
SENATE BILL 5219

State of Washington

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

Read first time 01/10/23. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to enacting the interstate counseling compact for
2 licensed mental health counselors; amending RCW 18.225.090; and
3 adding a new chapter to Title 18 RCW.

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

5 NEW SECTION. **Sec. 1.** The purpose of this compact is to
6 facilitate interstate practice of licensed mental health counselors,
7 sometimes referred to in other states as licensed professional
8 counselors, with the goal of improving public access to mental health
9 counseling services. The practice of mental health counseling occurs
10 in the state where the client is located at the time of the
11 counseling services. The compact preserves the regulatory authority
12 of states to protect public health and safety through the current
13 system of state licensure.

14 This compact is designed to achieve the following objectives:

15 (1) Increase public access to mental health counseling services
16 by providing for the mutual recognition of other member state
17 licenses;

18 (2) Enhance the states' ability to protect the public's health
19 and safety;

20 (3) Encourage the cooperation of member states in regulating
21 multistate practice for licensed mental health counselors;

- 1 (4) Support spouses of relocating active duty military personnel;
- 2 (5) Enhance the exchange of licensure, investigative, and
3 disciplinary information among member states;
- 4 (6) Allow for the use of telehealth technology to facilitate
5 increased access to mental health counseling services;
- 6 (7) Support the uniformity of mental health counseling licensure
7 requirements throughout the states to promote public safety and
8 public health benefits;
- 9 (8) Invest all member states with the authority to hold a
10 licensed mental health counselor accountable for meeting all state
11 practice laws in the state in which the client is located at the time
12 care is rendered through the mutual recognition of member state
13 licenses;
- 14 (9) Eliminate the necessity for licenses in multiple states; and
- 15 (10) Provide opportunities for interstate practice by licensed
16 mental health counselors who meet uniform licensure requirements.

17 NEW SECTION. **Sec. 2.** As used in this compact, and except as
18 otherwise provided, the following definitions shall apply:

19 (1) "Active duty military" means full-time duty status in the
20 active uniformed service of the United States, including members of
21 the National Guard and Reserve on active duty orders pursuant to 10
22 U.S.C. chapters 1209 and 1211.

23 (2) "Adverse action" means any administrative, civil, equitable,
24 or criminal action permitted by a state's laws which is imposed by a
25 licensing board or other authority against a licensed mental health
26 counselor, including actions against an individual's license or
27 privilege to practice such as revocation, suspension, probation,
28 monitoring of the licensee, limitation on the licensee's practice, or
29 any other encumbrance on licensure affecting a licensed mental health
30 counselor's authorization to practice, including issuance of a cease
31 and desist action.

32 (3) "Alternative program" means a nondisciplinary monitoring or
33 practice remediation process approved by a mental health counseling
34 licensing board to address impaired practitioners.

35 (4) "Compact" means the counseling compact, an interstate
36 occupational licensure compact established by this chapter and the
37 laws enacted by other participating states.

38 (5) "Continuing competence/education" means a requirement, as a
39 condition of license renewal, to provide evidence of participation

1 in, and/or completion of, educational and professional activities
2 relevant to practice or area of work.

3 (6) "Counseling compact commission" or "commission" means the
4 national administrative body whose membership consists of all states
5 that have enacted the compact.

6 (7) "Current significant investigative information" means:

7 (a) Investigative information that a licensing board, after a
8 preliminary inquiry that includes notification and an opportunity for
9 the licensed mental health counselor to respond, if required by state
10 law, has reason to believe is not groundless and, if proved true,
11 would indicate more than a minor infraction; or

12 (b) Investigative information that indicates that the licensed
13 mental health counselor represents an immediate threat to public
14 health and safety regardless of whether the licensed mental health
15 counselor has been notified and had an opportunity to respond.

16 (8) "Data system" means a repository of information about
17 licensees, including, but not limited to, continuing education,
18 examination, licensure, investigative, privilege to practice, and
19 adverse action information.

20 (9) "Encumbered license" means a license in which an adverse
21 action restricts the practice of licensed mental health counseling by
22 the licensee and said adverse action has been reported to the
23 national practitioners data bank.

24 (10) "Encumbrance" means a revocation or suspension of, or any
25 limitation on, the full and unrestricted practice of licensed mental
26 health counseling by a licensing board.

27 (11) "Executive committee" means a group of directors elected or
28 appointed to act on behalf of, and within the powers granted to them
29 by, the commission.

30 (12) "Home state" means the member state that is the licensee's
31 primary state of residence.

32 (13) "Impaired practitioner" means an individual who has a
33 condition(s) that may impair their ability to practice as a licensed
34 mental health counselor without some type of intervention and may
35 include, but are not limited to, alcohol and drug dependence, mental
36 health impairment, and neurological or physical impairments.

37 (14) "Investigative information" means information, records, and
38 documents received or generated by a mental health counseling
39 licensing board pursuant to an investigation.

1 (15) "Jurisprudence requirement," if required by a member state,
2 means the assessment of an individual's knowledge of the laws and
3 rules governing the practice of mental health counseling in a state.

4 (16) "Licensed mental health counselor" means a person licensed
5 to practice mental health counseling under chapter 18.225 RCW, and
6 for the purpose of this compact also means a counselor licensed by a
7 member state, regardless of the title used by that state, to
8 independently assess, diagnose, and treat behavioral health
9 conditions.

10 (17) "Licensee" means an individual who currently holds an
11 authorization from the state to practice as a licensed mental health
12 counselor.

13 (18) "Licensing board" means the agency of a state, or
14 equivalent, that is responsible for the licensing and regulation of
15 licensed mental health counselors.

16 (19) "Member state" means a state that has enacted the compact.

17 (20) "Mental health counseling" means the assessment, diagnosis,
18 and treatment of behavioral health conditions by a licensed mental
19 health counselor.

20 (21) "Privilege to practice" means a legal authorization, which
21 is equivalent to a license, permitting the practice of mental health
22 counseling in a remote state.

23 (22) "Remote state" means a member state other than the home
24 state, where a licensee is exercising or seeking to exercise the
25 privilege to practice.

26 (23) "Rule" means a regulation promulgated by the commission that
27 has the force of law.

28 (24) "Single state license" means a licensed mental health
29 counselor license issued by a member state that authorizes practice
30 only within the issuing state and does not include a privilege to
31 practice in any other member state.

32 (25) "State" means any state, commonwealth, district, or
33 territory of the United States of America that regulates the practice
34 of mental health counseling.

35 (26) "Telehealth" means the application of telecommunication
36 technology to deliver mental health counseling services remotely to
37 assess, diagnose, and treat behavioral health conditions.

38 (27) "Unencumbered license" means a license that authorizes a
39 licensed mental health counselor to engage in the full and
40 unrestricted practice of mental health counseling.

1 NEW SECTION. **Sec. 3.** (1) To participate in the compact, a state
2 must currently:

3 (a) License and regulate licensed mental health counselors;

4 (b) Require licensees to pass a nationally recognized exam
5 approved by the commission;

6 (c) Require licensees to have a 60 semester-hour (or 90 quarter-
7 hour) master's degree in counseling or 60 semester-hours (or 90
8 quarter-hours) of graduate coursework including the following topic
9 areas:

10 (i) Mental health counseling orientation and ethical practice;

11 (ii) Social and cultural diversity;

12 (iii) Human growth and development;

13 (iv) Career development;

14 (v) Counseling and helping relationships;

15 (vi) Group counseling and group work;

16 (vii) Diagnosis and treatment;

17 (viii) Assessment and testing;

18 (ix) Research and program evaluation; and

19 (x) Other areas as determined by the commission;

20 (d) Require licensees to complete a supervised postgraduate
21 professional experience as defined by the commission;

22 (e) Have a mechanism in place for receiving and investigating
23 complaints about licensees.

24 (2) A member state shall:

25 (a) Participate fully in the commission's data system, including
26 using the commission's unique identifier as defined in rules;

27 (b) Notify the commission, in compliance with the terms of the
28 compact and rules, of any adverse action or the availability of
29 investigative information regarding a licensee;

30 (c) Implement or utilize procedures for considering the criminal
31 history records of applicants for an initial privilege to practice.
32 These procedures shall include the submission of fingerprints or
33 other biometric-based information by applicants for the purpose of
34 obtaining an applicant's criminal history record information from the
35 federal bureau of investigation and the agency responsible for
36 retaining that state's criminal records;

37 (i) A member state must fully implement a criminal background
38 check requirement, within a time frame established by rule, by
39 receiving the results of the federal bureau of investigation record
40 search and shall use the results in making licensure decisions.

1 (ii) Communication between a member state, the commission, and
2 among member states regarding the verification of eligibility for
3 licensure through the compact shall not include any information
4 received from the federal bureau of investigation relating to a
5 federal criminal records check performed by a member state under
6 Public Law 92-544;

7 (d) Comply with the rules of the commission;

8 (e) Require an applicant to obtain or retain a license in the
9 home state and meet the home state's qualifications for licensure or
10 renewal of licensure, as well as all other applicable state laws;

11 (f) Grant the privilege to practice to a licensee holding a valid
12 unencumbered license in another member state in accordance with the
13 terms of the compact and rules; and

14 (g) Provide for the attendance of the state's commissioner to the
15 counseling compact commission meetings.

16 (3) Member states may charge a fee for granting the privilege to
17 practice.

18 (4) Individuals not residing in a member state shall continue to
19 be able to apply for a member state's single state license as
20 provided under the laws of each member state. However, the single
21 state license granted to these individuals shall not be recognized as
22 granting a privilege to practice mental health counseling in any
23 other member state.

24 (5) Nothing in this compact shall affect the requirements
25 established by a member state for the issuance of a single state
26 license.

27 (6) A license issued to a licensed mental health counselor by a
28 home state to a resident in that state shall be recognized by each
29 member state as authorizing a licensed mental health counselor to
30 practice mental health counseling, under a privilege to practice, in
31 each member state.

32 NEW SECTION. **Sec. 4.** (1) To exercise the privilege to practice
33 under the terms and provisions of the compact, the licensee shall:

34 (a) Hold a license in the home state;

35 (b) Have a valid United States social security number or national
36 practitioner identifier;

37 (c) Be eligible for a privilege to practice in any member state
38 in accordance with subsections (4), (7), and (8) of this section;

1 (d) Have not had any encumbrance or restriction against any
2 license or privilege to practice within the previous two years;

3 (e) Notify the commission that the licensee is seeking the
4 privilege to practice within a remote state(s);

5 (f) Pay any applicable fees, including any state fee, for the
6 privilege to practice;

7 (g) Meet any continuing competence/education requirements
8 established by the home state;

9 (h) Meet any jurisprudence requirements established by the remote
10 state(s) in which the licensee is seeking a privilege to practice;
11 and

12 (i) Report to the commission any adverse action, encumbrance, or
13 restriction on license taken by any nonmember state within 30 days
14 from the date the action is taken.

15 (2) The privilege to practice is valid until the expiration date
16 of the home state license. The licensee must comply with the
17 requirements of subsection (1) of this section to maintain the
18 privilege to practice in the remote state.

19 (3) A licensee providing mental health counseling in a remote
20 state under the privilege to practice shall adhere to the laws and
21 regulations of the remote state.

22 (4) A licensee providing mental health counseling services in a
23 remote state is subject to that state's regulatory authority. A
24 remote state may, in accordance with due process and that state's
25 laws, remove a licensee's privilege to practice in the remote state
26 for a specific period of time, impose fines, and/or take any other
27 necessary actions to protect the health and safety of its citizens.
28 The licensee may be ineligible for a privilege to practice in any
29 member state until the specific time for removal has passed and all
30 fines are paid.

31 (5) If a home state license is encumbered, the licensee shall
32 lose the privilege to practice in any remote state until the
33 following occur:

34 (a) The home state license is no longer encumbered; and

35 (b) Have not had any encumbrance or restriction against any
36 license or privilege to practice within the previous two years.

37 (6) Once an encumbered license in the home state is restored to
38 good standing, the licensee must meet the requirements of subsection
39 (1) of this section to obtain a privilege to practice in any remote
40 state.

1 (7) If a licensee's privilege to practice in any remote state is
2 removed, the individual may lose the privilege to practice in all
3 other remote states until the following occur:

4 (a) The specific period of time for which the privilege to
5 practice was removed has ended;

6 (b) All fines have been paid; and

7 (c) Have not had any encumbrance or restriction against any
8 license or privilege to practice within the previous two years.

9 (8) Once the requirements of subsection (7) of this section have
10 been met, the licensee must meet the requirements in subsection (1)
11 of this section to obtain a privilege to practice in a remote state.

12 NEW SECTION. **Sec. 5.** (1) A licensed mental health counselor may
13 hold a home state license, which allows for a privilege to practice
14 in other member states, in only one member state at a time.

15 (2) If a licensed mental health counselor changes primary state
16 of residence by moving between two member states:

17 (a) The licensed mental health counselor shall file an
18 application for obtaining a new home state license based on a
19 privilege to practice, pay all applicable fees, and notify the
20 current and new home state in accordance with applicable rules
21 adopted by the commission.

22 (b) Upon receipt of an application for obtaining a new home state
23 license by virtue of a privilege to practice, the new home state
24 shall verify that the licensed mental health counselor meets the
25 pertinent criteria outlined in section 4 of this act via the data
26 system, without need for primary source verification except for:

27 (i) A federal bureau of investigation fingerprint based criminal
28 background check if not previously performed or updated pursuant to
29 applicable rules adopted by the commission in accordance with Public
30 Law 92-544;

31 (ii) Other criminal background check as required by the new home
32 state; and

33 (iii) Completion of any requisite jurisprudence requirements of
34 the new home state.

35 (c) The former home state shall convert the former home state
36 license into a privilege to practice once the new home state has
37 activated the new home state license in accordance with applicable
38 rules adopted by the commission.

1 (d) Notwithstanding any other provision of this compact, if the
2 licensed mental health counselor cannot meet the criteria in section
3 4 of this act, the new home state may apply its requirements for
4 issuing a new single state license.

5 (e) The licensed mental health counselor shall pay all applicable
6 fees to the new home state in order to be issued a new home state
7 license.

8 (3) If a licensed mental health counselor changes primary state
9 of residence by moving from a member state to a nonmember state, or
10 from a nonmember state to a member state, the state criteria shall
11 apply for issuance of a single state license in the new state.

12 (4) Nothing in this compact shall interfere with a licensee's
13 ability to hold a single state license in multiple states, however
14 for the purposes of this compact, a licensee shall have only one home
15 state license.

16 (5) Nothing in this compact shall affect the requirements
17 established by a member state for the issuance of a single state
18 license.

19 NEW SECTION. **Sec. 6.** Active duty military personnel, or their
20 spouse, shall designate a home state where the individual has a
21 current license in good standing. The individual may retain the home
22 state designation during the period the service member is on active
23 duty. Subsequent to designating a home state, the individual shall
24 only change their home state through application for licensure in the
25 new state, or through the process outlined in section 5 of this act.

26 NEW SECTION. **Sec. 7.** (1) Member states shall recognize the
27 right of a licensed mental health counselor, licensed by a home state
28 in accordance with section 3 of this act and under rules promulgated
29 by the commission, to practice mental health counseling in any member
30 state via telehealth under a privilege to practice as provided in the
31 compact and rules promulgated by the commission.

32 (2) A licensee providing mental health counseling services in a
33 remote state under the privilege to practice shall adhere to the laws
34 and regulations of the remote state.

35 NEW SECTION. **Sec. 8.** (1) In addition to the other powers
36 conferred by state law, a remote state shall have the authority, in
37 accordance with existing state due process law, to:

1 (a) Take adverse action against a licensed mental health
2 counselor's privilege to practice within that member state; and

3 (b) Issue subpoenas for both hearings and investigations that
4 require the attendance and testimony of witnesses as well as the
5 production of evidence. Subpoenas issued by a licensing board in a
6 member state for the attendance and testimony of witnesses or the
7 production of evidence from another member state shall be enforced in
8 the latter state by any court of competent jurisdiction, according to
9 the practice and procedure of that court applicable to subpoenas
10 issued in proceedings pending before it. The issuing authority shall
11 pay any witness fees, travel expenses, mileage, and other fees
12 required by the service statutes of the state in which the witnesses
13 or evidence are located.

14 Only the home state shall have the power to take adverse action
15 against a licensed mental health counselor's license issued by the
16 home state.

17 (2) For purposes of taking adverse action, the home state shall
18 give the same priority and effect to reported conduct received from a
19 member state as it would if the conduct had occurred within the home
20 state. In so doing, the home state shall apply its own state laws to
21 determine appropriate action.

22 (3) The home state shall complete any pending investigations of a
23 licensed mental health counselor who changes primary state of
24 residence during the course of the investigations. The home state
25 shall also have the authority to take appropriate action(s) and shall
26 promptly report the conclusions of the investigations to the
27 administrator of the data system. The administrator of the
28 coordinated licensure information system shall promptly notify the
29 new home state of any adverse actions.

30 (4) A member state, if otherwise permitted by state law, may
31 recover from the affected licensed mental health counselor the costs
32 of investigations and dispositions of cases resulting from any
33 adverse action taken against that licensed mental health counselor.

34 (5) A member state may take adverse action based on the factual
35 findings of the remote state, provided that the member state follows
36 its own procedures for taking the adverse action.

37 (6) Joint investigations.

38 (a) In addition to the authority granted to a member state by its
39 respective mental health counseling practice act or other applicable

1 state law, any member state may participate with other member states
2 in joint investigations of licensees.

3 (b) Member states shall share any investigative, litigation, or
4 compliance materials in furtherance of any joint or individual
5 investigation initiated under the compact.

6 (7) If adverse action is taken by the home state against the
7 license of a licensed mental health counselor, the licensed mental
8 health counselor's privilege to practice in all other member states
9 shall be deactivated until all encumbrances have been removed from
10 the state license. All home state disciplinary orders that impose
11 adverse action against the license of a licensed mental health
12 counselor shall include a statement that the licensed mental health
13 counselor's privilege to practice is deactivated in all member states
14 during the pendency of the order.

15 (8) If a member state takes adverse action, it shall promptly
16 notify the administrator of the data system. The administrator of the
17 data system shall promptly notify the home state of any adverse
18 actions by remote states.

19 (9) Nothing in this compact shall override a member state's
20 decision that participation in an alternative program may be used in
21 lieu of adverse action.

22 NEW SECTION. **Sec. 9.** (1) The compact member states hereby
23 create and establish a joint public agency known as the counseling
24 compact commission:

25 (a) The commission is an instrumentality of the compact states.

26 (b) Venue is proper and judicial proceedings by or against the
27 commission shall be brought solely and exclusively in a court of
28 competent jurisdiction where the principal office of the commission
29 is located. The commission may waive venue and jurisdictional
30 defenses to the extent it adopts or consents to participate in
31 alternative dispute resolution proceedings.

32 (c) Nothing in this compact shall be construed to be a waiver of
33 sovereign immunity.

34 (2) Membership, voting, and meetings.

35 (a) Each member state shall have and be limited to one delegate
36 selected by that member state's licensing board.

37 (b) The delegate shall be either:

1 (i) A current member of the licensing board at the time of
2 appointment, who is a licensed mental health counselor or public
3 member; or

4 (ii) An administrator of the licensing board.

5 (c) Any delegate may be removed or suspended from office as
6 provided by the law of the state from which the delegate is
7 appointed.

8 (d) The member state licensing board shall fill any vacancy
9 occurring on the commission within 60 days.

10 (e) Each delegate shall be entitled to one vote with regard to
11 the promulgation of rules and creation of bylaws and shall otherwise
12 have an opportunity to participate in the business and affairs of the
13 commission.

14 (f) A delegate shall vote in person or by such other means as
15 provided in the bylaws. The bylaws may provide for delegates'
16 participation in meetings by telephone or other means of
17 communication.

18 (g) The commission shall meet at least once during each calendar
19 year. Additional meetings shall be held as set forth in the bylaws.

20 (h) The commission shall by rule establish a term of office for
21 delegates and may by rule establish term limits.

22 (3) The commission shall have the following powers and duties:

23 (a) Establish the fiscal year of the commission;

24 (b) Establish bylaws;

25 (c) Maintain its financial records in accordance with the bylaws;

26 (d) Meet and take such actions as are consistent with the
27 provisions of this compact and the bylaws;

28 (e) Promulgate rules which shall be binding to the extent and in
29 the manner provided for in the compact;

30 (f) Bring and prosecute legal proceedings or actions in the name
31 of the commission, provided that the standing of any state licensing
32 board to sue or be sued under applicable law shall not be affected;

33 (g) Purchase and maintain insurance and bonds;

34 (h) Borrow, accept, or contract for services of personnel
35 including, but not limited to, employees of a member state;

36 (i) Hire employees, elect or appoint officers, fix compensation,
37 define duties, grant such individuals appropriate authority to carry
38 out the purposes of the compact, and establish the commission's
39 personnel policies and programs relating to conflicts of interest,
40 qualifications of personnel, and other related personnel matters;

1 (j) Accept any and all appropriate donations and grants of money,
2 equipment, supplies, materials, and services, and to receive,
3 utilize, and dispose of the same; provided that at all times the
4 commission shall avoid any appearance of impropriety and/or conflict
5 of interest;

6 (k) Lease, purchase, accept appropriate gifts or donations of, or
7 otherwise to own, hold, improve, or use, any property, real,
8 personal, or mixed; provided that at all times the commission shall
9 avoid any appearance of impropriety;

10 (l) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
11 otherwise dispose of any property real, personal, or mixed;

12 (m) Establish a budget and make expenditures;

13 (n) Borrow money;

14 (o) Appoint committees, including standing committees composed of
15 members, state regulators, state legislators or their
16 representatives, and consumer representatives, and such other
17 interested persons as may be designated in this compact and the
18 bylaws;

19 (p) Provide and receive information from, and cooperate with, law
20 enforcement agencies;

21 (q) Establish and elect an executive committee; and

22 (r) Perform such other functions as may be necessary or
23 appropriate to achieve the purposes of this compact consistent with
24 the state regulation of mental health counseling licensure and
25 practice.

26 (4) The executive committee.

27 (a) The executive committee shall have the power to act on behalf
28 of the commission according to the terms of this compact.

29 (b) The executive committee shall be composed of up to 11
30 members:

31 (i) Seven voting members who are elected by the commission from
32 the current membership of the commission;

33 (ii) Up to four ex-officio, nonvoting members from four
34 recognized national professional counselor organizations. The ex-
35 officio members will be selected by their respective organizations.

36 (c) The commission may remove any member of the executive
37 committee as provided in bylaws.

38 (d) The executive committee shall meet at least annually.

39 (e) The executive committee shall have the following duties and
40 responsibilities:

1 (i) Recommend to the entire commission changes to the rules or
2 bylaws, changes to this compact legislation, fees paid by compact
3 member states such as annual dues, and any commission compact fee
4 charged to licensees for the privilege to practice;

5 (ii) Ensure compact administration services are appropriately
6 provided, contractual or otherwise;

7 (iii) Prepare and recommend the budget;

8 (iv) Maintain financial records on behalf of the commission;

9 (v) Monitor compact compliance of member states and provide
10 compliance reports to the commission;

11 (vi) Establish additional committees as necessary; and

12 (vii) Other duties as provided in rules or bylaws.

13 (5) Meetings of the commission.

14 (a) All meetings shall be open to the public, and public notice
15 of meetings shall be given in the same manner as required under the
16 rule-making provisions in section 11 of this act.

17 (b) The commission or the executive committee or other committees
18 of the commission may convene in a closed, nonpublic meeting if the
19 commission or executive committee or other committees of the
20 commission must discuss:

21 (i) Noncompliance of a member state with its obligations under
22 the compact;

23 (ii) The employment, compensation, discipline, or other matters,
24 practices, or procedures related to specific employees or other
25 matters related to the commission's internal personnel practices and
26 procedures;

27 (iii) Current, threatened, or reasonably anticipated litigation;

28 (iv) Negotiation of contracts for the purchase, lease, or sale of
29 goods, services, or real estate;

30 (v) Accusing any person of a crime or formally censuring any
31 person;

32 (vi) Disclosure of trade secrets or commercial or financial
33 information that is privileged or confidential;

34 (vii) Disclosure of information of a personal nature where
35 disclosure would constitute a clearly unwarranted invasion of
36 personal privacy;

37 (viii) Disclosure of investigative records compiled for law
38 enforcement purposes;

39 (ix) Disclosure of information related to any investigative
40 reports prepared by or on behalf of or for use of the commission or

1 other committee charged with responsibility of investigation or
2 determination of compliance issues pursuant to the compact; or

3 (x) Matters specifically exempted from disclosure by federal or
4 member state statute.

5 (c) If a meeting, or portion of a meeting, is closed pursuant to
6 this provision, the commission's legal counsel or designee shall
7 certify that the meeting may be closed and shall reference each
8 relevant exempting provision.

9 (d) The commission shall keep minutes that fully and clearly
10 describe all matters discussed in a meeting and shall provide a full
11 and accurate summary of actions taken, and the reasons therefore,
12 including a description of the views expressed. All documents
13 considered in connection with an action shall be identified in such
14 minutes. All minutes and documents of a closed meeting shall remain
15 under seal, subject to release by a majority vote of the commission
16 or order of a court of competent jurisdiction.

17 (6) Financing of the commission.

18 (a) The commission shall pay, or provide for the payment of, the
19 reasonable expenses of its establishment, organization, and ongoing
20 activities.

21 (b) The commission may accept any and all appropriate revenue
22 sources, donations, and grants of money, equipment, supplies,
23 materials, and services.

24 (c) The commission may levy on and collect an annual assessment
25 from each member state or impose fees on other parties to cover the
26 cost of the operations and activities of the commission and its
27 staff, which must be in a total amount sufficient to cover its annual
28 budget as approved each year for which revenue is not provided by
29 other sources. The aggregate annual assessment amount shall be
30 allocated based upon a formula to be determined by the commission,
31 which shall promulgate a rule binding upon all member states.

32 (d) The commission shall not incur obligations of any kind prior
33 to securing the funds adequate to meet the same; nor shall the
34 commission pledge the credit of any of the member states, except by
35 and with the authority of the member state.

36 (e) The commission shall keep accurate accounts of all receipts
37 and disbursements. The receipts and disbursements of the commission
38 shall be subject to the audit and accounting procedures established
39 under its bylaws. However, all receipts and disbursements of funds
40 handled by the commission shall be audited yearly by a certified or

1 licensed public accountant, and the report of the audit shall be
2 included in and become part of the annual report of the commission.

3 (7) Qualified immunity, defense, and indemnification.

4 (a) The members, officers, executive director, employees, and
5 representatives of the commission shall be immune from suit and
6 liability, either personally or in their official capacity, for any
7 claim for damage to or loss of property or personal injury or other
8 civil liability caused by or arising out of any actual or alleged
9 act, error or omission that occurred, or that the person against whom
10 the claim is made had a reasonable basis for believing occurred
11 within the scope of commission employment, duties, or
12 responsibilities; provided, that nothing in this subsection shall be
13 construed to protect any such person from suit and/or liability for
14 any damage, loss, injury, or liability caused by the intentional or
15 willful or wanton misconduct of that person.

16 (b) The commission shall defend any member, officer, executive
17 director, employee, or representative of the commission in any civil
18 action seeking to impose liability arising out of any actual or
19 alleged act, error, or omission that occurred within the scope of
20 commission employment, duties, or responsibilities, or that the
21 person against whom the claim is made had a reasonable basis for
22 believing occurred within the scope of commission employment, duties,
23 or responsibilities; provided, that nothing herein shall be construed
24 to prohibit that person from retaining his or her own counsel; and
25 provided further, that the actual or alleged act, error, or omission
26 did not result from that person's intentional or willful or wanton
27 misconduct.

28 (c) The commission shall indemnify and hold harmless any member,
29 officer, executive director, employee, or representative of the
30 commission for the amount of any settlement or judgment obtained
31 against that person arising out of any actual or alleged act, error,
32 or omission that occurred within the scope of commission employment,
33 duties, or responsibilities, or that such person had a reasonable
34 basis for believing occurred within the scope of commission
35 employment, duties, or responsibilities; provided, that the actual or
36 alleged act, error, or omission did not result from the intentional
37 or willful or wanton misconduct of that person.

38 NEW SECTION. **Sec. 10.** (1) The commission shall provide for the
39 development, maintenance, operation, and utilization of a coordinated

1 database and reporting system containing licensure, adverse action,
2 and investigative information on all licensed individuals in member
3 states.

4 (2) Notwithstanding any other provision of state law to the
5 contrary, a member state shall submit a uniform data set to the data
6 system on all individuals to whom this compact is applicable as
7 required by the rules of the commission, including:

8 (a) Identifying information;

9 (b) Licensure data;

10 (c) Adverse actions against a license or privilege to practice;

11 (d) Nonconfidential information related to alternative program
12 participation;

13 (e) Any denial of application for licensure, and the reason(s)
14 for such denial;

15 (f) Current significant investigative information; and

16 (g) Other information that may facilitate the administration of
17 this compact, as determined by the rules of the commission.

18 (3) Investigative information pertaining to a licensee in any
19 member state will only be available to other member states.

20 (4) The commission shall promptly notify all member states of any
21 adverse action taken against a licensee or an individual applying for
22 a license. Adverse action information pertaining to a licensee in any
23 member state will be available to any other member state.

24 (5) Member states contributing information to the data system may
25 designate information that may not be shared with the public without
26 the express permission of the contributing state.

27 (6) Any information submitted to the data system that is
28 subsequently required to be expunged by the laws of the member state
29 contributing the information shall be removed from the data system.

30 NEW SECTION. **Sec. 11.** (1) The commission shall promulgate
31 reasonable rules in order to effectively and efficiently achieve the
32 purpose of the compact. Notwithstanding the foregoing, in the event
33 the commission exercises its rule-making authority in a manner that
34 is beyond the scope of the purposes of the compact, or the powers
35 granted hereunder, then such an action by the commission shall be
36 invalid and have no force or effect.

37 (2) The commission shall exercise its rule-making powers pursuant
38 to the criteria set forth in this section and the rules adopted

1 thereunder. Rules and amendments shall become binding as of the date
2 specified in each rule or amendment.

3 (3) If a majority of the legislatures of the member states
4 rejects a rule, by enactment of a statute or resolution in the same
5 manner used to adopt the compact within four years of the date of
6 adoption of the rule, then such rule shall have no further force and
7 effect in any member state.

8 (4) Rules or amendments to the rules shall be adopted at a
9 regular or special meeting of the commission.

10 (5) Prior to promulgation and adoption of a final rule or rules
11 by the commission, and at least 30 days in advance of the meeting at
12 which the rule will be considered and voted upon, the commission
13 shall file a notice of proposed rule making:

14 (a) On the website of the commission or other publicly accessible
15 platform; and

16 (b) On the website of each member state mental health counseling
17 licensing board or other publicly accessible platform or the
18 publication in which each state would otherwise publish proposed
19 rules.

20 (6) The notice of proposed rule making shall include:

21 (a) The proposed time, date, and location of the meeting in which
22 the rule will be considered and voted upon;

23 (b) The text of the proposed rule or amendment and the reason for
24 the proposed rule;

25 (c) A request for comments on the proposed rule from any
26 interested person; and

27 (d) The manner in which interested persons may submit notice to
28 the commission of their intention to attend the public hearing and
29 any written comments.

30 (7) Prior to adoption of a proposed rule, the commission shall
31 allow persons to submit written data, facts, opinions, and arguments,
32 which shall be made available to the public.

33 (8) The commission shall grant an opportunity for a public
34 hearing before it adopts a rule or amendment if a hearing is
35 requested by:

36 (a) At least 25 persons;

37 (b) A state or federal governmental subdivision or agency; or

38 (c) An association having at least 25 members.

39 (9) If a hearing is held on the proposed rule or amendment, the
40 commission shall publish the place, time, and date of the scheduled

1 public hearing. If the hearing is held via electronic means, the
2 commission shall publish the mechanism for access to the electronic
3 hearing.

4 (a) All persons wishing to be heard at the hearing shall notify
5 the executive director of the commission or other designated member
6 in writing of their desire to appear and testify at the hearing not
7 less than five business days before the scheduled date of the
8 hearing.

9 (b) Hearings shall be conducted in a manner providing each person
10 who wishes to comment a fair and reasonable opportunity to comment
11 orally or in writing.

12 (c) All hearings will be recorded. A copy of the recording will
13 be made available on request.

14 (d) Nothing in this section shall be construed as requiring a
15 separate hearing on each rule. Rules may be grouped for the
16 convenience of the commission at hearings required by this section.

17 (10) Following the scheduled hearing date, or by the close of
18 business on the scheduled hearing date if the hearing was not held,
19 the commission shall consider all written and oral comments received.

20 (11) If no written notice of intent to attend the public hearing
21 by interested parties is received, the commission may proceed with
22 promulgation of the proposed rule without a public hearing.

23 (12) The commission shall, by majority vote of all members, take
24 final action on the proposed rule and shall determine the effective
25 date of the rule, if any, based on the rule-making record and the
26 full text of the rule.

27 (13) Upon determination that an emergency exists, the commission
28 may consider and adopt an emergency rule without prior notice,
29 opportunity for comment, or hearing, provided that the usual rule-
30 making procedures provided in the compact and in this section shall
31 be retroactively applied to the rule as soon as reasonably possible,
32 in no event later than 90 days after the effective date of the rule.
33 For the purposes of this provision, an emergency rule is one that
34 must be adopted immediately in order to:

35 (a) Meet an imminent threat to public health, safety, or welfare;

36 (b) Prevent a loss of commission or member state funds;

37 (c) Meet a deadline for the promulgation of an administrative
38 rule that is established by federal law or rule; or

39 (d) Protect public health and safety.

1 (14) The commission or an authorized committee of the commission
2 may direct revisions to a previously adopted rule or amendment for
3 purposes of correcting typographical errors, errors in format, errors
4 in consistency, or grammatical errors. Public notice of any revisions
5 shall be posted on the website of the commission. The revision shall
6 be subject to challenge by any person for a period of 30 days after
7 posting. The revision may be challenged only on grounds that the
8 revision results in a material change to a rule. A challenge shall be
9 made in writing and delivered to the chair of the commission prior to
10 the end of the notice period. If no challenge is made, the revision
11 will take effect without further action. If the revision is
12 challenged, the revision may not take effect without the approval of
13 the commission.

14 NEW SECTION. **Sec. 12.** (1) Oversight.

15 (a) The executive, legislative, and judicial branches of state
16 government in each member state shall enforce this compact and take
17 all actions necessary and appropriate to effectuate the compact's
18 purposes and intent. The provisions of this compact and the rules
19 promulgated hereunder shall have standing as statutory law.

20 (b) All courts shall take judicial notice of the compact and the
21 rules in any judicial or administrative proceeding in a member state
22 pertaining to the subject matter of this compact which may affect the
23 powers, responsibilities, or actions of the commission.

24 (c) The commission shall be entitled to receive service of
25 process in any such proceeding and shall have standing to intervene
26 in such a proceeding for all purposes. Failure to provide service of
27 process to the commission shall render a judgment or order void as to
28 the commission, this compact, or promulgated rules.

29 (2) Default, technical assistance, and termination. If the
30 commission determines that a member state has defaulted in the
31 performance of its obligations or responsibilities under this compact
32 or the promulgated rules, the commission shall:

33 (a) Provide written notice to the defaulting state and other
34 member states of the nature of the default, the proposed means of
35 curing the default, and/or any other action to be taken by the
36 commission; and

37 (b) Provide remedial training and specific technical assistance
38 regarding the default.

1 (3) If a state in default fails to cure the default, the
2 defaulting state may be terminated from the compact upon an
3 affirmative vote of a majority of the member states, and all rights,
4 privileges, and benefits conferred by this compact may be terminated
5 on the effective date of termination. A cure of the default does not
6 relieve the offending state of obligations or liabilities incurred
7 during the period of default.

8 (4) Termination of membership in the compact shall be imposed
9 only after all other means of securing compliance have been
10 exhausted. Notice of intent to suspend or terminate shall be given by
11 the commission to the governor, the majority and minority leaders of
12 the defaulting state's legislature, and each of the member states.

13 (5) A state that has been terminated is responsible for all
14 assessments, obligations, and liabilities incurred through the
15 effective date of termination, including obligations that extend
16 beyond the effective date of termination.

17 (6) The commission shall not bear any costs related to a state
18 that is found to be in default or that has been terminated from the
19 compact, unless agreed upon in writing between the commission and the
20 defaulting state.

21 (7) The defaulting state may appeal the action of the commission
22 by petitioning the United States district court for the District of
23 Columbia or the federal district where the commission has its
24 principal offices. The prevailing member shall be awarded all costs
25 of such litigation, including reasonable attorney's fees.

26 (8) Dispute resolution.

27 (a) Upon request by a member state, the commission shall attempt
28 to resolve disputes related to the compact that arise among member
29 states and between member and nonmember states.

30 (b) The commission shall promulgate a rule providing for both
31 mediation and binding dispute resolution for disputes as appropriate.

32 (9) Enforcement.

33 (a) The commission, in the reasonable exercise of its discretion,
34 shall enforce the provisions and rules of this compact.

35 (b) By majority vote, the commission may initiate legal action in
36 the United States district court for the District of Columbia or the
37 federal district where the commission has its principal offices
38 against a member state in default to enforce compliance with the
39 provisions of the compact and its promulgated rules and bylaws. The
40 relief sought may include both injunctive relief and damages. In the

1 event judicial enforcement is necessary, the prevailing member shall
2 be awarded all costs of such litigation, including reasonable
3 attorney's fees.

4 (c) The remedies herein shall not be the exclusive remedies of
5 the commission. The commission may pursue any other remedies
6 available under federal or state law.

7 NEW SECTION. **Sec. 13.** (1) The compact shall come into effect on
8 the date on which the compact statute is enacted into law in the 10th
9 member state. The provisions, which become effective at that time,
10 shall be limited to the powers granted to the commission relating to
11 assembly and the promulgation of rules. Thereafter, the commission
12 shall meet and exercise rule-making powers necessary to the
13 implementation and administration of the compact.

14 (2) Any state that joins the compact subsequent to the
15 commission's initial adoption of the rules shall be subject to the
16 rules as they exist on the date on which the compact becomes law in
17 that state. Any rule that has been previously adopted by the
18 commission shall have the full force and effect of law on the day the
19 compact becomes law in that state.

20 (3) Any member state may withdraw from this compact by enacting a
21 statute repealing the same.

22 (a) A member state's withdrawal shall not take effect until six
23 months after enactment of the repealing statute.

24 (b) Withdrawal shall not affect the continuing requirement of the
25 withdrawing state's mental health counseling licensing board to
26 comply with the investigative and adverse action reporting
27 requirements of this compact prior to the effective date of
28 withdrawal.

29 (4) Nothing contained in this compact shall be construed to
30 invalidate or prevent any mental health counseling licensure
31 agreement or other cooperative arrangement between a member state and
32 a nonmember state that does not conflict with the provisions of this
33 compact.

34 (5) This compact may be amended by the member states. No
35 amendment to this compact shall become effective and binding upon any
36 member state until it is enacted into the laws of all member states.

37 NEW SECTION. **Sec. 14.** This compact shall be liberally construed
38 so as to effectuate the purposes thereof. The provisions of this

1 compact shall be severable and if any phrase, clause, sentence, or
2 provision of this compact is declared to be contrary to the
3 Constitution of any member state or of the United States or the
4 applicability thereof to any government, agency, person, or
5 circumstance is held invalid, the validity of the remainder of this
6 compact and the applicability thereof to any government, agency,
7 person, or circumstance shall not be affected thereby. If this
8 compact shall be held contrary to the Constitution of any member
9 state, the compact shall remain in full force and effect as to the
10 remaining member states and in full force and effect as to the member
11 state affected as to all severable matters.

12 NEW SECTION. **Sec. 15.** (1) A licensee providing mental health
13 counseling services in a remote state under the privilege to practice
14 shall adhere to the laws and regulations, including scope of
15 practice, of the remote state.

16 (2) Nothing herein prevents enforcement of any other law of a
17 member state that is not inconsistent with the compact.

18 (3) Any laws in a member state in conflict with the compact are
19 superseded to the extent of the conflict.

20 (4) Any lawful actions of the commission, including all rules and
21 bylaws properly promulgated by the commission, are binding upon the
22 member states.

23 (5) All permissible agreements between the commission and the
24 member states are binding in accordance with their terms.

25 (6) In the event any provision of the compact exceeds the
26 constitutional limits imposed on the legislature of any member state,
27 the provision shall be ineffective to the extent of the conflict with
28 the constitutional provision in question in that member state.

29 **Sec. 16.** RCW 18.225.090 and 2021 c 21 s 1 are each amended to
30 read as follows:

31 (1) The secretary shall issue a license to any applicant who
32 demonstrates to the satisfaction of the secretary that the applicant
33 meets the following education and experience requirements for the
34 applicant's practice area.

35 (a) Licensed social work classifications:

36 (i) Licensed advanced social worker:

37 (A) Graduation from a master's or doctorate social work
38 educational program accredited by the council on social work

1 education and approved by the secretary based upon nationally
2 recognized standards;

3 (B) Successful completion of an approved examination;

4 (C) Successful completion of a supervised experience requirement.

5 The supervised experience requirement consists of a minimum of
6 (~~three thousand two hundred~~) 3,200 hours with supervision by an
7 approved supervisor who has been licensed for at least two years. Of
8 those supervised hours:

9 (I) At least (~~ninety~~) 90 hours must include direct supervision
10 as specified in this subsection by a licensed independent clinical
11 social worker, a licensed advanced social worker, or an equally
12 qualified licensed mental health professional. Of those hours of
13 directly supervised experience:

14 (1) At least (~~fifty~~) 50 hours must include supervision by a
15 licensed advanced social worker or licensed independent clinical
16 social worker; the other (~~forty~~) 40 hours may be supervised by an
17 equally qualified licensed mental health practitioner; and

18 (2) At least (~~forty~~) 40 hours must be in one-to-one supervision
19 and fifty hours may be in one-to-one supervision or group
20 supervision; and

21 (II) Eight hundred hours must be in direct client contact; and

22 (D) Successful completion of continuing education requirements of
23 (~~thirty-six~~) 36 hours, with six in professional ethics.

24 (ii) Licensed independent clinical social worker:

25 (A) Graduation from a master's or doctorate level social work
26 educational program accredited by the council on social work
27 education and approved by the secretary based upon nationally
28 recognized standards;

29 (B) Successful completion of an approved examination;

30 (C) Successful completion of a supervised experience requirement.

31 The supervised experience requirement consists of a minimum of (~~four~~
32 ~~thousand~~) 4,000 hours of experience, over a period of not less than
33 three years, with supervision by an approved supervisor who has been
34 licensed for at least two years and, as specified in this subsection,
35 may be either a licensed independent clinical social worker who has
36 had at least one year of experience in supervising the clinical
37 social work of others or an equally qualified licensed mental health
38 practitioner. Of those supervised hours:

39 (I) At least (~~one thousand~~) 1,000 hours must be direct client
40 contact; and

1 (II) Hours of direct supervision must include:
2 (1) At least (~~one hundred thirty~~) 130 hours by a licensed
3 mental health practitioner;
4 (2) At least (~~seventy~~) 70 hours of supervision with a licensed
5 independent clinical social worker meeting the qualifications under
6 this subsection (1)(a)(ii)(C); the other (~~sixty~~) 60 hours may be
7 supervised by an equally qualified licensed mental health
8 practitioner; and
9 (3) At least (~~sixty~~) 60 hours must be in one-to-one supervision
10 and (~~seventy~~) 70 hours may be in one-to-one supervision or group
11 supervision; and
12 (D) Successful completion of continuing education requirements of
13 (~~thirty-six~~) 36 hours, with six in professional ethics.
14 (b) Licensed mental health counselor:
15 (i) Graduation from a master's or doctoral level educational
16 program in mental health counseling or a related discipline from a
17 college or university approved by the secretary based upon nationally
18 recognized standards, and which for degrees awarded after the
19 effective date of this section must be counseling degrees which
20 consist of at least 60 semester hours or 90 quarter hours, or include
21 at least 60 semester hours or 90 quarter hours of graduate coursework
22 that includes the following topic areas:
23 (A) Mental health counseling orientation and ethical practice;
24 (B) Social and cultural diversity;
25 (C) Human growth and development;
26 (D) Career development;
27 (E) Counseling and helping relationships;
28 (F) Group counseling and group work;
29 (G) Diagnosis and treatment;
30 (H) Assessment and testing; and
31 (I) Research and program evaluation;
32 (ii) Successful completion of an approved examination;
33 (iii) Successful completion of a supervised experience
34 requirement. The experience requirement consists of a minimum of
35 (~~thirty-six~~) 36 months full-time counseling or (~~three thousand~~)
36 3,000 hours of postgraduate mental health counseling under the
37 supervision of a qualified licensed mental health counselor or
38 equally qualified licensed mental health practitioner, in an approved
39 setting. The (~~three thousand~~) 3,000 hours of required experience
40 includes a minimum of (~~one hundred~~) 100 hours spent in immediate

1 supervision with the qualified licensed mental health counselor, and
2 includes a minimum of (~~one thousand two hundred~~) 1,200 hours of
3 direct counseling with individuals, couples, families, or groups; and

4 (iv) Successful completion of continuing education requirements
5 of (~~thirty-six~~) 36 hours, with six in professional ethics.

6 (c) Licensed marriage and family therapist:

7 (i) Graduation from a master's degree or doctoral degree
8 educational program in marriage and family therapy or graduation from
9 an educational program in an allied field equivalent to a master's
10 degree or doctoral degree in marriage and family therapy approved by
11 the secretary based upon nationally recognized standards;

12 (ii) Successful passage of an approved examination;

13 (iii) Successful completion of a supervised experience
14 requirement. The experience requirement consists of a minimum of two
15 calendar years of full-time marriage and family therapy. Of the total
16 supervision, one hundred hours must be with a licensed marriage and
17 family therapist with at least five years' clinical experience; the
18 other (~~one hundred~~) 100 hours may be with an equally qualified
19 licensed mental health practitioner. Total experience requirements
20 include:

21 (A) A minimum of (~~three thousand~~) 3,000 hours of experience,
22 (~~one thousand~~) 1,000 hours of which must be direct client contact;
23 at least (~~five hundred~~) 500 hours must be gained in diagnosing and
24 treating couples and families; plus

25 (B) At least (~~two hundred~~) 200 hours of qualified supervision
26 with a supervisor. At least (~~one hundred~~) 100 of the (~~two
27 hundred~~) 200 hours must be one-on-one supervision, and the remaining
28 hours may be in one-on-one or group supervision.

29 Applicants who have completed a master's program accredited by
30 the commission on accreditation for marriage and family therapy
31 education of the American association for marriage and family therapy
32 may be credited with (~~five hundred~~) 500 hours of direct client
33 contact and one hundred hours of formal meetings with an approved
34 supervisor; and

35 (iv) Successful completion of continuing education requirements
36 of (~~thirty-six~~) 36 hours, with six in professional ethics.

37 (2) The department shall establish by rule what constitutes
38 adequate proof of meeting the criteria. Only rules in effect on the
39 date of submission of a completed application of an associate for her
40 or his license shall apply. If the rules change after a completed

1 application is submitted but before a license is issued, the new
2 rules shall not be reason to deny the application.

3 (3) In addition, applicants shall be subject to the grounds for
4 denial of a license or issuance of a conditional license under
5 chapter 18.130 RCW.

6 NEW SECTION. **Sec. 17.** Sections 1 through 15 of this act
7 constitute a new chapter in Title 18 RCW.

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