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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5884

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State of Washington

67th Legislature

2022 Regular Session

**By** Senate Ways & Means (originally sponsored by Senators Trudeau, Dhingra, Hasegawa, Kuderer, Lovick, Nguyen, Nobles, Saldaña, and C. Wilson)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to establishing behavioral health support  
2 specialists; amending RCW 18.130.040 and 18.130.040; adding a new  
3 section to chapter 48.43 RCW; adding a new chapter to Title 18 RCW;  
4 providing an effective date; and providing expiration dates.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the behavioral  
7 health support specialist is a new service delivery model in  
8 Washington state based on improving access to psychological therapies  
9 (IAPT), an evidence-based model developed by the national health  
10 service in England. IAPT services are characterized by evidenced-  
11 based psychological therapies, delivered by trained and accredited  
12 practitioners with training matched to the intensity and expected  
13 duration of the mental health problem. The model features routine  
14 outcome monitoring and regular, outcome-focused supervision. Use of  
15 behavioral health support specialists in Washington is expected to  
16 improve access to behavioral health services and ease workforce  
17 shortages while helping behavioral health professionals work at the  
18 top of their scope of practice.

1        NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
2 throughout this chapter unless the context clearly requires  
3 otherwise.

4        (1) "Applicant" means a person who completes the required  
5 application, pays the required fee, is at least 18 years of age, and  
6 meets any background check requirements and uniform disciplinary act  
7 requirements.

8        (2) "Behavioral health support specialist" means a trained  
9 paraprofessional certified under this chapter to deliver low-  
10 intensity, evidence-based behavioral health interventions for adults  
11 with mild-to-moderate behavioral health conditions in a stepped care  
12 model in ongoing partnership with a licensed health care provider  
13 whose scope of practice includes behavioral health, including at a  
14 licensed community behavioral health agency. A behavioral health  
15 support specialist does not have within their scope the ability to  
16 make diagnoses but does track and monitor treatment response and  
17 outcomes using measurement-based care.

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

19        (4) "Secretary" means the secretary of health or the secretary's  
20 designee.

21        NEW SECTION.    **Sec. 3.**    The department shall partner with the  
22 University of Washington department of psychiatry and behavioral  
23 sciences and consult with other stakeholders including the Washington  
24 state council on behavioral health to develop rules to implement this  
25 chapter by January 1, 2024, which shall be consistent with the  
26 evidence-based improving access to psychological therapies model, and  
27 shall include appropriate standards for accreditation of educational  
28 programs for behavioral health support specialists, which shall  
29 include a practicum component and may be integrated into a bachelor's  
30 degree program or structured as a continuing education program.

31        NEW SECTION.    **Sec. 4.**    A person may not represent themselves as a  
32 behavioral health support specialist without being certified by the  
33 department.

34        NEW SECTION.    **Sec. 5.**    Nothing in this chapter shall be construed  
35 to prohibit or restrict delivery of behavioral health interventions  
36 by an individual otherwise regulated under this title and performing  
37 services within their authorized scope of practice.

1        NEW SECTION.        **Sec. 6.**    In addition to any other authority  
2 provided by law, the secretary has the authority to:

3        (1) Adopt rules under chapter 34.05 RCW necessary to implement  
4 this chapter. Any rules adopted shall be in consultation with the  
5 University of Washington;

6        (2) Establish all certification, examination, and renewal fees in  
7 accordance with RCW 43.70.250;

8        (3) Establish forms and procedures necessary to administer this  
9 chapter;

10       (4) Issue certifications to applicants who have met the  
11 education, practicum, and examination requirements for certification  
12 and to deny a certification to applicants who do not meet the  
13 requirements;

14       (5) Develop, administer, and supervise the grading and taking of  
15 an examination for applicants for certification;

16       (6) Adopt rules implementing a continuing education program in  
17 consultation with the University of Washington;

18       (7) Maintain the official record of all applicants and  
19 certification holders; and

20       (8) Establish by rule the procedures for an appeal of an  
21 examination failure.

22       NEW SECTION.        **Sec. 7.**    The uniform disciplinary act, chapter  
23 18.130 RCW, governs uncertified practice, the issuance and denial of  
24 certification, and the discipline of persons certified under this  
25 chapter. The secretary shall be the disciplinary authority under this  
26 chapter.

27       NEW SECTION.        **Sec. 8.**    The secretary shall issue a certification  
28 to any applicant who demonstrates to the satisfaction of the  
29 secretary that the applicant meets the following requirements:

30        (1) Graduation from a bachelor's degree program;

31        (2) Successful completion of a behavioral health support  
32 specialist program that is accredited to meet standards consistent  
33 with the evidence-based program improving access to psychological  
34 treatment, including a supervised clinical practicum with  
35 demonstrated clinical skills in core competencies;

36        (3) Successful completion of an approved examination; and

1 (4) Ongoing partnership with a licensed health care provider  
2 whose scope of practice includes behavioral health, including at a  
3 licensed community behavioral health agency.

4 NEW SECTION. **Sec. 9.** (1) The date and location of examinations  
5 shall be established by the secretary. Applicants who have been found  
6 by the secretary to meet the other requirements for certification  
7 shall be scheduled for the next examination following the filing of  
8 the application. The secretary shall establish by rule the  
9 examination application deadline.

10 (2) The secretary or the secretary's designee shall examine each  
11 applicant, by means determined to be most effective, on subjects  
12 appropriate to the scope of practice, as applicable. Such  
13 examinations shall be limited to the purpose of determining whether  
14 the applicant possesses the minimum skill and knowledge necessary to  
15 practice competently.

16 (3) The examination papers, all grading of the papers, and the  
17 grading of any practical work shall be preserved for a period of not  
18 less than one year after the secretary has made and published the  
19 decisions. All examinations shall be conducted using fair and wholly  
20 impartial methods.

21 (4) The secretary may approve an examination prepared or  
22 administered by a private testing agency or association of licensing  
23 agencies for use by an applicant in meeting the certification  
24 requirements.

25 NEW SECTION. **Sec. 10.** Applications for certification shall be  
26 submitted on forms provided by the secretary. The secretary may  
27 require any information and documentation which reasonably relates to  
28 the need to determine whether the applicant meets the criteria for  
29 certification provided for in this chapter and chapter 18.130 RCW.  
30 Each applicant shall pay a fee determined by the secretary under RCW  
31 43.70.250. The fee shall accompany the application.

32 NEW SECTION. **Sec. 11.** The health care authority shall take any  
33 steps which are necessary and proper to ensure that the services of  
34 behavioral health support specialists are covered under the state  
35 medicaid program by January 1, 2024. A behavioral health support  
36 specialist must be eligible to bill for behavioral health service  
37 delivery, including psychotherapy codes.

1        NEW SECTION.    **Sec. 12.**    A new section is added to chapter 48.43  
2    RCW to read as follows:

3        By July 1, 2024, the office of the insurance commissioner shall  
4    integrate behavioral health support specialists into its network  
5    access standards through enforcement of every category of health care  
6    provider provision in RCW 48.43.045.

7        **Sec. 13.**    RCW 18.130.040 and 2021 c 179 s 6 are each amended to  
8    read as follows:

9        (1) This chapter applies only to the secretary and the boards and  
10    commissions having jurisdiction in relation to the professions  
11    licensed under the chapters specified in this section. This chapter  
12    does not apply to any business or profession not licensed under the  
13    chapters specified in this section.

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

16        (i) Dispensing opticians licensed and designated apprentices  
17    under chapter 18.34 RCW;

18        (ii) Midwives licensed under chapter 18.50 RCW;

19        (iii) Ocularists licensed under chapter 18.55 RCW;

20        (iv) Massage therapists and businesses licensed under chapter  
21    18.108 RCW;

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

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

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

27        (viii) Respiratory care practitioners licensed under chapter  
28    18.89 RCW;

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

31        (x) Persons licensed as mental health counselors, mental health  
32    counselor associates, marriage and family therapists, marriage and  
33    family therapist associates, social workers, social work associates—  
34    advanced, and social work associates—independent clinical under  
35    chapter 18.225 RCW;

36        (xi) Persons registered as nursing pool operators under chapter  
37    18.52C RCW;

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

1 (xiii) Dietitians and nutritionists certified under chapter  
2 18.138 RCW;

3 (xiv) Substance use disorder professionals, substance use  
4 disorder professional trainees, or co-occurring disorder specialists  
5 certified under chapter 18.205 RCW;

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

8 (xvi) Persons licensed and certified under chapter 18.73 RCW or  
9 RCW 18.71.205;

10 (xvii) Orthotists and prosthetists licensed under chapter 18.200  
11 RCW;

12 (xviii) Surgical technologists registered under chapter 18.215  
13 RCW;

14 (xix) Recreational therapists under chapter 18.230 RCW;

15 (xx) Animal massage therapists certified under chapter 18.240  
16 RCW;

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

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

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

20 (xxiv) Reflexologists certified under chapter 18.108 RCW;

21 (xxv) Medical assistants-certified, medical assistants-  
22 hemodialysis technician, medical assistants-phlebotomist, forensic  
23 phlebotomist, and medical assistants-registered certified and  
24 registered under chapter 18.360 RCW; (~~and~~)

25 (xxvi) Behavior analysts, assistant behavior analysts, and  
26 behavior technicians under chapter 18.380 RCW; and

27 (xxvii) Behavioral health support specialists certified under  
28 chapter 18.--- RCW (the new chapter created in section 15 of this  
29 act).

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

32 (i) The podiatric medical board as established in chapter 18.22  
33 RCW;

34 (ii) The chiropractic quality assurance commission as established  
35 in chapter 18.25 RCW;

36 (iii) The dental quality assurance commission as established in  
37 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,  
38 licenses and registrations issued under chapter 18.260 RCW, and  
39 certifications issued under chapter 18.350 RCW;

1 (iv) The board of hearing and speech as established in chapter  
2 18.35 RCW;

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

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

7 (vii) The board of osteopathic medicine and surgery as  
8 established in chapter 18.57 RCW governing licenses issued under  
9 chapters 18.57 and 18.57A RCW;

10 (viii) The pharmacy quality assurance commission as established  
11 in chapter 18.64 RCW governing licenses issued under chapters 18.64  
12 and 18.64A RCW;

13 (ix) The Washington medical commission as established in chapter  
14 18.71 RCW governing licenses and registrations issued under chapters  
15 18.71 and 18.71A RCW;

16 (x) The board of physical therapy as established in chapter 18.74  
17 RCW;

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

20 (xii) The nursing care quality assurance commission as  
21 established in chapter 18.79 RCW governing licenses and registrations  
22 issued under that chapter;

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

25 (xiv) The veterinary board of governors as established in chapter  
26 18.92 RCW;

27 (xv) The board of naturopathy established in chapter 18.36A RCW,  
28 governing licenses and certifications issued under that chapter; and

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

30 (3) In addition to the authority to discipline license holders,  
31 the disciplining authority has the authority to grant or deny  
32 licenses. The disciplining authority may also grant a license subject  
33 to conditions.

34 (4) All disciplining authorities shall adopt procedures to ensure  
35 substantially consistent application of this chapter, the uniform  
36 disciplinary act, among the disciplining authorities listed in  
37 subsection (2) of this section.

38 **Sec. 14.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to  
39 read as follows:

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

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9 under chapter 18.34 RCW;

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

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16 practitioners licensed under chapter 18.06 RCW;

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18 registered under chapter 18.84 RCW;

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20 18.89 RCW;

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

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

28 (xi) Persons registered as nursing pool operators under chapter  
29 18.52C RCW;

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

32 (xiii) Dietitians and nutritionists certified under chapter  
33 18.138 RCW;

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

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

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40 RCW 18.71.205;

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13 hemodialysis technician, medical assistants-phlebotomist, forensic  
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28 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,  
29 licenses and registrations issued under chapter 18.260 RCW, and  
30 certifications issued under chapter 18.350 RCW;

31 (iv) The board of hearing and speech as established in chapter  
32 18.35 RCW;

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

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

37 (vii) The board of osteopathic medicine and surgery as  
38 established in chapter 18.57 RCW governing licenses issued under  
39 chapter 18.57 RCW;

1 (viii) The pharmacy quality assurance commission as established  
2 in chapter 18.64 RCW governing licenses issued under chapters 18.64  
3 and 18.64A RCW;

4 (ix) The Washington medical commission as established in chapter  
5 18.71 RCW governing licenses and registrations issued under chapters  
6 18.71 and 18.71A RCW;

7 (x) The board of physical therapy as established in chapter 18.74  
8 RCW;

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

11 (xii) The nursing care quality assurance commission as  
12 established in chapter 18.79 RCW governing licenses and registrations  
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22 the disciplining authority has the authority to grant or deny  
23 licenses. The disciplining authority may also grant a license subject  
24 to conditions.

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

29 NEW SECTION. **Sec. 15.** Sections 1 through 11 of this act  
30 constitute a new chapter in Title 18 RCW.

31 NEW SECTION. **Sec. 16.** Section 13 of this act expires July 1,  
32 2022.

33 NEW SECTION. **Sec. 17.** Section 14 of this act takes effect July  
34 1, 2022.

1        NEW SECTION.    **Sec. 18.**    Section 12 of this act expires June 30,  
2    2025.

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