

FINAL BILL REPORT

E2SHB 2247

C 371 L 24
Synopsis as Enacted

Brief Description: Addressing behavioral health provider shortages.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Bateman, Bronoske, Simmons, Duerr, Callan, Reed, Macri, Doglio, Leavitt and Davis).

House Committee on Health Care & Wellness
House Committee on Appropriations
Senate Committee on Health & Long Term Care
Senate Committee on Ways & Means

Background:

Psychologists.

A psychologist is authorized to observe, evaluate, interpret, and modify human behavior by the application of psychological principles, methods, and procedures. To be a licensed psychologist, a person must hold a doctoral degree in psychology, have at least two years of supervised experience, pass an examination, and be of good moral character.

The Examining Board of Psychology (Board) may issue certificates of qualification to applicants who meet all licensing requirements except for completion of the doctoral degree. The certification allows the applicant to perform enumerated tasks under the supervision of a licensed psychologist.

The Board may, without examination, grant a license to an individual who holds a doctoral degree (or equivalent) with an emphasis on psychology if the individual meets at least one of the three following criteria: (1) the individual has been licensed in another state or country for at least two years, as long as the licensing requirements in the other state or country are essentially equivalent to Washington's, (2) the individual is a diplomate in good standing of the American Board of Examiners in Professional Psychology, or (3) the individual is a member of a professional organization and holds a certificate deemed by the Board to meet licensing standards equivalent to Washington's.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Clinical Social Workers, Mental Health Counselors, and Marriage and Family Therapists.

Licensed clinical social workers, mental health counselors, and marriage and family therapists (collectively referred to as master's level behavioral health professionals), have various scopes of practice dealing with the provision of behavioral health services.

Licensing requirements for master's level behavioral health professionals vary by profession, but each requires:

- a master's degree or above;
- completion of at least 36 hours of continuing education, with at least six hours in professional ethics; and
- completion of minimum supervised experience requirements—for marriage and family therapists, the supervisor must have at least five years of clinical experience.

A master's level behavioral health professional may obtain an associate license while the professional is completing the requisite hours of supervised experience. An associate is not allowed to perform services for a fee and must work under supervision. An associate license may not be renewed more than six times. An applicant for renewal must have completed at least 18 hours of continuing education in the preceding year. Beginning with the second renewal, at least six hours of continuing education in the preceding two years must be in professional ethics.

Subject to appropriated funds, by July 1, 2024, the Department of Health (DOH) must establish a stipend program to defray out-of-pocket expenses incurred by associates completing supervised experience requirements. Expenses eligible for defrayment include costs incurred in order to obtain supervised experience, such as fees or charges imposed by the individual or entity providing supervision and any other expenses the DOH deems appropriate. The DOH must consider defraying out-of-pocket expenses associated with unpaid internships that are part of an applicant's educational program. Associates must document their out-of-pocket expenses in a manner specified by the DOH.

Agency Affiliated Counselors.

Agency affiliated counselors are registered, certified, or licensed to provide counseling services in an agency or as a student intern. For these purposes, an agency includes:

- an agency or facility operated, licensed, or certified by the state;
- a federally recognized tribe located in the state; or
- a county.

Substance Use Disorder Professionals.

A substance use disorder professional is authorized to employ the core competencies of substance use disorder counseling to assist or attempt to assist individuals with substance use disorder in their recovery.

To be a certified substance use disorder professional, a person must complete an educational program, an apprenticeship program, or alternative training. The person must also pass an

examination and complete an experience requirement that establishes fewer hours of experience for applicants with higher levels of education.

A person working toward the education and experience requirements may be issued a substance use disorder professional trainee certification. A trainee may only work with a state-regulated agency. A trainee certification may only be renewed four times, unless the Secretary of Health grants a waiver.

Medicaid.

The Medicaid program is a federal-state program that provides medical services to eligible low-income individuals or certain individuals with disabilities. Most Medicaid services are provided by managed care organizations, which are licensed health carriers contracted to provide the services through a network of providers. Medicaid services must be provided in a manner consistent with Washington's Medicaid State Plan.

Summary:

Psychologists.

Licensed Psychological Associates.

A new licensed psychological associate credential is created. A licensed psychological associate may practice psychology under the supervision of a licensed supervisor under rules adopted by the Examining Board of Psychology (Board). An individual who is a licensed psychological associate must provide each client or patient, during the first professional contact, a disclosure form disclosing that the individual is a licensed psychological associate under the supervision of an approved supervisor.

To be credentialed as a licensed psychological associate, an applicant must be:

- currently enrolled in a doctoral program, a Doctor of Psychology program, or its equivalent in psychology at an accredited educational institution or participating in a postdoctoral residency, postdoctoral fellowship, or another supervised postdoctoral experience; and
- deemed competent by the director of clinical training or postdoctoral supervisor to practice psychology under the supervision of a licensed supervisor subject to rules adopted by the Board.

An applicant for a licensed psychological associate credential must comply with relevant administrative procedures, administrative requirements, and fee requirements. An applicant may practice without a license under direct supervision for 120 days or until the applicant's license is issued or denied, whichever is sooner.

The definition of "mental health professional" for purposes of the community behavioral health system and the civil commitment system is expanded to include licensed psychological associates.

Licensing Psychologists Without Examination.

The Board may adopt rules waiving requirements for licensing a psychologist without examination for applicants who have continuously been licensed in another state, territory, or country for a period of time that, in the judgment of the Board, renders the waived requirements duplicative or unnecessary.

Clinical Social Workers, Mental Health Counselors, and Marriage and Family Therapists.

Continuing Education.

The minimum hours of continuing education are eliminated for licensed clinical social workers, mental health counselors, marriage and family therapists (collectively referred to as master's level behavioral health professionals), and associates. Instead, the continuing education requirements are established in rules adopted by the Department of Health (DOH) in consultation with the Washington State Mental Health Counselors, Marriage and Family Therapists, and Social Workers Advisory Committee.

Associate Licenses.

An applicant for an associate license may practice without a license under direct supervision for 120 days or until the applicant's license is issued or denied, whichever is sooner.

The limit on the number of times an associate license may be renewed is eliminated. A person whose associate license was not renewed due to the person exceeding the renewal limit must be treated as if the person's license expired. The DOH must allow such a person to return to active status pursuant to standard rules and procedures.

The minimum number of years of clinical experience for a marriage and family therapist supervising an associate is reduced from five years to two years.

Supervisor Stipends.

The stipend program for associate licensees is changed to a stipend to offset the costs of providing supervision to associates. To be eligible for the program, a supervisor must:

- meet all supervision qualifications; and
- be actively providing supervision to at least one associate.

Participating supervisors must document their expenses attributable to each supervised associate and time spent supervising each associate. Supervisors are eligible for up to \$2,000 per year per associate if the supervisor maintains the supervisory relationship for the entire year, subject to the availability of funds. If the supervisor does not provide supervision for an entire year, the DOH must prorate the stipend amount accordingly.

If the supervisor's documented expenses attributable to an associate exceed the stipend amount, the supervisor may charge the associate a fee to recoup the expenses. In no case may the fee exceed \$1,600. The supervisor must report any fees charged to the DOH.

The start date for the stipend program is delayed until July 1, 2025.

Disciplining Authority.

The Secretary of Health (Secretary) must study and make recommendations on changing the disciplining authority for master's level behavioral health professionals from the Secretary to separate boards or commissions for each profession. The Secretary's findings and recommendations must, at a minimum, include whether the disciplining authority for each profession should be a board or a commission; the recommended membership of each board or commission, which must include a majority of members who are members of the regulated professions and at least one public member; an estimate of the fiscal impact of changing the disciplining authority for the professions; and a transition plan for changing the disciplining authorities, including recommended statutory changes.

When formulating the findings and recommendations, the Secretary must consult with organizations representing the affected professions. The Secretary must report the findings and recommendations to the appropriate committees of the Legislature no later than July 1, 2025.

Agency Affiliated Counselors.

Beginning January 1, 2028, the practice settings for agency affiliated counselors are expanded to include federally qualified health centers.

Substance Use Disorder Professionals.

The requirement that a substance use disorder trainee practice with a state-regulated agency is eliminated.

The limit on the number of times a substance use disorder professional trainee credential may be renewed is eliminated. A person whose credential was not renewed due to the person exceeding the renewal limit must be treated as if the person's license expired. The DOH must allow such a person to return to active status pursuant to standard rules and procedures.

Medicaid.

The Health Care Authority must ensure that associates are included in the Medicaid State Plan (State Plan), including filing any State Plan amendments by January 1, 2025.

Rulemaking.

The Examining Board of Psychology and the Secretary of Health may adopt rules necessary to implement the act.

Votes on Final Passage:

House 97 0

Senate 49 0 (Senate amended)
House 93 0 (House concurred)

Effective: June 6, 2024

January 1, 2028 (Section 1)

October 1, 2025 (Sections 2-12, 14, and 16)

Contingent (Section 18)