

SENATE BILL REPORT

SB 5219

As of January 26, 2023

Title: An act relating to enacting the interstate counseling compact for licensed mental health counselors.

Brief Description: Enacting the interstate counseling compact for licensed mental health counselors.

Sponsors: Senators Muzzall, Van De Wege, Conway, Hunt, Mullet, Rolfes, Torres and Wilson, L..

Brief History:

Committee Activity: Health & Long Term Care: 1/26/23.

Brief Summary of Bill

- Enacts the Counseling Compact in Washington State.
- Increases education requirements for licensed mental health counselors by requiring applicants for licensure with degrees awarded after the effective date of this Act to hold a master's degree which includes 60 semester-hours, or 90 quarter-hours of coursework in counseling or related subjects.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: Kevin Black (786-7747)

Background: Professionals Licensed Who May Provide Behavioral Health Treatment. The Department of Health (DOH) licenses health care professionals. A number of professional licenses in Washington with varying levels of required educational attainment include treatment of persons with behavioral health disorders within their scope of practice, including, but not limited to, doctoral-level professions including physicians, physician

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.

assistants, advanced registered nurse practitioners, and psychologists, master's level clinicians including mental health counselors, marriage and family therapists, advanced social workers, and independent clinical social workers, and professions which do not require a master's degree, including substance use disorder professionals, behavioral health technicians, agency affiliated counselors, and registered counselors.

Licensed Mental Health Counselors. Licensed mental health counselors (LMHCs) are authorized to apply principles of human development, learning theory, psychotherapy, group dynamics, and etiology of mental illness and dysfunctional behavior to individuals, couples, families, groups, and organizations, for the treatment of mental disorders and promoting optimal mental health and functionality. Mental health counseling also includes the assessment, diagnosis, and treatment of mental and emotional disorders, as well as the application of a wellness model of mental health.

An LMHC must graduate from a master's or doctoral program in mental health counseling, or a related discipline based on nationally recognized standards, without further specifications for number of credit hours or coursework required. An LMHC must also pass an approved examination, and complete a supervised experience requirement.

The Counseling Compact. The Counseling Compact (Compact) is an agreement between states promulgated by the Compact Commission (Commission), a division of the National Center for Interstate Compacts at the Council for State Governments. The Compact was completed in December 2020. When effective, the Compact will allow LMHCs and equivalent professionals in member states, who the Compact calls licensed professional counselors, to practice counseling across state lines. According to the Commission, 17 states have enacted the Compact, and the Compact is planned to be operational by the end of 2023.

Summary of Bill: The Counseling Compact. The Compact is enacted in Washington State. The Compact allows LMHCs residing in Washington whose license has been unencumbered for at least two years, and meet other Compact requirements to practice outside their home state in other member states which have enacted the Compact. The Compact allows counselors outside Washington who are licensed by a member state, regardless of the title used by that state, to practice in Washington, as long as their license includes the ability to independently assess, diagnose, and treat behavioral health conditions, and they meet other requirements of the Compact, including possession of a license which has been unencumbered for at least two years.

LMHCs exercising privileges under the Compact must apply for the privilege to practice in a remote state, and pay a fee to the Commission for the privilege. These LMHCs must adhere to the laws and regulations of the remote state, even if inconsistent with the laws of Washington, and may be investigated, subpoenaed, disciplined, or fined by the regulatory authority in the remote state, in accordance with due process and that state's laws. Member states must share information relating to disciplinary actions, but only a home state may

take action against a counselor's home state license. The Commission must develop and maintain a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

Compact member states must allow remote state counselors to practice in their states by telemedicine. Active duty military personnel, or their spouses, may designate a home state for the purpose of the Compact where they maintain licensure but do not reside during periods when the service member is on active duty.

Requirements for Counseling Compact Participation. The Compact contains a number of requirements which it states must be applied to all LMHCs, and their equivalent professionals in other member states. Many of these requirements are consistent with existing Washington law, including:

- requiring licensees to pass a nationally recognized exam;
- requiring licensees to complete supervised postgraduate professional experience;
- having a mechanism to receive and investigate complaints against licensees; and
- considering the criminal history records of applicants for licensure, including a fingerprint-based background check with the Federal Bureau of Investigation.

Counseling Compact Educational Requirements. The Compact contains an educational requirement which exceeds Washington law by requiring the master's degree held by licensees to include 60 semester-hours, or 90 quarter-hours in counseling, or an equivalent number of hours of graduate coursework which includes the following topics:

- mental health counseling orientation and ethical practice;
- social and cultural diversity;
- human growth and development;
- career development;
- counseling and helping relationships;
- group counseling and group work;
- diagnosis and treatment;
- assessment and testing;
- research and program evaluation; and
- other areas determined by the Commission.

Update to Washington State Licensure Requirements. Licensure requirements for LMHCs are updated to provide that applicants for licensure with degrees awarded after the effective date of this Act must meet the 60 semester-hour or 90 quarter-hour requirement, with the exception of other areas determined by the Commission.

Duties Relating to the Compact Commission. Washington must comply with the rules established of the Commission that do not exceed the scope of the Compact, and pay dues to the Commission. Washington must enforce the Compact and take all actions necessary to effectuate its purposes and intent. The Commission is authorized to enforce the rules of the Compact and to take action against states which default against their Compact duties,

including by taking legal action against a member state. The Commission may adopt rules by a majority vote of member states following specified processes including notice and a public hearing. Washington must appoint a delegate to attend Commission meetings, which must occur at least once during each calendar year. Indemnification and qualified immunity is provided for members and officers of the Commission for acts, errors, or omissions occurring within the scope of Commission duties.

Appropriation: None.

Fiscal Note: Requested on January 23, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.