
SENATE BILL 5189

State of Washington

68th Legislature

2023 Regular Session

By Senators Trudeau, Wagoner, Conway, Dhingra, and C. Wilson

Prefiled 01/06/23. Read first time 01/09/23. Referred to Committee on Health & Long Term Care.

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 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) "Secretary" means the secretary of health or the secretary's
22 designee.

23 NEW SECTION. **Sec. 3.** The department shall partner with the
24 University of Washington department of psychiatry and behavioral
25 sciences and consult with other stakeholders to develop rules to
26 implement this chapter by January 1, 2025, which shall be consistent
27 with the University of Washington behavioral health support
28 specialist clinical training program guidelines, and shall include
29 appropriate standards for accreditation of educational programs for
30 behavioral health support specialists, which shall include a
31 practicum component and may be integrated into a bachelor's degree
32 program or structured as a continuing education program.

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

36 NEW SECTION. **Sec. 5.** Nothing in this chapter shall be construed
37 to prohibit or restrict delivery of behavioral health interventions

1 by an individual otherwise regulated under this title and performing
2 services within their authorized scope of practice.

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

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

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

10 (3) Establish forms and procedures necessary to administer this
11 chapter;

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

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

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

21 (7) Maintain the official record of all applicants and
22 certification holders; and

23 (8) Establish by rule the procedures for an appeal of an
24 examination failure.

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

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

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

34 (2) Successful completion of a behavioral health support
35 specialist program that is accredited to meet standards consistent
36 with the University of Washington behavioral health support
37 specialist clinical training program guidelines, including a

1 supervised clinical practicum with demonstrated clinical skills in
2 core competencies; and

3 (3) Successful completion of an approved jurisprudential
4 examination.

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

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

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

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

26 NEW SECTION. **Sec. 10.** Applications for certification shall be
27 submitted on forms provided by the secretary. The secretary may
28 require any information and documentation which reasonably relates to
29 the need to determine whether the applicant meets the criteria for
30 certification provided for in this chapter and chapter 18.130 RCW.
31 Each applicant shall pay a fee determined by the secretary under RCW
32 43.70.250. The fee shall accompany the application.

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

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

3 (1) By July 1, 2025, the office of the insurance commissioner
4 shall integrate behavioral health support specialists into its
5 network access standards through enforcement of every category of
6 health care provider provision in RCW 48.43.045.

7 (2) This section expires June 30, 2026.

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

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

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

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

19 (ii) Midwives licensed under chapter 18.50 RCW;

20 (iii) Ocularists licensed under chapter 18.55 RCW;

21 (iv) Massage therapists and businesses licensed under chapter
22 18.108 RCW;

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

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

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

28 (viii) Respiratory care practitioners licensed under chapter
29 18.89 RCW;

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

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

37 (xi) Persons registered as nursing pool operators under chapter
38 18.52C RCW;

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

3 (xiii) Dietitians and nutritionists certified under chapter
4 18.138 RCW;

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

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

10 (xvi) Persons licensed and certified under chapter 18.73 RCW or
11 RCW 18.71.205;

12 (xvii) Orthotists and prosthetists licensed under chapter 18.200
13 RCW;

14 (xviii) Surgical technologists registered under chapter 18.215
15 RCW;

16 (xix) Recreational therapists under chapter 18.230 RCW;

17 (xx) Animal massage therapists certified under chapter 18.240
18 RCW;

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

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

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

22 (xxiv) Reflexologists certified under chapter 18.108 RCW;

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

27 (xxvi) Behavior analysts, assistant behavior analysts, and
28 behavior technicians under chapter 18.380 RCW; and

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

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

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

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

38 (iii) The dental quality assurance commission as established in
39 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,

1 licenses and registrations issued under chapter 18.260 RCW, and
2 certifications issued under chapter 18.350 RCW;

3 (iv) The board of hearing and speech as established in chapter
4 18.35 RCW;

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

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

9 (vii) The board of osteopathic medicine and surgery as
10 established in chapter 18.57 RCW governing licenses issued under
11 chapter 18.57 RCW;

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

15 (ix) The Washington medical commission as established in chapter
16 18.71 RCW governing licenses and registrations issued under chapters
17 18.71 and 18.71A RCW;

18 (x) The board of physical therapy as established in chapter 18.74
19 RCW;

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

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

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

27 (xiv) The veterinary board of governors as established in chapter
28 18.92 RCW;

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

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

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

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

1 **Sec. 14.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to
2 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:

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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;

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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;

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

20 (xxvii) Birth doulas certified under chapter 18.47 RCW; and
21 (xxviii) Behavioral health support specialists certified under
22 chapter 18.--- RCW (the new chapter created in section 15 of this
23 act).

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

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

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

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

34 (iv) The board of hearing and speech as established in chapter
35 18.35 RCW;

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

38 (vi) The optometry board as established in chapter 18.54 RCW
39 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 chapter 18.57 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
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18 committee as established in chapter 18.83 RCW;

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22 governing licenses and certifications issued under that chapter; and

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

34 NEW SECTION. **Sec. 16.** Section 13 of this act expires October 1,
35 2023.

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

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