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**SUBSTITUTE SENATE BILL 5189**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Trudeau, Wagoner, Conway, Dhingra, and C. Wilson)

READ FIRST TIME 02/01/23.

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 an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that a behavioral  
7 health support specialist is a new member of the workforce in  
8 Washington state trained in the competencies developed by the  
9 University of Washington behavioral health support specialist  
10 clinical training program. The behavioral health support specialist  
11 clinical training program is characterized by brief, evidence-based  
12 interventions delivered to the intensity and expected duration of the  
13 behavioral health problem. The approach features routine outcome  
14 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) "Adult" means a person 18 years of age or older.

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

9        (3) "Behavioral health" is a term that encompasses mental health,  
10 substance use, and co-occurring disorders.

11       (4) "Behavioral health support specialist" means a person  
12 certified to deliver brief, evidence-based interventions with a scope  
13 of practice that includes behavioral health under the supervision of  
14 a Washington state credentialed provider who has the ability to  
15 assess, diagnose, and treat identifiable mental and behavioral health  
16 conditions as part of their scope of practice. A behavioral health  
17 support specialist does not have within their scope of practice the  
18 ability to make diagnoses but does track and monitor treatment  
19 response and outcomes using measurement-based care.

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

21       (6) "Registered apprenticeship" means an apprenticeship program  
22 approved by the Washington state apprenticeship and training council  
23 according to chapter 49.04 RCW.

24       (7) "Secretary" means the secretary of health or the secretary's  
25 designee.

26       NEW SECTION.    **Sec. 3.**    The department shall collaborate with the  
27 University of Washington department of psychiatry and behavioral  
28 sciences and consult with other stakeholders to develop rules to  
29 implement this chapter by January 1, 2025, which shall be consistent  
30 with the University of Washington behavioral health support  
31 specialist clinical training program guidelines, and shall include  
32 appropriate standards for approval of educational programs for  
33 behavioral health support specialists, which shall include a  
34 practicum component and may be integrated into a bachelor's degree  
35 program or structured as a postbaccalaureate continuing education  
36 program or registered apprenticeship in combination with an approved  
37 bachelor's degree or postbaccalaureate certificate.

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

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

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

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

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

15        (3) Establish forms and procedures necessary to administer this  
16 chapter;

17        (4) Issue certifications to applicants who have met the  
18 education, which may include registered apprenticeships, practicum,  
19 and examination requirements for certification and to deny a  
20 certification to applicants who do not meet the requirements;

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

23        (6) Adopt rules requiring completion of 20 hours of continuing  
24 education every two years after initial certification for  
25 certification renewal;

26        (7) Maintain the official record of all applicants and  
27 certification holders; and

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

30        NEW SECTION.    **Sec. 7.**    The uniform disciplinary act, chapter  
31 18.130 RCW, governs uncertified practice, the issuance and denial of  
32 certification, and the discipline of persons certified under this  
33 chapter. The secretary shall be the disciplinary authority under this  
34 chapter.

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

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

5        (2) Successful completion of a behavioral health support  
6 specialist program that is approved to meet standards consistent with  
7 the University of Washington behavioral health support specialist  
8 clinical training program guidelines, including a supervised clinical  
9 practicum with demonstrated clinical skills in core competencies; and

10       (3) Successful completion of an approved jurisprudential  
11 examination.

12       NEW SECTION.    **Sec. 9.**    (1) The date and location of examinations  
13 shall be established by the secretary. Applicants who have been found  
14 by the secretary to meet the other requirements for certification  
15 shall be scheduled for the next examination following the filing of  
16 the application. The secretary shall establish by rule the  
17 examination application deadline.

18       (2) The secretary or the secretary's designee shall examine each  
19 applicant, by means determined to be most effective, on subjects  
20 appropriate to the scope of practice, as applicable. Such  
21 examinations shall be limited to the purpose of determining whether  
22 the applicant possesses the minimum skill and knowledge necessary to  
23 practice competently.

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

29       (4) The secretary may approve an examination prepared or  
30 administered by a private testing agency or association of licensing  
31 agencies for use by an applicant in meeting the certification  
32 requirements.

33       NEW SECTION.    **Sec. 10.**    Applications for certification shall be  
34 submitted on forms provided by the secretary. The secretary may  
35 require any information and documentation which reasonably relates to  
36 the need to determine whether the applicant meets the criteria for  
37 certification provided for in this chapter and chapter 18.130 RCW.

1 Each applicant shall pay a fee determined by the secretary under RCW  
2 43.70.250. The fee shall accompany the application.

3 NEW SECTION. **Sec. 11.** The health care authority shall take any  
4 steps which are necessary and proper to ensure that the services of  
5 behavioral health support specialists are covered under the state  
6 medicaid program by January 1, 2025.

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

9 By July 1, 2025, every carrier shall provide access to behavioral  
10 health support specialists in a manner sufficient to meet the network  
11 access standards set forth in rules established by the office of the  
12 insurance commissioner.

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

15 (1) This chapter applies only to the secretary and the boards and  
16 commissions having jurisdiction in relation to the professions  
17 licensed under the chapters specified in this section. This chapter  
18 does not apply to any business or profession not licensed under the  
19 chapters specified in this section.

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

22 (i) Dispensing opticians licensed and designated apprentices  
23 under chapter 18.34 RCW;

24 (ii) Midwives licensed under chapter 18.50 RCW;

25 (iii) Ocularists licensed under chapter 18.55 RCW;

26 (iv) Massage therapists and businesses licensed under chapter  
27 18.108 RCW;

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

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

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

33 (viii) Respiratory care practitioners licensed under chapter  
34 18.89 RCW;

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

1 (x) Persons licensed as mental health counselors, mental health  
2 counselor associates, marriage and family therapists, marriage and  
3 family therapist associates, social workers, social work associates—  
4 advanced, and social work associates—independent clinical under  
5 chapter 18.225 RCW;

6 (xi) Persons registered as nursing pool operators under chapter  
7 18.52C RCW;

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

10 (xiii) Dietitians and nutritionists certified under chapter  
11 18.138 RCW;

12 (xiv) Substance use disorder professionals, substance use  
13 disorder professional trainees, or co-occurring disorder specialists  
14 certified under chapter 18.205 RCW;

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

17 (xvi) Persons licensed and certified under chapter 18.73 RCW or  
18 RCW 18.71.205;

19 (xvii) Orthotists and prosthetists licensed under chapter 18.200  
20 RCW;

21 (xviii) Surgical technologists registered under chapter 18.215  
22 RCW;

23 (xix) Recreational therapists under chapter 18.230 RCW;

24 (xx) Animal massage therapists certified under chapter 18.240  
25 RCW;

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

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

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

29 (xxiv) Reflexologists certified under chapter 18.108 RCW;

30 (xxv) Medical assistants-certified, medical assistants-  
31 hemodialysis technician, medical assistants-phlebotomist, forensic  
32 phlebotomist, and medical assistants-registered certified and  
33 registered under chapter 18.360 RCW; (~~and~~)

34 (xxvi) Behavior analysts, assistant behavior analysts, and  
35 behavior technicians under chapter 18.380 RCW; and

36 (xxvii) Behavioral health support specialists certified under  
37 chapter 18.--- RCW (the new chapter created in section 15 of this  
38 act).

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

1 (i) The podiatric medical board as established in chapter 18.22  
2 RCW;

3 (ii) The chiropractic quality assurance commission as established  
4 in chapter 18.25 RCW;

5 (iii) The dental quality assurance commission as established in  
6 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,  
7 licenses and registrations issued under chapter 18.260 RCW, and  
8 certifications issued under chapter 18.350 RCW;

9 (iv) The board of hearing and speech as established in chapter  
10 18.35 RCW;

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

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

15 (vii) The board of osteopathic medicine and surgery as  
16 established in chapter 18.57 RCW governing licenses issued under  
17 chapter 18.57 RCW;

18 (viii) The pharmacy quality assurance commission as established  
19 in chapter 18.64 RCW governing licenses issued under chapters 18.64  
20 and 18.64A RCW;

21 (ix) The Washington medical commission as established in chapter  
22 18.71 RCW governing licenses and registrations issued under chapters  
23 18.71 and 18.71A RCW;

24 (x) The board of physical therapy as established in chapter 18.74  
25 RCW;

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

28 (xii) The nursing care quality assurance commission as  
29 established in chapter 18.79 RCW governing licenses and registrations  
30 issued under that chapter;

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

33 (xiv) The veterinary board of governors as established in chapter  
34 18.92 RCW;

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

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

38 (3) In addition to the authority to discipline license holders,  
39 the disciplining authority has the authority to grant or deny

1 licenses. The disciplining authority may also grant a license subject  
2 to conditions.

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

7 **Sec. 14.** RCW 18.130.040 and 2022 c 217 s 5 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:

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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;

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16 RCW;

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

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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;

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

27 (xxvii) Birth doulas certified under chapter 18.47 RCW; and  
28 (xxviii) Behavioral health support specialists certified under  
29 chapter 18.--- RCW (the new chapter created in section 15 of this  
30 act).

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

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

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

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38 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,  
39 licenses and registrations issued under chapter 18.260 RCW, and  
40 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 chapter 18.57 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  
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26 18.92 RCW;

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28 governing licenses and certifications issued under that chapter; and

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

1        NEW SECTION.    **Sec. 16.**    Section 13 of this act expires October 1,  
2    2023.

3        NEW SECTION.    **Sec. 17.**    Section 14 of this act takes effect  
4    October 1, 2023.

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