secretary that
16 the applicant meets the following requirements:

17 (a) Submission of an attestation to the department that the
18 applicant self-identifies as:

19 (i) A person with one or more years of recovery from a mental
20 health condition, substance use disorder, or both; or

21 (ii) The parent or legal guardian of a youth who is receiving or
22 has received behavioral health services;

23 (b) Successful completion of the education course developed and
24 offered by the health care authority under section 11 of this act;

25 (c) Successful passage of an oral examination administered by the
26 health care authority upon completion of the education course offered
27 by the health care authority under section 11 of this act;

28 (d) Successful passage of a written examination approved by the
29 department;

30 (e) Successful completion of an experience requirement of at
31 least 1,000 supervised hours as a licensed peer specialist trainee
32 engaged in the volunteer or paid practice of peer support services,
33 in accordance with the standards in section 6 of this act; and

34 (f) Payment of the appropriate fee required under this chapter.

35 (2) The secretary, with the recommendation of the advisory
36 committee, shall establish criteria for the issuance of a license to
37 engage in the practice of peer support services based on prior
38 experience as a peer specialist attained before July 1, 2022. The
39 criteria shall establish equivalency standards necessary to be deemed

1 to have met the requirements of subsection (1) of this section. An
2 applicant under this subsection shall have until July 1, 2023, to
3 complete any standards in which the applicant is determined to be
4 deficient.

5 (3) A license to engage in the practice of peer support services
6 is valid for two years. A license may be renewed upon demonstrating
7 to the department that the licensed peer specialist has successfully
8 completed 30 hours of continuing education approved by the
9 department. As part of the continuing education requirement, every
10 six years the applicant must submit proof of successful completion of
11 at least three hours of suicide prevention training and three hours
12 of ethics coursework.

13 (4) Beginning July 1, 2023, no person may engage in the practice
14 of peer support services unless the person is licensed under this
15 chapter or an exemption applies.

16 NEW SECTION. **Sec. 6.** (1) The secretary shall issue a license to
17 engage in the practice of peer support services as a licensed peer
18 specialist trainee to any applicant who demonstrates to the
19 satisfaction of the secretary that the applicant meets the
20 requirements of section 5 (1)(a), (b), (c), and (3) of this act and
21 is working toward the supervised experience and written examination
22 requirements to become a licensed peer specialist under this chapter.

23 (2) An applicant seeking to become a licensed peer specialist
24 trainee under this section shall submit to the secretary for approval
25 a declaration, in accordance with rules adopted by the department,
26 that the licensed peer specialist trainee is actively pursuing the
27 supervised experience requirements of section 5(1)(d) of this act.
28 This declaration must be updated with the trainee's annual renewal.

29 (3) A licensed peer specialist trainee licensed under this
30 section may practice only under the supervision of an approved
31 supervisor. Supervision may be provided through distance supervision.
32 Supervision may be provided by an approved supervisor who is employed
33 by the same employer that employs the licensed peer specialist
34 trainee or by an arrangement made with a third-party approved
35 supervisor to provide supervision, or a combination of both types of
36 approved supervisors.

37 (4) A licensed peer specialist trainee license is valid for one
38 year and may only be renewed four times.

1 NEW SECTION. **Sec. 7.** (1) The date and location of written
2 examinations must be established by the secretary. Applicants who
3 have been found by the secretary to meet other requirements for
4 obtaining a license must be scheduled for the next examination
5 following the filing of the application. The secretary shall
6 establish by rule the examination application deadline.

7 (2) The secretary or the secretary's designees shall administer
8 written examinations to each applicant, by means determined most
9 effective, on subjects appropriate to the scope of practice, as
10 applicable. The examinations must be limited to the purpose of
11 determining whether the applicant possesses the minimum skill and
12 knowledge necessary to practice competently.

13 (3) The examination materials, all grading of the materials, and
14 the grading of any practical work must be preserved for a period of
15 not less than one year after the secretary has made and published the
16 decisions. All examinations must be conducted under fair and wholly
17 impartial methods.

18 (4) Any applicant failing to make the required grade in the first
19 written examination may take up to two subsequent written
20 examinations as the applicant desires upon prepaying a fee determined
21 by the secretary under RCW 43.70.250 for each subsequent written
22 examination. Upon failing four written examinations, the secretary
23 may invalidate the original application and require remedial
24 education before the person may take future written examinations.

25 (5) The secretary may approve a written examination prepared or
26 administered by a private organization that licenses and renews
27 licenses for peer counselors, or an association of licensing
28 agencies, for use by an applicant in meeting the credentialing
29 requirements.

30 NEW SECTION. **Sec. 8.** The secretary shall establish, by rule,
31 the requirements and fees for renewal of a license issued pursuant to
32 this chapter. Failure to renew the license invalidates the license
33 and all privileges granted by the license. If a license has lapsed
34 for a period longer than three years, the person shall demonstrate
35 competence to the satisfaction of the secretary by completing
36 continuing competency requirements or meeting other standards
37 determined by the secretary.

1 NEW SECTION. **Sec. 9.** A person licensed under this chapter must
2 provide clients at the commencement of any program of treatment with
3 accurate disclosure information concerning the practice, in
4 accordance with rules adopted by the department, including the right
5 of clients to refuse treatment, the responsibility of clients to
6 choose the provider and treatment modality which best suits their
7 needs, and the extent of confidentiality provided by this chapter.
8 The disclosure information must also include the license holder's
9 professional education and training and such other information as
10 required by rule. The disclosure must be acknowledged in writing by
11 the client and licensed peer specialist.

12 NEW SECTION. **Sec. 10.** The uniform disciplinary act, chapter
13 18.130 RCW, governs unlicensed practice of peer support services, the
14 issuance and denial of licenses, and the discipline of licensed peer
15 specialists and licensed peer specialist trainees under this chapter.

16 NEW SECTION. **Sec. 11.** A new section is added to chapter 71.24
17 RCW to read as follows:

18 (1) (a) By January 1, 2022, the authority must develop a course of
19 instruction to become a licensed peer specialist under chapter 18.---
20 RCW (the new chapter created in section 18 of this act). The course
21 must be approximately 80 hours in duration and based upon the
22 curriculum offered by the authority in its peer specialist training
23 as of the effective date of this section, as well as additional
24 instruction in the principles of recovery coaching and suicide
25 prevention. The education course must be taught by licensed peer
26 specialists. The education course must be offered by the authority
27 with sufficient frequency to accommodate the demand for training and
28 the needs of the workforce. Upon completion of the education course,
29 the student must pass an oral examination administered by the course
30 trainer.

31 (b) The authority shall coordinate with the department to develop
32 a process for the authority to confirm to the department that a
33 student has successfully completed the licensed peer specialist
34 education course offered under this subsection and successfully
35 passed the associated oral examination and is eligible to take a
36 qualifying written examination for applicants to become licensed peer
37 specialists under chapter 18.--- RCW (the new chapter created in
38 section 18 of this act);

1 (2) By January 1, 2022, the authority must develop a training
2 course for licensed peer specialists providing supervision to
3 licensed peer specialist trainees under section 6 of this act.

4 (3)(a) By July 1, 2022, the authority shall develop a 40-hour
5 specialized training course in peer crisis response services for peer
6 specialists licensed under chapter 18.--- RCW (the new chapter
7 created in section 18 of this act) who are working as peer crisis
8 responders. The training shall incorporate best practices for
9 responding to 988 behavioral health crisis line calls, as well as
10 processes for co-response with law enforcement when necessary.

11 (b) Beginning July 1, 2023, any entity that uses licensed peer
12 specialists as peer crisis responders, may only use licensed peer
13 specialists who have completed the training course established by (a)
14 of this subsection. A behavioral health agency that uses licensed
15 peer specialists to work as peer crisis responders must maintain the
16 records of the completion of the training course for those licensed
17 peer specialists who provide these services and make the records
18 available to the state agency for auditing or licensing purposes.

19 (4) For the purposes of this section, the term "peer crisis
20 responder" means a peer specialist licensed under chapter 18.--- RCW
21 (the new chapter created in section 18 of this act) who has completed
22 the training under subsection (3) of this section whose job involves
23 responding to behavioral health emergencies, including those
24 dispatched through a 988 crisis hotline or the 911 system.

25 NEW SECTION. **Sec. 12.** A new section is added to chapter 71.24
26 RCW to read as follows:

27 Behavioral health agencies must reduce the caseload for approved
28 supervisors who are providing supervision to licensed peer specialist
29 trainees seeking licensure under chapter 18.--- RCW (the new chapter
30 created in section 18 of this act), in accordance with standards
31 established by the Washington state licensed peer specialist advisory
32 committee.

33 NEW SECTION. **Sec. 13.** By January 1, 2022, the office of the
34 insurance commissioner shall make recommendations to health carriers
35 regarding appropriate use of licensed peer specialists, network
36 adequacy for licensed peer specialists, and steps to incorporate
37 licensed peer specialists into commercial provider networks.

1 **Sec. 14.** RCW 18.130.040 and 2019 c 444 s 11, 2019 c 308 s 18,
2 and 2019 c 55 s 7 are each reenacted and amended to read as follows:

3 (1) This chapter applies only to the secretary and the boards and
4 commissions having jurisdiction in relation to the professions
5 licensed under the chapters specified in this section. This chapter
6 does not apply to any business or profession not licensed under the
7 chapters specified in this section.

8 (2) (a) The secretary has authority under this chapter in relation
9 to the following professions:

10 (i) Dispensing opticians licensed and designated apprentices
11 under chapter 18.34 RCW;

12 (ii) Midwives licensed under chapter 18.50 RCW;

13 (iii) Ocularists licensed under chapter 18.55 RCW;

14 (iv) Massage therapists and businesses licensed under chapter
15 18.108 RCW;

16 (v) Dental hygienists licensed under chapter 18.29 RCW;

17 (vi) Acupuncturists or acupuncture and Eastern medicine
18 practitioners licensed under chapter 18.06 RCW;

19 (vii) Radiologic technologists certified and X-ray technicians
20 registered under chapter 18.84 RCW;

21 (viii) Respiratory care practitioners licensed under chapter
22 18.89 RCW;

23 (ix) Hypnotherapists and agency affiliated counselors registered
24 and advisors and counselors certified under chapter 18.19 RCW;

25 (x) Persons licensed as mental health counselors, mental health
26 counselor associates, marriage and family therapists, marriage and
27 family therapist associates, social workers, social work associates—
28 advanced, and social work associates—independent clinical under
29 chapter 18.225 RCW;

30 (xi) Persons registered as nursing pool operators under chapter
31 18.52C RCW;

32 (xii) Nursing assistants registered or certified or medication
33 assistants endorsed under chapter 18.88A RCW;

34 (xiii) Dietitians and nutritionists certified under chapter
35 18.138 RCW;

36 (xiv) Substance use disorder professionals, substance use
37 disorder professional trainees, or co-occurring disorder specialists
38 certified under chapter 18.205 RCW;

39 (xv) Sex offender treatment providers and certified affiliate sex
40 offender treatment providers certified under chapter 18.155 RCW;

1 (xvi) Persons licensed and certified under chapter 18.73 RCW or
2 RCW 18.71.205;

3 (xvii) Orthotists and prosthetists licensed under chapter 18.200
4 RCW;

5 (xviii) Surgical technologists registered under chapter 18.215
6 RCW;

7 (xix) Recreational therapists under chapter 18.230 RCW;

8 (xx) Animal massage therapists certified under chapter 18.240
9 RCW;

10 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

11 (xxii) Home care aides certified under chapter 18.88B RCW;

12 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

13 (xxiv) Reflexologists certified under chapter 18.108 RCW;

14 (xxv) Medical assistants-certified, medical assistants-
15 hemodialysis technician, medical assistants-phlebotomist, forensic
16 phlebotomist, and medical assistants-registered certified and
17 registered under chapter 18.360 RCW; (~~and~~)

18 (xxvi) Behavior analysts, assistant behavior analysts, and
19 behavior technicians under chapter 18.380 RCW; and

20 (xxvii) Licensed peer specialists and licensed peer specialist
21 trainees under chapter 18.--- RCW (the new chapter created in section
22 18 of this act).

23 (b) The boards and commissions having authority under this
24 chapter are as follows:

25 (i) The podiatric medical board as established in chapter 18.22
26 RCW;

27 (ii) The chiropractic quality assurance commission as established
28 in chapter 18.25 RCW;

29 (iii) The dental quality assurance commission as established in
30 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
31 licenses and registrations issued under chapter 18.260 RCW, and
32 certifications issued under chapter 18.350 RCW;

33 (iv) The board of hearing and speech as established in chapter
34 18.35 RCW;

35 (v) The board of examiners for nursing home administrators as
36 established in chapter 18.52 RCW;

37 (vi) The optometry board as established in chapter 18.54 RCW
38 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as
2 established in chapter 18.57 RCW governing licenses issued under
3 chapters 18.57 and 18.57A RCW;

4 (viii) The pharmacy quality assurance commission as established
5 in chapter 18.64 RCW governing licenses issued under chapters 18.64
6 and 18.64A RCW;

7 (ix) The Washington medical commission as established in chapter
8 18.71 RCW governing licenses and registrations issued under chapters
9 18.71 and 18.71A RCW;

10 (x) The board of physical therapy as established in chapter 18.74
11 RCW;

12 (xi) The board of occupational therapy practice as established in
13 chapter 18.59 RCW;

14 (xii) The nursing care quality assurance commission as
15 established in chapter 18.79 RCW governing licenses and registrations
16 issued under that chapter;

17 (xiii) The examining board of psychology and its disciplinary
18 committee as established in chapter 18.83 RCW;

19 (xiv) The veterinary board of governors as established in chapter
20 18.92 RCW;

21 (xv) The board of naturopathy established in chapter 18.36A RCW;
22 and

23 (xvi) The board of denturists established in chapter 18.30 RCW.

24 (3) In addition to the authority to discipline license holders,
25 the disciplining authority has the authority to grant or deny
26 licenses. The disciplining authority may also grant a license subject
27 to conditions.

28 (4) All disciplining authorities shall adopt procedures to ensure
29 substantially consistent application of this chapter, the uniform
30 disciplinary act, among the disciplining authorities listed in
31 subsection (2) of this section.

32 **Sec. 15.** RCW 18.130.040 and 2020 c 80 s 23 are each amended to
33 read as follows:

34 (1) This chapter applies only to the secretary and the boards and
35 commissions having jurisdiction in relation to the professions
36 licensed under the chapters specified in this section. This chapter
37 does not apply to any business or profession not licensed under the
38 chapters specified in this section.

1 (2) (a) The secretary has authority under this chapter in relation
2 to the following professions:

3 (i) Dispensing opticians licensed and designated apprentices
4 under chapter 18.34 RCW;

5 (ii) Midwives licensed under chapter 18.50 RCW;

6 (iii) Ocularists licensed under chapter 18.55 RCW;

7 (iv) Massage therapists and businesses licensed under chapter
8 18.108 RCW;

9 (v) Dental hygienists licensed under chapter 18.29 RCW;

10 (vi) Acupuncturists or acupuncture and Eastern medicine
11 practitioners licensed under chapter 18.06 RCW;

12 (vii) Radiologic technologists certified and X-ray technicians
13 registered under chapter 18.84 RCW;

14 (viii) Respiratory care practitioners licensed under chapter
15 18.89 RCW;

16 (ix) Hypnotherapists and agency affiliated counselors registered
17 and advisors and counselors certified under chapter 18.19 RCW;

18 (x) Persons licensed as mental health counselors, mental health
19 counselor associates, marriage and family therapists, marriage and
20 family therapist associates, social workers, social work associates—
21 advanced, and social work associates—independent clinical under
22 chapter 18.225 RCW;

23 (xi) Persons registered as nursing pool operators under chapter
24 18.52C RCW;

25 (xii) Nursing assistants registered or certified or medication
26 assistants endorsed under chapter 18.88A RCW;

27 (xiii) Dietitians and nutritionists certified under chapter
28 18.138 RCW;

29 (xiv) Substance use disorder professionals, substance use
30 disorder professional trainees, or co-occurring disorder specialists
31 certified under chapter 18.205 RCW;

32 (xv) Sex offender treatment providers and certified affiliate sex
33 offender treatment providers certified under chapter 18.155 RCW;

34 (xvi) Persons licensed and certified under chapter 18.73 RCW or
35 RCW 18.71.205;

36 (xvii) Orthotists and prosthetists licensed under chapter 18.200
37 RCW;

38 (xviii) Surgical technologists registered under chapter 18.215
39 RCW;

40 (xix) Recreational therapists under chapter 18.230 RCW;

1 (xx) Animal massage therapists certified under chapter 18.240
2 RCW;

3 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
4 (xxii) Home care aides certified under chapter 18.88B RCW;
5 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
6 (xxiv) Reflexologists certified under chapter 18.108 RCW;
7 (xxv) Medical assistants-certified, medical assistants-
8 hemodialysis technician, medical assistants-phlebotomist, forensic
9 phlebotomist, and medical assistants-registered certified and
10 registered under chapter 18.360 RCW; (~~and~~)

11 (xxvi) Behavior analysts, assistant behavior analysts, and
12 behavior technicians under chapter 18.380 RCW; and

13 (xxvii) Licensed peer specialists and licensed peer specialist
14 trainees under chapter 18.--- RCW (the new chapter created in section
15 18 of this act).

16 (b) The boards and commissions having authority under this
17 chapter are as follows:

18 (i) The podiatric medical board as established in chapter 18.22
19 RCW;

20 (ii) The chiropractic quality assurance commission as established
21 in chapter 18.25 RCW;

22 (iii) The dental quality assurance commission as established in
23 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
24 licenses and registrations issued under chapter 18.260 RCW, and
25 certifications issued under chapter 18.350 RCW;

26 (iv) The board of hearing and speech as established in chapter
27 18.35 RCW;

28 (v) The board of examiners for nursing home administrators as
29 established in chapter 18.52 RCW;

30 (vi) The optometry board as established in chapter 18.54 RCW
31 governing licenses issued under chapter 18.53 RCW;

32 (vii) The board of osteopathic medicine and surgery as
33 established in chapter 18.57 RCW governing licenses issued under
34 chapter 18.57 RCW;

35 (viii) The pharmacy quality assurance commission as established
36 in chapter 18.64 RCW governing licenses issued under chapters 18.64
37 and 18.64A RCW;

38 (ix) The Washington medical commission as established in chapter
39 18.71 RCW governing licenses and registrations issued under chapters
40 18.71 and 18.71A RCW;

1 (x) The board of physical therapy as established in chapter 18.74
2 RCW;

3 (xi) The board of occupational therapy practice as established in
4 chapter 18.59 RCW;

5 (xii) The nursing care quality assurance commission as
6 established in chapter 18.79 RCW governing licenses and registrations
7 issued under that chapter;

8 (xiii) The examining board of psychology and its disciplinary
9 committee as established in chapter 18.83 RCW;

10 (xiv) The veterinary board of governors as established in chapter
11 18.92 RCW;

12 (xv) The board of naturopathy established in chapter 18.36A RCW;
13 and

14 (xvi) The board of denturists established in chapter 18.30 RCW.

15 (3) In addition to the authority to discipline license holders,
16 the disciplining authority has the authority to grant or deny
17 licenses. The disciplining authority may also grant a license subject
18 to conditions.

19 (4) All disciplining authorities shall adopt procedures to ensure
20 substantially consistent application of this chapter, the uniform
21 disciplinary act, among the disciplining authorities listed in
22 subsection (2) of this section.

23 **Sec. 16.** RCW 18.130.175 and 2019 c 446 s 43 and 2019 c 444 s 21
24 are each reenacted and amended to read as follows:

25 (1) In lieu of disciplinary action under RCW 18.130.160 and if
26 the disciplining authority determines that the unprofessional conduct
27 may be the result of substance abuse, the disciplining authority may
28 refer the license holder to a voluntary substance abuse monitoring
29 program approved by the disciplining authority.

30 The cost of the treatment shall be the responsibility of the
31 license holder, but the responsibility does not preclude payment by
32 an employer, existing insurance coverage, or other sources. Primary
33 alcoholism or other drug addiction treatment shall be provided by
34 approved treatment programs under RCW 70.96A.020 or by any other
35 provider approved by the entity or the commission. However, nothing
36 shall prohibit the disciplining authority from approving additional
37 services and programs as an adjunct to primary alcoholism or other
38 drug addiction treatment. The disciplining authority may also approve
39 the use of out-of-state programs. Referral of the license holder to

1 the program shall be done only with the consent of the license
2 holder. Referral to the program may also include probationary
3 conditions for a designated period of time. If the license holder
4 does not consent to be referred to the program or does not
5 successfully complete the program, the disciplining authority may
6 take appropriate action under RCW 18.130.160 which includes
7 suspension of the license unless or until the disciplining authority,
8 in consultation with the director of the voluntary substance abuse
9 monitoring program, determines the license holder is able to practice
10 safely. The secretary shall adopt uniform rules for the evaluation by
11 the disciplining authority of a relapse or program violation on the
12 part of a license holder in the substance abuse monitoring program.
13 The evaluation shall encourage program participation with additional
14 conditions, in lieu of disciplinary action, when the disciplining
15 authority determines that the license holder is able to continue to
16 practice with reasonable skill and safety.

17 (2) In addition to approving substance abuse monitoring programs
18 that may receive referrals from the disciplining authority, the
19 disciplining authority may establish by rule requirements for
20 participation of license holders who are not being investigated or
21 monitored by the disciplining authority for substance abuse. License
22 holders voluntarily participating in the approved programs without
23 being referred by the disciplining authority shall not be subject to
24 disciplinary action under RCW 18.130.160 for their substance abuse,
25 and shall not have their participation made known to the disciplining
26 authority, if they meet the requirements of this section and the
27 program in which they are participating.

28 (3) The license holder shall sign a waiver allowing the program
29 to release information to the disciplining authority if the licensee
30 does not comply with the requirements of this section or is unable to
31 practice with reasonable skill or safety. The substance abuse program
32 shall report to the disciplining authority any license holder who
33 fails to comply with the requirements of this section or the program
34 or who, in the opinion of the program, is unable to practice with
35 reasonable skill or safety. License holders shall report to the
36 disciplining authority if they fail to comply with this section or do
37 not complete the program's requirements. License holders may, upon
38 the agreement of the program and disciplining authority, reenter the
39 program if they have previously failed to comply with this section.

1 (4) The treatment and pretreatment records of license holders
2 referred to or voluntarily participating in approved programs shall
3 be confidential, shall be exempt from chapter 42.56 RCW, and shall
4 not be subject to discovery by subpoena or admissible as evidence
5 except for monitoring records reported to the disciplining authority
6 for cause as defined in subsection (3) of this section. Monitoring
7 records relating to license holders referred to the program by the
8 disciplining authority or relating to license holders reported to the
9 disciplining authority by the program for cause, shall be released to
10 the disciplining authority at the request of the disciplining
11 authority. Records held by the disciplining authority under this
12 section shall be exempt from chapter 42.56 RCW and shall not be
13 subject to discovery by subpoena except by the license holder.

14 (5) "Substance abuse," as used in this section, means the
15 impairment, as determined by the disciplining authority, of a license
16 holder's professional services by an addiction to, a dependency on,
17 or the use of alcohol, legend drugs, or controlled substances.

18 (6) This section does not affect an employer's right or ability
19 to make employment-related decisions regarding a license holder. This
20 section does not restrict the authority of the disciplining authority
21 to take disciplinary action for any other unprofessional conduct.

22 (7) A person who, in good faith, reports information or takes
23 action in connection with this section is immune from civil liability
24 for reporting information or taking the action.

25 (a) The immunity from civil liability provided by this section
26 shall be liberally construed to accomplish the purposes of this
27 section and the persons entitled to immunity shall include:

28 (i) An approved monitoring treatment program;

29 (ii) The professional association operating the program;

30 (iii) Members, employees, or agents of the program or
31 association;

32 (iv) Persons reporting a license holder as being possibly
33 impaired or providing information about the license holder's
34 impairment; and

35 (v) Professionals supervising or monitoring the course of the
36 impaired license holder's treatment or rehabilitation.

37 (b) The courts are strongly encouraged to impose sanctions on
38 clients and their attorneys whose allegations under this subsection
39 are not made in good faith and are without either reasonable
40 objective, substantive grounds, or both.

1 (c) The immunity provided in this section is in addition to any
2 other immunity provided by law.

3 (8) In the case of a person who is applying to be a substance use
4 disorder professional or substance use disorder professional trainee
5 certified under chapter 18.205 RCW, an agency affiliated counselor
6 registered under chapter 18.19 RCW, or a peer specialist or peer
7 specialist trainee licensed under chapter 18.--- RCW (the new chapter
8 created in section 18 of this act), if the person is:

9 (a) Less than one year in recovery from a substance use disorder,
10 the duration of time that the person may be required to participate
11 in the voluntary substance abuse monitoring program may not exceed
12 the amount of time necessary for the person to achieve one year in
13 recovery; or

14 (b) At least one year in recovery from a substance use disorder,
15 the person may not be required to participate in the substance abuse
16 monitoring program.

17 ~~(9) ((In the case of a person who is applying to be an agency~~
18 ~~affiliated counselor registered under chapter 18.19 RCW and practices~~
19 ~~or intends to practice as a peer counselor in an agency, as defined~~
20 ~~in RCW 18.19.020, if the person is:~~

21 ~~(a) Less than one year in recovery from a substance use disorder,~~
22 ~~the duration of time that the person may be required to participate~~
23 ~~in the voluntary substance abuse monitoring program may not exceed~~
24 ~~the amount of time necessary for the person to achieve one year in~~
25 ~~recovery; or~~

26 ~~(b) At least one year in recovery from a substance use disorder,~~
27 ~~the person may not be required to participate in the substance abuse~~
28 ~~monitoring program)) The provisions of subsection (8) of this section
29 apply to any person employed as a peer specialist as of July 1, 2022,
30 participating in a program under this section as of July 1, 2022, and
31 applying to become a licensed peer specialist under section 5 of this
32 act, regardless of when the person's participation in a program
33 began. To this extent, subsection (8) of this section applies
34 retroactively, but in all other respects it applies prospectively.~~

35 **Sec. 17.** RCW 43.43.842 and 2019 c 446 s 44 and 2019 c 444 s 22
36 are each reenacted and amended to read as follows:

37 (1)(a) The secretary of social and health services and the
38 secretary of health shall adopt additional requirements for the
39 licensure or relicensure of agencies, facilities, and licensed

1 individuals who provide care and treatment to vulnerable adults,
2 including nursing pools registered under chapter 18.52C RCW. These
3 additional requirements shall ensure that any person associated with
4 a licensed agency or facility having unsupervised access with a
5 vulnerable adult shall not be the respondent in an active protective
6 order under RCW 74.34.130, nor have been: (i) Convicted of a crime
7 against children or other persons as defined in RCW 43.43.830, except
8 as provided in this section; (ii) convicted of crimes relating to
9 financial exploitation as defined in RCW 43.43.830, except as
10 provided in this section; or (iii) found in any disciplinary board
11 final decision to have abused a vulnerable adult (~~(under)~~) as defined
12 in RCW 43.43.830.

13 (b) A person associated with a licensed agency or facility who
14 has unsupervised access with a vulnerable adult shall make the
15 disclosures specified in RCW 43.43.834(2). The person shall make the
16 disclosures in writing, sign, and swear to the contents under penalty
17 of perjury. The person shall, in the disclosures, specify all crimes
18 against children or other persons, all crimes relating to financial
19 exploitation, and all crimes relating to drugs as defined in RCW
20 43.43.830, committed by the person.

21 (2) The rules adopted under this section shall permit the
22 licensee to consider the criminal history of an applicant for
23 employment in a licensed facility when the applicant has one or more
24 convictions for a past offense and:

25 (a) The offense was simple assault, assault in the fourth degree,
26 or the same offense as it may be renamed, and three or more years
27 have passed between the most recent conviction and the date of
28 application for employment;

29 (b) The offense was prostitution, or the same offense as it may
30 be renamed, and three or more years have passed between the most
31 recent conviction and the date of application for employment;

32 (c) The offense was theft in the third degree, or the same
33 offense as it may be renamed, and three or more years have passed
34 between the most recent conviction and the date of application for
35 employment;

36 (d) The offense was theft in the second degree, or the same
37 offense as it may be renamed, and five or more years have passed
38 between the most recent conviction and the date of application for
39 employment;

1 (e) The offense was forgery, or the same offense as it may be
2 renamed, and five or more years have passed between the most recent
3 conviction and the date of application for employment;

4 (f) The department of social and health services reviewed the
5 employee's otherwise disqualifying criminal history through the
6 department of social and health services' background assessment
7 review team process conducted in 2002, and determined that such
8 employee could remain in a position covered by this section; or

9 (g) The otherwise disqualifying conviction or disposition has
10 been the subject of a pardon, annulment, or other equivalent
11 procedure.

12 The offenses set forth in (a) through (g) of this subsection do
13 not automatically disqualify an applicant from employment by a
14 licensee. Nothing in this section may be construed to require the
15 employment of any person against a licensee's judgment.

16 (3) The rules adopted pursuant to subsection (2) of this section
17 may not allow a licensee to automatically deny an applicant with a
18 conviction for an offense set forth in subsection (2) of this section
19 for a position as a substance use disorder professional or substance
20 use disorder professional trainee certified under chapter 18.205 RCW,
21 as an agency affiliated counselor registered under chapter 18.19 RCW
22 practicing as a peer counselor in an agency or facility, or as a peer
23 specialist or peer specialist trainee licensed under chapter 18.---
24 RCW (the new chapter created in section 18 of this act), if:

25 (a) At least one year has passed between the applicant's most
26 recent conviction for an offense set forth in subsection (2) of this
27 section and the date of application for employment;

28 (b) The offense was committed as a result of the applicant's
29 substance use or untreated mental health symptoms; and

30 (c) The applicant is at least one year in recovery from a
31 substance use disorder, whether through abstinence or stability on
32 medication-assisted therapy, or in recovery from a mental health
33 disorder.

34 ~~(4) ((The rules adopted pursuant to subsection (2) of this~~
35 ~~section may not allow a licensee to automatically deny an applicant~~
36 ~~with a conviction for an offense set forth in subsection (2) of this~~
37 ~~section for a position as an agency affiliated counselor registered~~
38 ~~under chapter 18.19 RCW practicing as a peer counselor in an agency~~
39 ~~or facility if:~~

1 ~~(a) At least one year has passed between the applicant's most~~
2 ~~recent conviction for an offense set forth in subsection (2) of this~~
3 ~~section and the date of application for employment;~~

4 ~~(b) The offense was committed as a result of the person's~~
5 ~~substance use or untreated mental health symptoms; and~~

6 ~~(c) The applicant is at least one year in recovery from a~~
7 ~~substance use disorder, whether through abstinence or stability on~~
8 ~~medication-assisted therapy, or in recovery from mental health~~
9 ~~challenges.~~

10 (5)) In consultation with law enforcement personnel, the
11 secretary of social and health services and the secretary of health
12 shall investigate, or cause to be investigated, the conviction record
13 and the protection proceeding record information under this chapter
14 of the staff of each agency or facility under their respective
15 jurisdictions seeking licensure or relicensure. An individual
16 responding to a criminal background inquiry request from his or her
17 employer or potential employer shall disclose the information about
18 his or her criminal history under penalty of perjury. The secretaries
19 shall use the information solely for the purpose of determining
20 eligibility for licensure or relicensure. Criminal justice agencies
21 shall provide the secretaries such information as they may have and
22 that the secretaries may require for such purpose.

23 NEW SECTION. **Sec. 18.** Sections 1 through 10 of the act
24 constitute a new chapter in Title 18 RCW.

25 NEW SECTION. **Sec. 19.** Section 14 of this act expires July 1,
26 2022.

27 NEW SECTION. **Sec. 20.** Section 15 of this act takes effect July
28 1, 2022.

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