

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1724

Chapter 425, Laws of 2023

68th Legislature
2023 Regular Session

BEHAVIORAL HEALTH WORKFORCE—VARIOUS PROVISIONS

EFFECTIVE DATE: May 11, 2023—Except for section 21, which is contingent; sections 8 through 12 and 32, which take effect July 23, 2023; and section 27, which takes effect October 1, 2023.

Passed by the House April 18, 2023
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 12, 2023
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Approved May 11, 2023 9:52 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1724** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 11, 2023

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1724

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington **68th Legislature** **2023 Regular Session**

By House Appropriations (originally sponsored by Representatives Bateman, Macri, Taylor, Berry, Tharinger, Slatter, Callan, Leavitt, Reed, and Shavers)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to increasing the trained behavioral health
2 workforce; amending RCW 18.83.170, 18.205.140, 18.225.090,
3 18.225.140, 18.122.100, 18.205.110, 18.225.110, 18.130.050,
4 18.19.020, 18.19.030, 18.19.090, 18.19.095, 18.19.180, 18.19.210,
5 71.05.020, 71.05.020, 43.43.842, 18.205.105, 18.130.175, 18.130.040,
6 and 18.130.040; reenacting and amending RCW 71.05.760; adding a new
7 section to chapter 43.70 RCW; adding new sections to chapter 18.130
8 RCW; adding a new section to chapter 18.225 RCW; adding a new section
9 to chapter 18.19 RCW; creating a new section; providing an effective
10 date; providing a contingent effective date; providing an expiration
11 date; providing a contingent expiration date; and declaring an
12 emergency.

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

14 **Sec. 1.** RCW 18.83.170 and 2019 c 351 s 1 are each amended to
15 read as follows:

16 (1) Upon compliance with administrative procedures,
17 administrative requirements, and fees determined under RCW 43.70.250
18 and 43.70.280, the board may grant a license, without oral
19 examination, to any applicant who has not previously failed any
20 examination held by the board of psychology of the state of

1 Washington and furnishes evidence satisfactory to the board that the
2 applicant:

3 (a) Holds a doctoral degree with primary emphasis on psychology
4 from an accredited college or university; and

5 (b) (i) Is licensed or certified to practice psychology in another
6 state or country in which the requirements for such licensing or
7 certification are, in the judgment of the board, essentially
8 equivalent to those required by this chapter and the rules and
9 regulations of the board. Such individuals must have been licensed or
10 certified in another state for a period of at least two years; or

11 (ii) Is a diplomate in good standing of the American Board of
12 Examiners in Professional Psychology; or

13 (iii) Is a member of a professional organization and holds a
14 certificate deemed by the board to meet standards equivalent to this
15 chapter.

16 (2) (a) (i) The department shall establish a reciprocity program
17 for applicants for licensure as a psychologist in Washington.

18 (ii) The reciprocity program applies to applicants for a license
19 as a psychologist who:

20 (A) Hold or have held within the past twelve months a credential
21 in good standing from another state or territory of the United States
22 which has a scope of practice that is substantially equivalent to or
23 greater than the scope of practice for licensed psychologists as
24 established under this chapter; and

25 (B) Have no disciplinary record or disqualifying criminal
26 history.

27 (b) The department shall issue a probationary license to an
28 applicant who meets the requirements of (a) (ii) of this subsection.
29 The department must determine what deficiencies, if any, exist
30 between the education and experience requirements of the other
31 state's credential and, after consideration of the experience and
32 capabilities of the applicant, determine whether it is appropriate to
33 require the applicant to complete additional education or experience
34 requirements to maintain the probationary license and, within a
35 reasonable time period, transition to a full license. (~~(A person who~~
36 ~~holds a probationary license may only practice as a psychologist in a~~
37 ~~licensed or certified service provider, as defined in RCW~~
38 ~~71.24.025.)~~) The department may place a reasonable time limit on a
39 probationary license and may, if appropriate, require the applicant
40 to pass a jurisprudential examination.

1 (c) The department must maintain and publish a list of
2 credentials in other states and territories that the department has
3 determined to have a scope of practice that is substantially
4 equivalent to or greater than the scope of practice for licensed
5 psychologists as established under this chapter. The department shall
6 prioritize identifying and publishing the department's determination
7 for the five states or territories that have historically had the
8 most applicants for reciprocity under subsection (1) of this section
9 with a scope of practice that is substantially equivalent to or
10 greater than the scope of practice for licensed psychologists as
11 established under this chapter.

12 **Sec. 2.** RCW 18.205.140 and 2019 c 351 s 2 are each amended to
13 read as follows:

14 (1) An applicant holding a credential in another state may be
15 certified to practice in this state without examination if the
16 secretary determines that the other state's credentialing standards
17 are substantially equivalent to the standards in this state.

18 (2)(a)(i) The department shall establish a reciprocity program
19 for applicants for certification as a (~~chemical dependency~~)
20 substance use disorder professional in Washington.

21 (ii) The reciprocity program applies to applicants for
22 certification as a (~~chemical dependency~~) substance use disorder
23 professional who:

24 (A) Hold or have held within the past twelve months a credential
25 in good standing from another state or territory of the United States
26 which has a scope of practice that is substantially equivalent to or
27 greater than the scope of practice for certified (~~chemical~~
28 ~~dependency~~) substance use disorder professionals as established
29 under this chapter; and

30 (B) Have no disciplinary record or disqualifying criminal
31 history.

32 (b) The department shall issue a probationary certificate to an
33 applicant who meets the requirements of (a)(ii) of this subsection.
34 The department must determine what deficiencies, if any, exist
35 between the education and experience requirements of the other
36 state's credential and, after consideration of the experience and
37 capabilities of the applicant, determine whether it is appropriate to
38 require the applicant to complete additional education or experience
39 requirements to maintain the probationary certificate and, within a

1 reasonable time period, transition to a full certificate. (~~A person~~
2 ~~who holds a probationary certificate may only practice as a chemical~~
3 ~~dependency professional in a licensed or certified service provider,~~
4 ~~as defined in RCW 71.24.025.~~) The department may place a reasonable
5 time limit on a probationary certificate and may, if appropriate,
6 require the applicant to pass a jurisprudential examination.

7 (c) The department must maintain and publish a list of
8 credentials in other states and territories that the department has
9 determined to have a scope of practice that is substantially
10 equivalent to or greater than the scope of practice for certified
11 (~~chemical dependency~~) substance use disorder professionals as
12 established under this chapter. The department shall prioritize
13 identifying and publishing the department's determination for the
14 five states or territories that have historically had the most
15 applicants for reciprocity under subsection (1) of this section with
16 a scope of practice that is substantially equivalent to or greater
17 than the scope of practice for certified (~~chemical dependency~~)
18 substance use disorder professionals as established under this
19 chapter.

20 **Sec. 3.** RCW 18.225.090 and 2021 c 21 s 1 are each amended to
21 read as follows:

22 (1) The secretary shall issue a license to any applicant who
23 demonstrates to the satisfaction of the secretary that the applicant
24 meets the following education and experience requirements for the
25 applicant's practice area.

26 (a) Licensed social work classifications:

27 (i) Licensed advanced social worker:

28 (A) Graduation from a master's (~~or doctorate~~) social work
29 educational program accredited by the council on social work
30 education or a social work doctorate program at a university
31 accredited by a recognized accrediting organization, and approved by
32 the secretary based upon nationally recognized standards;

33 (B) Successful completion of an approved examination;

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

35 The supervised experience requirement consists of a minimum of
36 (~~three thousand two hundred~~) 3,000 hours with supervision by an
37 approved supervisor who has been licensed for at least two years. Of
38 those supervised hours:

1 (I) At least (~~ninety~~) 90 hours must include direct supervision
2 as specified in this subsection by a licensed independent clinical
3 social worker, a licensed advanced social worker, or an equally
4 qualified licensed mental health professional. Of those hours of
5 directly supervised experience (÷

6 ~~(1) At least fifty hours must include supervision by a licensed
7 advanced social worker or licensed independent clinical social
8 worker; the other forty hours may be supervised by an equally
9 qualified licensed mental health practitioner; and~~

10 ~~(2) At~~) at least (~~forty~~) 40 hours must be in one-to-one
11 supervision and fifty hours may be in one-to-one supervision or group
12 supervision; and

13 (II) (~~Eight hundred~~) 800 hours must be in direct client
14 contact; and

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

17 (ii) Licensed independent clinical social worker:

18 (A) Graduation from a master's (~~or doctorate~~) level social work
19 educational program accredited by the council on social work
20 education or a social work doctorate program at a university
21 accredited by a recognized accrediting organization, and approved by
22 the secretary based upon nationally recognized standards;

23 (B) Successful completion of an approved examination;

24 (C) Successful completion of a supervised experience requirement.
25 The supervised experience requirement consists of a minimum of (~~four~~
26 ~~thousand~~) 3,000 hours of experience, over a period of not less than
27 (~~three~~) two years, with supervision by an approved supervisor who
28 has been licensed for at least two years and, as specified in this
29 subsection, may be either a licensed independent clinical social
30 worker who has had at least one year of experience in supervising the
31 clinical social work of others or an equally qualified licensed
32 mental health practitioner. Of those supervised hours:

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

35 (II) Hours of direct supervision must include:

36 (1) At least (~~one hundred thirty~~) 100 hours by a licensed
37 mental health practitioner;

38 (2) At least (~~seventy~~) 70 hours of supervision with a licensed
39 independent clinical social worker meeting the qualifications under
40 this subsection (1)(a)(ii)(C); the (~~other sixty~~) remaining hours

1 may be supervised by an equally qualified licensed mental health
2 practitioner; and

3 (3) At least (~~sixty~~) 60 hours must be in one-to-one supervision
4 and (~~seventy~~) the remaining hours may be in one-to-one supervision
5 or group supervision; and

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

8 (b) Licensed mental health counselor:

9 (i) Graduation from a master's or doctoral level educational
10 program in mental health counseling or a related discipline from a
11 college or university approved by the secretary based upon nationally
12 recognized standards;

13 (ii) Successful completion of an approved examination;

14 (iii) Successful completion of a supervised experience
15 requirement. The experience requirement consists of a minimum of
16 (~~thirty-six~~) 36 months full-time counseling or (~~three thousand~~)
17 3,000 hours of postgraduate mental health counseling under the
18 supervision of a qualified licensed mental health counselor or
19 equally qualified licensed mental health practitioner, in an approved
20 setting. The three thousand hours of required experience includes a
21 minimum of (~~one hundred~~) 100 hours spent in immediate supervision
22 with the qualified licensed mental health counselor, and includes a
23 minimum of (~~one thousand two hundred~~) 1,200 hours of direct
24 counseling with individuals, couples, families, or groups; and

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

27 (c) Licensed marriage and family therapist:

28 (i) Graduation from a master's degree or doctoral degree
29 educational program in marriage and family therapy or graduation from
30 an educational program in an allied field equivalent to a master's
31 degree or doctoral degree in marriage and family therapy approved by
32 the secretary based upon nationally recognized standards;

33 (ii) Successful passage of an approved examination;

34 (iii) Successful completion of a supervised experience
35 requirement. The experience requirement consists of a minimum of
36 (~~two calendar years of full-time~~) 3,000 hours of marriage and
37 family therapy. Of the total supervision, (~~one hundred~~) 100 hours
38 must be with a licensed marriage and family therapist with at least
39 five years' clinical experience; the other (~~one hundred~~) 100 hours

1 may be with an equally qualified licensed mental health practitioner.

2 Total experience requirements include:

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

7 (B) At least (~~(two hundred)~~) 200 hours of qualified supervision
8 with a supervisor. At least (~~(one hundred)~~) 100 of the (~~(two~~
9 ~~hundred)~~) 200 hours must be one-on-one supervision, and the remaining
10 hours may be in one-on-one or group supervision.

11 Applicants who have completed a master's program accredited by
12 the commission on accreditation for marriage and family therapy
13 education of the American association for marriage and family therapy
14 may be credited with (~~(five hundred)~~) 500 hours of direct client
15 contact and (~~(one hundred)~~) 100 hours of formal meetings with an
16 approved supervisor; and

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

19 (2) The department shall establish by rule what constitutes
20 adequate proof of meeting the criteria. Only rules in effect on the
21 date of submission of a completed application of an associate for her
22 or his license shall apply. If the rules change after a completed
23 application is submitted but before a license is issued, the new
24 rules shall not be reason to deny the application.

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

28 **Sec. 4.** RCW 18.225.140 and 2019 c 351 s 3 are each amended to
29 read as follows:

30 (1) An applicant holding a credential in another state may be
31 licensed to practice in this state without examination if the
32 secretary determines that the other state's credentialing standards
33 are substantially equivalent to the licensing standards in this
34 state.

35 (2) (a) (i) The department shall establish a reciprocity program
36 for applicants for licensure as an advanced social worker, an
37 independent clinical social worker, a mental health counselor, or a
38 marriage and family therapist in Washington.

1 (ii) The reciprocity program applies to applicants for a license
2 as an advanced social worker, an independent clinical social worker,
3 a mental health counselor, or a marriage and family therapist who:

4 (A) Hold or have held within the past (~~twelve~~) 12 months a
5 credential in good standing from another state or territory of the
6 United States which has a scope of practice that is substantially
7 equivalent to or greater than the scope of practice for the
8 corresponding license as established under this chapter; and

9 (B) Have no disciplinary record or disqualifying criminal
10 history.

11 (b) The department shall issue a probationary license to an
12 applicant who meets the requirements of (a)(ii) of this subsection.
13 The department must determine what deficiencies, if any, exist
14 between the education and experience requirements of the other
15 state's credential and, after consideration of the experience and
16 capabilities of the applicant, determine whether it is appropriate to
17 require the applicant to complete additional education or experience
18 requirements to maintain the probationary license and, within a
19 reasonable time period, transition to a full license. (~~A person who~~
20 ~~holds a probationary license may only practice in the relevant~~
21 ~~profession in a licensed or certified service provider, as defined in~~
22 ~~RCW 71.24.025.~~) The department may place a reasonable time limit on
23 a probationary license and may, if appropriate, require the applicant
24 to pass a jurisprudential examination.

25 (c) The department must maintain and publish a list of
26 credentials in other states and territories that the department has
27 determined to have a scope of practice that is substantially
28 equivalent to or greater than the scope of practice for licensed
29 advanced social workers, independent clinical social workers, mental
30 health counselors, or marriage and family therapists as established
31 under this chapter. The department shall prioritize identifying and
32 publishing the department's determination for the five states or
33 territories that have historically had the most applicants for
34 reciprocity under subsection (1) of this section with a scope of
35 practice that is substantially equivalent to or greater than the
36 scope of practice for licensed advanced social workers, independent
37 clinical social workers, mental health counselors, and marriage and
38 family therapists under this chapter.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70
2 RCW to read as follows:

3 (1) The department, in consultation with the workforce training
4 and education coordinating board and the examining board of
5 psychology, shall examine licensure requirements for the following
6 professions to identify changes to statutes and rules that would
7 remove barriers to entering and remaining in the health care
8 workforce and to streamline and shorten the credentialing process:

9 (a) Advanced social workers and independent clinical social
10 workers licensed under chapter 18.225 RCW;

11 (b) Marriage and family therapists licensed under chapter 18.225
12 RCW;

13 (c) Mental health counselors licensed under chapter 18.225 RCW;

14 (d) Substance use disorder professionals certified under chapter
15 18.205 RCW; and

16 (e) Psychologists licensed under chapter 18.83 RCW.

17 (2) The licensure requirements to be examined by the department
18 shall include examinations, continuing education requirements,
19 administrative requirements for license application and renewal,
20 English language proficiency requirements, and supervised experience
21 requirements, including supervisor requirements and costs associated
22 with completing supervised experience requirements.

23 (3) When conducting the review required in subsection (1) of this
24 section, the department shall at a minimum consider the following:

25 (a) The availability of peer-reviewed research and other
26 evidence, including requirements in other states, indicating the
27 necessity of specific licensure requirements for ensuring that
28 behavioral health professionals are prepared to practice with
29 reasonable skill and safety;

30 (b) Changes that would facilitate licensure of qualified, out-of-
31 state and international applicants to promote reciprocity, including
32 the adoption of applicable interstate compacts;

33 (c) Changes that would promote greater consistency across
34 licensure requirements for professions licensed under chapter 18.225
35 RCW and allow for applicants' prior professional experience within
36 relevant fields to be counted towards supervised experience
37 requirements established under chapter 18.225 RCW, including the
38 extent to which an applicant may use prior professional experience
39 gained before graduation from a master's or doctoral level

1 educational program to satisfy the applicant's supervised experience
2 requirement;

3 (d) Technical assistance programs, such as navigators or
4 dedicated customer service lines, to facilitate the completion of
5 licensing applications;

6 (e) In consultation with the examining board of psychology and a
7 statewide organization representing licensed psychologists, the
8 creation of an associate-level license for psychologists;

9 (f) Whether agency affiliated counselors should be allowed to
10 practice in federally qualified health centers; and

11 (g) Any rules that pose excessive administrative requirements for
12 application or renewal or that place a disproportionate burden on
13 applicants from disadvantaged communities.

14 (4) By November 1, 2023, the department shall provide a progress
15 report and initial findings to the appropriate committees of the
16 legislature on actions and recommendations to remove licensing
17 barriers and improve credentialing time frames.

18 (5) By November 1, 2024, the department shall provide a final
19 report to the appropriate committees of the legislature on actions
20 and recommendations to remove licensing barriers and improve
21 credentialing time frames.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.130
23 RCW to read as follows:

24 (1) By July 1, 2024, the department and the examining board of
25 psychology shall adopt emergency rules to implement changes to
26 licensing requirements to remove barriers to entering and remaining
27 in the health care workforce and to streamline and shorten the
28 credentialing process. Pursuant to RCW 34.05.350, the legislature
29 finds that the rules adopted under this section are necessary for the
30 preservation of the public health, safety, or general welfare and
31 observing the time requirements of notice and opportunity to comment
32 upon adoption of a permanent rule would be contrary to the public
33 interest. The disciplining authorities shall, therefore, adopt the
34 rules required under this section as emergency rules.

35 (2) By July 1, 2025, the department and the examining board of
36 psychology shall adopt permanent rules to implement changes to
37 licensing requirements to remove barriers to entering and remaining
38 in the health care workforce and to streamline and shorten the
39 credentialing process.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.225
2 RCW to read as follows:

3 (1)(a) Subject to the availability of amounts appropriated for
4 this specific purpose, by October 1, 2023, the department shall
5 develop a program to facilitate placement of associates with clinical
6 supervision services. The program must include a database of license
7 holders with the required qualifications who are willing to serve as
8 approved supervisors and agencies or facilities that offer
9 supervision services through their facilities to associates seeking
10 to satisfy supervised experience requirements under RCW 18.225.090.

11 (b) The department shall adopt, by rule, minimum qualifications
12 for supervisors or facilities to be included in the database and
13 minimum standards for adequate supervision of associates. The
14 department may not include in the database any person who, or
15 facility that, does not meet the minimum qualifications. The
16 department shall periodically audit the list to remove persons who,
17 or facilities that, no longer meet the minimum qualifications or fail
18 to meet the minimum standards.

19 (2) Subject to the availability of amounts appropriated for this
20 specific purpose, the department shall establish a stipend program to
21 defray the out-of-pocket expenses incurred by associates completing
22 supervised experience requirements under RCW 18.225.090.

23 (a) Out-of-pocket expenses eligible for defrayment under this
24 section include costs incurred in order to obtain supervised
25 experience, such as fees or charges imposed by the individual or
26 entity providing supervision, and any other expenses deemed
27 appropriate by the department.

28 (b) Associates participating in the stipend program established
29 in this section shall document their out-of-pocket expenses in a
30 manner specified by the department.

31 (c) When adopting the stipend program, the department shall
32 consider defraying out-of-pocket expenses associated with unpaid
33 internships that are part of an applicant's educational program.

34 (d) The department shall establish the stipend program no later
35 than July 1, 2024.

36 (e) The department may adopt any rules necessary to implement
37 this section.

38 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.130
39 RCW to read as follows:

1 (1) Disciplining authorities shall waive education, training,
2 experience, and exam requirements for applicants who have been
3 credentialed in another state or states with substantially equivalent
4 standards for at least two years immediately preceding their
5 application with no interruption in licensure last longer than 90
6 days.

7 (2) Disciplining authorities may waive education, training,
8 experience, or exam requirements for applicants who have achieved a
9 national certification for the profession as determined by the
10 disciplining authority in rule.

11 (3) Disciplining authorities may only issue credentials under
12 this section to applicants who:

13 (a) Are not subject to denial of a license or issuance of a
14 conditional license under this chapter;

15 (b) Have not been subject to disciplinary action for
16 unprofessional conduct or impairment in any state, federal, or
17 foreign jurisdiction in the two years preceding their application or
18 during the pendency of their application; and

19 (c) Are not under investigation or subject to charges in any
20 state, federal, or foreign jurisdiction during the pendency of their
21 application.

22 **Sec. 9.** RCW 18.122.100 and 1989 1st ex.s. c 9 s 310 are each
23 amended to read as follows:

24 (1) The date and location of examinations shall be established by
25 the secretary. Applicants (~~who have been found by the secretary to~~
26 ~~meet the other requirements for licensure or certification~~) shall be
27 scheduled for the next examination following the filing of the
28 application. The secretary shall establish by rule the examination
29 application deadline.

30 (2) The secretary or the secretary's designees shall examine each
31 applicant, by means determined most effective, on subjects
32 appropriate to the scope of practice, as applicable. Such
33 examinations shall be limited to the purpose of determining whether
34 the applicant possesses the minimum skill and knowledge necessary to
35 practice competently.

36 (3) The examination papers, all grading of the papers, and the
37 grading of any practical work shall be preserved for a period of not
38 less than one year after the secretary has made and published the

1 decisions. All examinations shall be conducted under fair and wholly
2 impartial methods.

3 (4) Any applicant failing to make the required grade in the first
4 examination may take up to three subsequent examinations as the
5 applicant desires upon prepaying a fee determined by the secretary
6 under RCW 43.70.250 for each subsequent examination. Upon failing
7 four examinations, the secretary may invalidate the original
8 application and require such remedial education before the person may
9 take future examinations.

10 (5) The secretary may approve an examination prepared or
11 administered by a private testing agency or association of licensing
12 agencies for use by an applicant in meeting the credentialing
13 requirements.

14 **Sec. 10.** RCW 18.205.110 and 1998 c 243 s 11 are each amended to
15 read as follows:

16 (1) The date and location of examinations shall be established by
17 the secretary. Applicants (~~who have been found by the secretary to~~
18 ~~meet the other requirements for certification~~) shall be scheduled
19 for the next examination following the filing of the application. The
20 secretary shall establish by rule the examination application
21 deadline.

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

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

33 (4) Any applicant failing to make the required grade in the first
34 examination may take up to three subsequent examinations as the
35 applicant desires upon prepaying a fee determined by the secretary
36 under RCW 43.70.250 for each subsequent examination. Upon failing
37 four examinations, the secretary may invalidate the original
38 application and require such remedial education before the person may
39 take future examinations.

1 (5) The secretary may approve an examination prepared or
2 administered by a private testing agency or association of licensing
3 agencies for use by an applicant in meeting the certification
4 requirements.

5 **Sec. 11.** RCW 18.225.110 and 2001 c 251 s 11 are each amended to
6 read as follows:

7 (1) The date and location of examinations shall be established by
8 the secretary. Applicants (~~who have been found by the secretary to~~
9 ~~meet the other requirements for licensure~~) shall be scheduled for
10 the next examination following the filing of the application. The
11 secretary shall establish by rule the examination application
12 deadline.

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

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

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

28 **Sec. 12.** RCW 18.130.050 and 2016 c 81 s 13 are each amended to
29 read as follows:

30 Except as provided in RCW 18.130.062, the disciplining authority
31 has the following authority:

32 (1) To adopt, amend, and rescind such rules as are deemed
33 necessary to carry out this chapter;

34 (2) To investigate all complaints or reports of unprofessional
35 conduct as defined in this chapter;

36 (3) To hold hearings as provided in this chapter;

1 (4) To issue subpoenas and administer oaths in connection with
2 any investigation, consideration of an application for license,
3 hearing, or proceeding held under this chapter;

4 (5) To take or cause depositions to be taken and use other
5 discovery procedures as needed in any investigation, hearing, or
6 proceeding held under this chapter;

7 (6) To compel attendance of witnesses at hearings;

8 (7) In the course of investigating a complaint or report of
9 unprofessional conduct, to conduct practice reviews and to issue
10 citations and assess fines for failure to produce documents, records,
11 or other items in accordance with RCW 18.130.230;

12 (8) To take emergency action ordering summary suspension of a
13 license, or restriction or limitation of the license holder's
14 practice pending proceedings by the disciplining authority. Within
15 fourteen days of a request by the affected license holder, the
16 disciplining authority must provide a show cause hearing in
17 accordance with the requirements of RCW 18.130.135. In addition to
18 the authority in this subsection, a disciplining authority shall,
19 except as provided in RCW 9.97.020:

20 (a) Consistent with RCW 18.130.370, issue a summary suspension of
21 the license or temporary practice permit of a license holder
22 prohibited from practicing a health care profession in another state,
23 federal, or foreign jurisdiction because of an act of unprofessional
24 conduct that is substantially equivalent to an act of unprofessional
25 conduct prohibited by this chapter or any of the chapters specified
26 in RCW 18.130.040. The summary suspension remains in effect until
27 proceedings by the Washington disciplining authority have been
28 completed;

29 (b) Consistent with RCW 18.130.400, issue a summary suspension of
30 the license or temporary practice permit if, under RCW 74.39A.051,
31 the license holder is prohibited from employment in the care of
32 vulnerable adults based upon a department of social and health
33 services' final finding of abuse or neglect of a minor or abuse,
34 abandonment, neglect, or financial exploitation of a vulnerable
35 adult. The summary suspension remains in effect until proceedings by
36 the disciplining authority have been completed;

37 (9) To conduct show cause hearings in accordance with RCW
38 18.130.062 or 18.130.135 to review an action taken by the
39 disciplining authority to suspend a license or restrict or limit a

1 license holder's practice pending proceedings by the disciplining
2 authority;

3 (10) To use a presiding officer as authorized in RCW
4 18.130.095(3) or the office of administrative hearings as authorized
5 in chapter 34.12 RCW to conduct hearings. Disciplining authorities
6 identified in RCW 18.130.040(2) shall make the final decision
7 regarding disposition of the license unless the disciplining
8 authority elects to delegate in writing the final decision to the
9 presiding officer. Disciplining authorities identified in RCW
10 18.130.040(2)(b) may not delegate the final decision regarding
11 disposition of the license or imposition of sanctions to a presiding
12 officer in any case pertaining to standards of practice or where
13 clinical expertise is necessary, including deciding any motion that
14 results in dismissal of any allegation contained in the statement of
15 charges. Presiding officers acting on behalf of the secretary shall
16 enter initial orders. The secretary may, by rule, provide that
17 initial orders in specified classes of cases may become final without
18 further agency action unless, within a specified time period:

19 (a) The secretary upon his or her own motion determines that the
20 initial order should be reviewed; or

21 (b) A party to the proceedings files a petition for
22 administrative review of the initial order;

23 (11) To use individual members of the boards to direct
24 investigations and to authorize the issuance of a citation under
25 subsection (7) of this section. However, the member of the board
26 shall not subsequently participate in the hearing of the case;

27 (12) To enter into contracts for professional services determined
28 to be necessary for adequate enforcement of this chapter;

29 (13) To contract with license holders or other persons or
30 organizations to provide services necessary for the monitoring and
31 supervision of license holders who are placed on probation, whose
32 professional activities are restricted, or who are for any authorized
33 purpose subject to monitoring by the disciplining authority;

34 (14) To adopt standards of professional conduct or practice;

35 (15) To grant or deny license applications, and in the event of a
36 finding of unprofessional conduct by an applicant or license holder,
37 to impose any sanction against a license applicant or license holder
38 provided by this chapter. After January 1, 2009, all sanctions must
39 be issued in accordance with RCW 18.130.390;

1 (16) To restrict or place conditions on the practice of new
2 licensees in order to protect the public and promote the safety of
3 and confidence in the health care system;

4 (17) To designate individuals authorized to sign subpoenas and
5 statements of charges;

6 (18) To establish panels consisting of three or more members of
7 the board to perform any duty or authority within the board's
8 jurisdiction under this chapter;

9 (19) To review and audit the records of licensed health
10 facilities' or services' quality assurance committee decisions in
11 which a license holder's practice privilege or employment is
12 terminated or restricted. Each health facility or service shall
13 produce and make accessible to the disciplining authority the
14 appropriate records and otherwise facilitate the review and audit.
15 Information so gained shall not be subject to discovery or
16 introduction into evidence in any civil action pursuant to RCW
17 70.41.200(3);

18 (20) To enter into contracts with persons or entities to review
19 applications for licensure or temporary practice permits, provided
20 that the disciplining authority shall make the final decision as to
21 whether to deny, grant with conditions, or grant a license or
22 temporary practice permit.

23 **Sec. 13.** RCW 18.19.020 and 2021 c 170 s 4 are each amended to
24 read as follows:

25 The definitions in this section apply throughout this chapter
26 unless the context clearly requires otherwise.

27 (1) "Agency" means (a) an agency or facility operated, licensed,
28 or certified by the state of Washington; (b) a federally recognized
29 Indian tribe located within the state; or (c) a county.

30 (2) "Agency affiliated counselor" means a person registered,
31 certified, or licensed under this chapter who is (~~engaged in~~
32 ~~counseling and~~) employed by an agency or is a student intern, as
33 defined by the department (~~, who is supervised by agency staff.~~
34 ~~"Agency affiliated counselor" includes juvenile probation counselors~~
35 ~~who are employees of the juvenile court under RCW 13.04.035 and~~
36 ~~13.04.040 and juvenile court employees providing functional family~~
37 ~~therapy, aggression replacement training, or other evidence-based~~
38 ~~programs approved by the department of children, youth, and~~
39 ~~families)).~~

1 (3) "Certified adviser" means a person certified under this
2 chapter who is engaged in private practice counseling to the extent
3 authorized in RCW 18.19.200.

4 (4) "Certified agency affiliated counselor" means a person
5 certified under this chapter who is engaging in counseling to the
6 extent authorized in section 18 of this act.

7 (5) "Certified counselor" means a person certified under this
8 chapter who is engaged in private practice counseling to the extent
9 authorized in RCW 18.19.200.

10 (~~(5)~~) (6) "Client" means an individual who receives or
11 participates in counseling or group counseling.

12 (~~(6)~~) (7) "Counseling" means employing any therapeutic
13 techniques, including but not limited to social work, mental health
14 counseling, marriage and family therapy, and hypnotherapy, for a fee
15 that offer, assist or attempt to assist an individual or individuals
16 in the amelioration or adjustment of mental, emotional, or behavioral
17 problems, and includes therapeutic techniques to achieve sensitivity
18 and awareness of self and others and the development of human
19 potential. For the purposes of this chapter, nothing may be construed
20 to imply that the practice of hypnotherapy is necessarily limited to
21 counseling.

22 (~~(7)~~) (8) "Counselor" means an individual, practitioner,
23 therapist, or analyst who engages in the practice of counseling to
24 the public for a fee, including for the purposes of this chapter,
25 hypnotherapists.

26 (~~(8)~~) (9) "Department" means the department of health.

27 (~~(9)~~) (10) "Hypnotherapist" means a person registered under
28 this chapter who is practicing hypnosis as a modality.

29 (~~(10)~~) (11) "Licensed agency affiliated counselor" means a
30 person licensed under this chapter who is engaged in counseling to
31 the extent authorized in section 18 of this act.

32 (12) "Mental health professional" has the same definition as
33 under RCW 71.05.020.

34 (13) "Private practice counseling" means the practice of
35 counseling by a certified counselor or certified adviser as specified
36 in RCW 18.19.200.

37 (~~(11)~~) (14) "Psychotherapy" means the practice of counseling
38 using diagnosis of mental disorders according to the fourth edition
39 of the diagnostic and statistical manual of mental disorders,
40 published in 1994, and the development of treatment plans for

1 counseling based on diagnosis of mental disorders in accordance with
2 established practice standards.

3 ~~((12))~~ (15) "Registered agency affiliated counselor" means a
4 person registered under this chapter who is engaged in counseling to
5 the extent authorized in section 18 of this act. This includes
6 juvenile probation counselors who are employees of the juvenile court
7 under RCW 13.04.035 and 13.04.040 and juvenile court employees
8 providing functional family therapy, aggression replacement training,
9 or other evidence-based programs approved by the department of
10 children, youth, and families. A student intern as defined by the
11 department may be a registered agency affiliated counselor.

12 (16) "Secretary" means the secretary of the department or the
13 secretary's designee.

14 **Sec. 14.** RCW 18.19.030 and 2008 c 135 s 2 are each amended to
15 read as follows:

16 A person may not, as a part of his or her position as an employee
17 of a state agency, practice counseling without being registered,
18 certified, or licensed to practice as an agency affiliated counselor
19 by the department under this chapter unless exempt under RCW
20 18.19.040.

21 **Sec. 15.** RCW 18.19.090 and 2008 c 135 s 8 are each amended to
22 read as follows:

23 (1) Application for agency affiliated counselor, certified
24 counselor, certified adviser, or hypnotherapist must be made on forms
25 approved by the secretary. The secretary may require information
26 necessary to determine whether applicants meet the qualifications for
27 the credential and whether there are any grounds for denial of the
28 credential, or for issuance of a conditional credential, under this
29 chapter or chapter 18.130 RCW. The application for agency affiliated
30 counselor, certified counselor, or certified adviser must include a
31 description of the applicant's orientation, discipline, theory, or
32 technique. Each applicant shall pay a fee determined by the secretary
33 as provided in RCW 43.70.250, which shall accompany the application.

34 (2) Applicants for agency affiliated counselor must provide
35 satisfactory documentation that they are employed by an agency
36 ~~((or)),~~ have an offer of employment from an agency, or are a student
37 intern as defined by the department.

1 (3) Applicants for certified agency affiliated counselor must
2 complete the following:

3 (a) A bachelor's degree in counseling or one of the social
4 sciences from an accredited college or university which includes
5 coursework specified in subsection (5) of this section; and

6 (b) At least five years of experience in direct treatment of
7 persons with a mental disorder that was gained under the supervision
8 of a mental health professional who is able to independently provide
9 mental health assessments and diagnoses according to the scope of
10 practice of the mental health professional's credential.

11 (4) Applicants for licensed agency affiliated counselor must
12 complete the following:

13 (a) An advanced degree in counseling or one of the social
14 sciences from an accredited college or university which includes
15 coursework specified in subsection (5) of this section; and

16 (b) At least two years of experience in direct treatment of
17 persons with a mental disorder that was gained under the supervision
18 of a mental health professional who is able to independently provide
19 mental health assessments and diagnoses according to the scope of
20 practice of the mental health professional's credential.

21 (5) Applicants for a certified or licensed agency affiliated
22 counselor credential must have counseling-specific coursework as
23 determined by the department in rule.

24 (6)(a) Applicants for licensed agency affiliated counselor are
25 not required to meet the coursework requirements in subsection (5) of
26 this section if, prior to the effective date of the rules adopted
27 under subsection (5) of this section, the applicant held a mental
28 health professional designation based on meeting one of the following
29 criteria:

30 (i) The applicant held an advanced degree in counseling or one of
31 the social sciences from an accredited college or university and had
32 two years of experience in direct treatment of persons with mental
33 illness or emotional disturbance that was gained under the
34 supervision of a mental health professional recognized by the
35 department or attested to by a licensed behavioral health agency;

36 (ii) The applicant met the waiver criteria of RCW 71.24.260, and
37 the waiver was granted prior to 1986; or

38 (iii) The applicant had an approved waiver to perform the duties
39 of a mental health professional, that was requested by the behavioral

1 health organization and granted by the mental health division prior
2 to July 1, 2001.

3 (b) Applicants for certified agency affiliated counselor are not
4 required to meet the coursework requirements in subsection (5) of
5 this section if, prior to the effective date of the rules adopted
6 under subsection (5) of this section, the applicant met the
7 bachelor's degree and experience requirements in subsection (3) of
8 this section.

9 (c) Applicants for licensed or certified agency affiliated
10 counselors eligible for the legacy provision under this subsection
11 must apply to the department before July 1, 2027. After that date all
12 new applicants must meet the requirements in subsections (3) and (4)
13 of this section. "New applicants" does not include those reinstating
14 a previously issued agency affiliated counselor certification.

15 (7) At the time of application for initial certification,
16 applicants for certified counselor prior to July 1, 2010, are
17 required to:

18 (a) Have been registered for no less than five years at the time
19 of application for an initial certification;

20 (b) Have held a valid, active registration that is in good
21 standing and be in compliance with any disciplinary process and
22 orders at the time of application for an initial certification;

23 (c) Show evidence of having completed coursework in risk
24 assessment, ethics, appropriate screening and referral, and
25 Washington state law and other subjects identified by the secretary;

26 (d) Pass an examination in risk assessment, ethics, appropriate
27 screening and referral, and Washington state law, and other subjects
28 as determined by the secretary; and

29 (e) Have a written consultation agreement with a credential
30 holder who meets the qualifications established by the secretary.

31 ~~((4))~~ (8) Unless eligible for certification under subsection
32 ~~((3))~~ (7) of this section, applicants for certified counselor or
33 certified adviser are required to:

34 (a) (i) Have a bachelor's degree in a counseling-related field, if
35 applying for certified counselor; or

36 (ii) Have an associate degree in a counseling-related field and a
37 supervised internship, if applying for certified adviser;

38 (b) Pass an examination in risk assessment, ethics, appropriate
39 screening and referral, and Washington state law, and other subjects
40 as determined by the secretary; and

1 (c) Have a written supervisory agreement with a supervisor who
2 meets the qualifications established by the secretary.

3 ~~((5))~~ (9) Each applicant shall include payment of the fee
4 determined by the secretary as provided in RCW 43.70.250.

5 **Sec. 16.** RCW 18.19.095 and 2019 c 446 s 45 are each amended to
6 read as follows:

7 The department may not automatically deny an applicant for
8 ~~((registration under this chapter for a position as))~~ an agency
9 affiliated counselor credential who is practicing as a peer counselor
10 in an agency or facility based on a conviction history consisting of
11 convictions for simple assault, assault in the fourth degree,
12 prostitution, theft in the third degree, theft in the second degree,
13 or forgery, the same offenses as they may be renamed, or
14 substantially equivalent offenses committed in other states or
15 jurisdictions if:

16 (1) At least one year has passed between the applicant's most
17 recent conviction for an offense set forth in this section and the
18 date of application for employment;

19 (2) The offense was committed as a result of the person's
20 substance use or untreated mental health symptoms; and

21 (3) The applicant is at least one year in recovery from a
22 substance use disorder, whether through abstinence or stability on
23 medication-assisted therapy, or in recovery from mental health
24 challenges.

25 **Sec. 17.** RCW 18.19.180 and 2001 c 251 s 24 are each amended to
26 read as follows:

27 An individual ~~((registered))~~ credentialed under this chapter
28 shall not disclose the written acknowledgment of the disclosure
29 statement pursuant to RCW 18.19.060 nor any information acquired from
30 persons consulting the individual in a professional capacity when
31 that information was necessary to enable the individual to render
32 professional services to those persons except:

33 (1) With the written consent of that person or, in the case of
34 death or disability, the person's personal representative, other
35 person authorized to sue, or the beneficiary of an insurance policy
36 on the person's life, health, or physical condition;

1 (2) That a person (~~(registered)~~) credentialed under this chapter
2 is not required to treat as confidential a communication that reveals
3 the contemplation or commission of a crime or harmful act;

4 (3) If the person is a minor, and the information acquired by the
5 person (~~(registered)~~) credentialed under this chapter indicates that
6 the minor was the victim or subject of a crime, the person
7 (~~(registered)~~) credentialed may testify fully upon any examination,
8 trial, or other proceeding in which the commission of the crime is
9 the subject of the inquiry;

10 (4) If the person waives the privilege by bringing charges
11 against the person (~~(registered)~~) credentialed under this chapter;

12 (5) In response to a subpoena from a court of law or the
13 secretary. The secretary may subpoena only records related to a
14 complaint or report under chapter 18.130 RCW; or

15 (6) As required under chapter 26.44 RCW.

16 NEW SECTION. **Sec. 18.** A new section is added to chapter 18.19
17 RCW to read as follows:

18 The scope of practice of registered, certified, and licensed
19 agency affiliated counselors consists exclusively of the following:

20 (1) Counseling as defined under RCW 18.19.020;

21 (2) A certified agency affiliated counselor may conduct mental
22 health assessments and make mental health diagnoses which shall be
23 reviewed by a clinical supervisor who is a mental health professional
24 able to independently provide mental health assessments and diagnoses
25 according to the scope of practice of the mental health
26 professional's credential. A certified agency affiliated counselor
27 may not provide clinical supervision; and

28 (3) A licensed agency affiliated counselor may independently
29 conduct mental health assessments and make mental health diagnoses.

30 **Sec. 19.** RCW 18.19.210 and 2019 c 446 s 47 are each amended to
31 read as follows:

32 (1)(a) An applicant for (~~(registration-as)~~) an agency affiliated
33 counselor credential who applies to the department within thirty days
34 of employment by an agency may work as an agency affiliated counselor
35 while the application is processed. The applicant must provide
36 required documentation within reasonable time limits established by
37 the department, and if the applicant does not do so, the applicant
38 must stop working.

1 (b) The applicant may not provide unsupervised (~~counseling~~)
2 services prior to completion of a criminal background check performed
3 by either the employer or the secretary. For purposes of this
4 subsection, "unsupervised" means the supervisor is not physically
5 present at the location where the counseling occurs.

6 (2) Agency affiliated counselors shall notify the department if
7 they are either no longer employed by the agency identified on their
8 application or are now employed with another agency, or both. Agency
9 affiliated counselors may not engage in the practice of counseling or
10 other services described under section 18 of this act unless they are
11 currently affiliated with an agency.

12 **Sec. 20.** RCW 71.05.020 and 2022 c 210 s 1 are each amended to
13 read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Admission" or "admit" means a decision by a physician,
17 physician assistant, or psychiatric advanced registered nurse
18 practitioner that a person should be examined or treated as a patient
19 in a hospital;

20 (2) "Alcoholism" means a disease, characterized by a dependency
21 on alcoholic beverages, loss of control over the amount and
22 circumstances of use, symptoms of tolerance, physiological or
23 psychological withdrawal, or both, if use is reduced or discontinued,
24 and impairment of health or disruption of social or economic
25 functioning;

26 (3) "Antipsychotic medications" means that class of drugs
27 primarily used to treat serious manifestations of mental illness
28 associated with thought disorders, which includes, but is not limited
29 to atypical antipsychotic medications;

30 (4) "Approved substance use disorder treatment program" means a
31 program for persons with a substance use disorder provided by a
32 treatment program certified by the department as meeting standards
33 adopted under chapter 71.24 RCW;

34 (5) "Attending staff" means any person on the staff of a public
35 or private agency having responsibility for the care and treatment of
36 a patient;

37 (6) "Authority" means the Washington state health care authority;

38 (7) "Behavioral health disorder" means either a mental disorder
39 as defined in this section, a substance use disorder as defined in

1 this section, or a co-occurring mental disorder and substance use
2 disorder;

3 (8) "Behavioral health service provider" means a public or
4 private agency that provides mental health, substance use disorder,
5 or co-occurring disorder services to persons with behavioral health
6 disorders as defined under this section and receives funding from
7 public sources. This includes, but is not limited to: Hospitals
8 licensed under chapter 70.41 RCW; evaluation and treatment facilities
9 as defined in this section; community mental health service delivery
10 systems or community behavioral health programs as defined in RCW
11 71.24.025; licensed or certified behavioral health agencies under RCW
12 71.24.037; facilities conducting competency evaluations and
13 restoration under chapter 10.77 RCW; approved substance use disorder
14 treatment programs as defined in this section; secure withdrawal
15 management and stabilization facilities as defined in this section;
16 and correctional facilities operated by state and local governments;

17 (9) "Co-occurring disorder specialist" means an individual
18 possessing an enhancement granted by the department of health under
19 chapter 18.205 RCW that certifies the individual to provide substance
20 use disorder counseling subject to the practice limitations under RCW
21 18.205.105;

22 (10) "Commitment" means the determination by a court that a
23 person should be detained for a period of either evaluation or
24 treatment, or both, in an inpatient or a less restrictive setting;

25 (11) "Community behavioral health agency" has the same meaning as
26 "licensed or certified behavioral health agency" defined in RCW
27 71.24.025;

28 (12) "Conditional release" means a revocable modification of a
29 commitment, which may be revoked upon violation of any of its terms;

30 (13) "Crisis stabilization unit" means a short-term facility or a
31 portion of a facility licensed or certified by the department, such
32 as an evaluation and treatment facility or a hospital, which has been
33 designed to assess, diagnose, and treat individuals experiencing an
34 acute crisis without the use of long-term hospitalization;

35 (14) "Custody" means involuntary detention under the provisions
36 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
37 unconditional release from commitment from a facility providing
38 involuntary care and treatment;

39 (15) "Department" means the department of health;

1 (16) "Designated crisis responder" means a mental health
2 professional appointed by the county, by an entity appointed by the
3 county, or by the authority in consultation with a federally
4 recognized Indian tribe or after meeting and conferring with an
5 Indian health care provider, to perform the duties specified in this
6 chapter;

7 (17) "Detention" or "detain" means the lawful confinement of a
8 person, under the provisions of this chapter;

9 (18) "Developmental disabilities professional" means a person who
10 has specialized training and three years of experience in directly
11 treating or working with persons with developmental disabilities and
12 is a psychiatrist, physician assistant working with a supervising
13 psychiatrist, psychologist, psychiatric advanced registered nurse
14 practitioner, or social worker, and such other developmental
15 disabilities professionals as may be defined by rules adopted by the
16 secretary of the department of social and health services;

17 (19) "Developmental disability" means that condition defined in
18 RCW 71A.10.020(~~(+5)~~) (6);

19 (20) "Director" means the director of the authority;

20 (21) "Discharge" means the termination of hospital medical
21 authority. The commitment may remain in place, be terminated, or be
22 amended by court order;

23 (22) "Drug addiction" means a disease, characterized by a
24 dependency on psychoactive chemicals, loss of control over the amount
25 and circumstances of use, symptoms of tolerance, physiological or
26 psychological withdrawal, or both, if use is reduced or discontinued,
27 and impairment of health or disruption of social or economic
28 functioning;

29 (23) "Evaluation and treatment facility" means any facility which
30 can provide directly, or by direct arrangement with other public or
31 private agencies, emergency evaluation and treatment, outpatient
32 care, and timely and appropriate inpatient care to persons suffering
33 from a mental disorder, and which is licensed or certified as such by
34 the department. The authority may certify single beds as temporary
35 evaluation and treatment beds under RCW 71.05.745. A physically
36 separate and separately operated portion of a state hospital may be
37 designated as an evaluation and treatment facility. A facility which
38 is part of, or operated by, the department of social and health
39 services or any federal agency will not require certification. No

1 correctional institution or facility, or jail, shall be an evaluation
2 and treatment facility within the meaning of this chapter;

3 (24) "Gravely disabled" means a condition in which a person, as a
4 result of a behavioral health disorder: (a) Is in danger of serious
5 physical harm resulting from a failure to provide for his or her
6 essential human needs of health or safety; or (b) manifests severe
7 deterioration in routine functioning evidenced by repeated and
8 escalating loss of cognitive or volitional control over his or her
9 actions and is not receiving such care as is essential for his or her
10 health or safety;

11 (25) "Habilitative services" means those services provided by
12 program personnel to assist persons in acquiring and maintaining life
13 skills and in raising their levels of physical, mental, social, and
14 vocational functioning. Habilitative services include education,
15 training for employment, and therapy. The habilitative process shall
16 be undertaken with recognition of the risk to the public safety
17 presented by the person being assisted as manifested by prior charged
18 criminal conduct;

19 (26) "Hearing" means any proceeding conducted in open court that
20 conforms to the requirements of RCW 71.05.820;

21 (27) "History of one or more violent acts" refers to the period
22 of time ten years prior to the filing of a petition under this
23 chapter, excluding any time spent, but not any violent acts
24 committed, in a behavioral health facility, or in confinement as a
25 result of a criminal conviction;

26 (28) "Imminent" means the state or condition of being likely to
27 occur at any moment or near at hand, rather than distant or remote;

28 (29) "In need of assisted outpatient treatment" refers to a
29 person who meets the criteria for assisted outpatient treatment
30 established under RCW 71.05.148;

31 (30) "Individualized service plan" means a plan prepared by a
32 developmental disabilities professional with other professionals as a
33 team, for a person with developmental disabilities, which shall
34 state:

35 (a) The nature of the person's specific problems, prior charged
36 criminal behavior, and habilitation needs;

37 (b) The conditions and strategies necessary to achieve the
38 purposes of habilitation;

39 (c) The intermediate and long-range goals of the habilitation
40 program, with a projected timetable for the attainment;

1 (d) The rationale for using this plan of habilitation to achieve
2 those intermediate and long-range goals;

3 (e) The staff responsible for carrying out the plan;

4 (f) Where relevant in light of past criminal behavior and due
5 consideration for public safety, the criteria for proposed movement
6 to less-restrictive settings, criteria for proposed eventual
7 discharge or release, and a projected possible date for discharge or
8 release; and

9 (g) The type of residence immediately anticipated for the person
10 and possible future types of residences;

11 (31) "Intoxicated person" means a person whose mental or physical
12 functioning is substantially impaired as a result of the use of
13 alcohol or other psychoactive chemicals;

14 (32) "Judicial commitment" means a commitment by a court pursuant
15 to the provisions of this chapter;

16 (33) "Legal counsel" means attorneys and staff employed by county
17 prosecutor offices or the state attorney general acting in their
18 capacity as legal representatives of public behavioral health service
19 providers under RCW 71.05.130;

20 (34) "Less restrictive alternative treatment" means a program of
21 individualized treatment in a less restrictive setting than inpatient
22 treatment that includes the services described in RCW 71.05.585. This
23 term includes: Treatment pursuant to a less restrictive alternative
24 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
25 to a conditional release under RCW 71.05.340; and treatment pursuant
26 to an assisted outpatient treatment order under RCW 71.05.148;

27 (35) "Licensed physician" means a person licensed to practice
28 medicine or osteopathic medicine and surgery in the state of
29 Washington;

30 (36) "Likelihood of serious harm" means:

31 (a) A substantial risk that: (i) Physical harm will be inflicted
32 by a person upon his or her own person, as evidenced by threats or
33 attempts to commit suicide or inflict physical harm on oneself; (ii)
34 physical harm will be inflicted by a person upon another, as
35 evidenced by behavior which has caused such harm or which places
36 another person or persons in reasonable fear of sustaining such harm;
37 or (iii) physical harm will be inflicted by a person upon the
38 property of others, as evidenced by behavior which has caused
39 substantial loss or damage to the property of others; or

1 (b) The person has threatened the physical safety of another and
2 has a history of one or more violent acts;

3 (37) "Medical clearance" means a physician or other health care
4 provider has determined that a person is medically stable and ready
5 for referral to the designated crisis responder;

6 (38) "Mental disorder" means any organic, mental, or emotional
7 impairment which has substantial adverse effects on a person's
8 cognitive or volitional functions;

9 (39) "Mental health professional" means ((a)) an individual
10 practicing within the mental health professional's statutory scope of
11 practice who is:

12 (a) A psychiatrist, psychologist, physician assistant working
13 with a supervising psychiatrist, psychiatric advanced registered
14 nurse practitioner, psychiatric nurse, or social worker, ((and such
15 other mental health professionals as may be defined by rules adopted
16 by the secretary pursuant to the provisions of this chapter)) as
17 defined in this chapter and chapter 71.34 RCW;

18 (b) A mental health counselor, mental health counselor associate,
19 marriage and family therapist, or marriage and family therapist
20 associate, as defined in chapter 18.225 RCW; or

21 (c) A certified or licensed agency affiliated counselor, as
22 defined in chapter 18.19 RCW;

23 (40) "Peace officer" means a law enforcement official of a public
24 agency or governmental unit, and includes persons specifically given
25 peace officer powers by any state law, local ordinance, or judicial
26 order of appointment;

27 (41) "Physician assistant" means a person licensed as a physician
28 assistant under chapter 18.71A RCW;

29 (42) "Private agency" means any person, partnership, corporation,
30 or association that is not a public agency, whether or not financed
31 in whole or in part by public funds, which constitutes an evaluation
32 and treatment facility or private institution, or hospital, or
33 approved substance use disorder treatment program, which is conducted
34 for, or includes a department or ward conducted for, the care and
35 treatment of persons with behavioral health disorders;

36 (43) "Professional person" means a mental health professional,
37 substance use disorder professional, or designated crisis responder
38 and shall also mean a physician, physician assistant, psychiatric
39 advanced registered nurse practitioner, registered nurse, and such

1 others as may be defined by rules adopted by the secretary pursuant
2 to the provisions of this chapter;

3 (44) "Psychiatric advanced registered nurse practitioner" means a
4 person who is licensed as an advanced registered nurse practitioner
5 pursuant to chapter 18.79 RCW; and who is board certified in advanced
6 practice psychiatric and mental health nursing;

7 (45) "Psychiatrist" means a person having a license as a
8 physician and surgeon in this state who has in addition completed
9 three years of graduate training in psychiatry in a program approved
10 by the American medical association or the American osteopathic
11 association and is certified or eligible to be certified by the
12 American board of psychiatry and neurology;

13 (46) "Psychologist" means a person who has been licensed as a
14 psychologist pursuant to chapter 18.83 RCW;

15 (47) "Public agency" means any evaluation and treatment facility
16 or institution, secure withdrawal management and stabilization
17 facility, approved substance use disorder treatment program, or
18 hospital which is conducted for, or includes a department or ward
19 conducted for, the care and treatment of persons with behavioral
20 health disorders, if the agency is operated directly by federal,
21 state, county, or municipal government, or a combination of such
22 governments;

23 (48) "Release" means legal termination of the commitment under
24 the provisions of this chapter;

25 (49) "Resource management services" has the meaning given in
26 chapter 71.24 RCW;

27 (50) "Secretary" means the secretary of the department of health,
28 or his or her designee;

29 (51) "Secure withdrawal management and stabilization facility"
30 means a facility operated by either a public or private agency or by
31 the program of an agency which provides care to voluntary individuals
32 and individuals involuntarily detained and committed under this
33 chapter for whom there is a likelihood of serious harm or who are
34 gravely disabled due to the presence of a substance use disorder.
35 Secure withdrawal management and stabilization facilities must:

36 (a) Provide the following services:

37 (i) Assessment and treatment, provided by certified substance use
38 disorder professionals or co-occurring disorder specialists;

39 (ii) Clinical stabilization services;

1 (iii) Acute or subacute detoxification services for intoxicated
2 individuals; and

3 (iv) Discharge assistance provided by certified substance use
4 disorder professionals or co-occurring disorder specialists,
5 including facilitating transitions to appropriate voluntary or
6 involuntary inpatient services or to less restrictive alternatives as
7 appropriate for the individual;

8 (b) Include security measures sufficient to protect the patients,
9 staff, and community; and

10 (c) Be licensed or certified as such by the department of health;

11 (52) "Social worker" means a person with a master's or further
12 advanced degree from a social work educational program accredited and
13 approved as provided in RCW 18.320.010;

14 (53) "Substance use disorder" means a cluster of cognitive,
15 behavioral, and physiological symptoms indicating that an individual
16 continues using the substance despite significant substance-related
17 problems. The diagnosis of a substance use disorder is based on a
18 pathological pattern of behaviors related to the use of the
19 substances;

20 (54) "Substance use disorder professional" means a person
21 certified as a substance use disorder professional by the department
22 of health under chapter 18.205 RCW;

23 (55) "Therapeutic court personnel" means the staff of a mental
24 health court or other therapeutic court which has jurisdiction over
25 defendants who are dually diagnosed with mental disorders, including
26 court personnel, probation officers, a court monitor, prosecuting
27 attorney, or defense counsel acting within the scope of therapeutic
28 court duties;

29 (56) "Treatment records" include registration and all other
30 records concerning persons who are receiving or who at any time have
31 received services for behavioral health disorders, which are
32 maintained by the department of social and health services, the
33 department, the authority, behavioral health administrative services
34 organizations and their staffs, managed care organizations and their
35 staffs, and by treatment facilities. Treatment records include mental
36 health information contained in a medical bill including but not
37 limited to mental health drugs, a mental health diagnosis, provider
38 name, and dates of service stemming from a medical service. Treatment
39 records do not include notes or records maintained for personal use
40 by a person providing treatment services for the department of social

1 and health services, the department, the authority, behavioral health
2 administrative services organizations, managed care organizations, or
3 a treatment facility if the notes or records are not available to
4 others;

5 (57) "Triage facility" means a short-term facility or a portion
6 of a facility licensed or certified by the department, which is
7 designed as a facility to assess and stabilize an individual or
8 determine the need for involuntary commitment of an individual, and
9 must meet department residential treatment facility standards. A
10 triage facility may be structured as a voluntary or involuntary
11 placement facility;

12 (58) "Video," unless the context clearly indicates otherwise,
13 means the delivery of behavioral health services through the use of
14 interactive audio and video technology, permitting real-time
15 communication between a person and a designated crisis responder, for
16 the purpose of evaluation. "Video" does not include the use of audio-
17 only telephone, facsimile, email, or store and forward technology.
18 "Store and forward technology" means use of an asynchronous
19 transmission of a person's medical information from a mental health
20 service provider to the designated crisis responder which results in
21 medical diagnosis, consultation, or treatment;

22 (59) "Violent act" means behavior that resulted in homicide,
23 attempted suicide, injury, or substantial loss or damage to property.

24 **Sec. 21.** RCW 71.05.020 and 2022 c 210 s 2 are each amended to
25 read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Admission" or "admit" means a decision by a physician,
29 physician assistant, or psychiatric advanced registered nurse
30 practitioner that a person should be examined or treated as a patient
31 in a hospital;

32 (2) "Alcoholism" means a disease, characterized by a dependency
33 on alcoholic beverages, loss of control over the amount and
34 circumstances of use, symptoms of tolerance, physiological or
35 psychological withdrawal, or both, if use is reduced or discontinued,
36 and impairment of health or disruption of social or economic
37 functioning;

38 (3) "Antipsychotic medications" means that class of drugs
39 primarily used to treat serious manifestations of mental illness

1 associated with thought disorders, which includes, but is not limited
2 to atypical antipsychotic medications;

3 (4) "Approved substance use disorder treatment program" means a
4 program for persons with a substance use disorder provided by a
5 treatment program certified by the department as meeting standards
6 adopted under chapter 71.24 RCW;

7 (5) "Attending staff" means any person on the staff of a public
8 or private agency having responsibility for the care and treatment of
9 a patient;

10 (6) "Authority" means the Washington state health care authority;

11 (7) "Behavioral health disorder" means either a mental disorder
12 as defined in this section, a substance use disorder as defined in
13 this section, or a co-occurring mental disorder and substance use
14 disorder;

15 (8) "Behavioral health service provider" means a public or
16 private agency that provides mental health, substance use disorder,
17 or co-occurring disorder services to persons with behavioral health
18 disorders as defined under this section and receives funding from
19 public sources. This includes, but is not limited to: Hospitals
20 licensed under chapter 70.41 RCW; evaluation and treatment facilities
21 as defined in this section; community mental health service delivery
22 systems or community behavioral health programs as defined in RCW
23 71.24.025; licensed or certified behavioral health agencies under RCW
24 71.24.037; facilities conducting competency evaluations and
25 restoration under chapter 10.77 RCW; approved substance use disorder
26 treatment programs as defined in this section; secure withdrawal
27 management and stabilization facilities as defined in this section;
28 and correctional facilities operated by state and local governments;

29 (9) "Co-occurring disorder specialist" means an individual
30 possessing an enhancement granted by the department of health under
31 chapter 18.205 RCW that certifies the individual to provide substance
32 use disorder counseling subject to the practice limitations under RCW
33 18.205.105;

34 (10) "Commitment" means the determination by a court that a
35 person should be detained for a period of either evaluation or
36 treatment, or both, in an inpatient or a less restrictive setting;

37 (11) "Community behavioral health agency" has the same meaning as
38 "licensed or certified behavioral health agency" defined in RCW
39 71.24.025;

1 (12) "Conditional release" means a revocable modification of a
2 commitment, which may be revoked upon violation of any of its terms;

3 (13) "Crisis stabilization unit" means a short-term facility or a
4 portion of a facility licensed or certified by the department, such
5 as an evaluation and treatment facility or a hospital, which has been
6 designed to assess, diagnose, and treat individuals experiencing an
7 acute crisis without the use of long-term hospitalization;

8 (14) "Custody" means involuntary detention under the provisions
9 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
10 unconditional release from commitment from a facility providing
11 involuntary care and treatment;

12 (15) "Department" means the department of health;

13 (16) "Designated crisis responder" means a mental health
14 professional appointed by the county, by an entity appointed by the
15 county, or by the authority in consultation with a federally
16 recognized Indian tribe or after meeting and conferring with an
17 Indian health care provider, to perform the duties specified in this
18 chapter;

19 (17) "Detention" or "detain" means the lawful confinement of a
20 person, under the provisions of this chapter;

21 (18) "Developmental disabilities professional" means a person who
22 has specialized training and three years of experience in directly
23 treating or working with persons with developmental disabilities and
24 is a psychiatrist, physician assistant working with a supervising
25 psychiatrist, psychologist, psychiatric advanced registered nurse
26 practitioner, or social worker, and such other developmental
27 disabilities professionals as may be defined by rules adopted by the
28 secretary of the department of social and health services;

29 (19) "Developmental disability" means that condition defined in
30 RCW 71A.10.020(~~(+5)~~) (6);

31 (20) "Director" means the director of the authority;

32 (21) "Discharge" means the termination of hospital medical
33 authority. The commitment may remain in place, be terminated, or be
34 amended by court order;

35 (22) "Drug addiction" means a disease, characterized by a
36 dependency on psychoactive chemicals, loss of control over the amount
37 and circumstances of use, symptoms of tolerance, physiological or
38 psychological withdrawal, or both, if use is reduced or discontinued,
39 and impairment of health or disruption of social or economic
40 functioning;

1 (23) "Evaluation and treatment facility" means any facility which
2 can provide directly, or by direct arrangement with other public or
3 private agencies, emergency evaluation and treatment, outpatient
4 care, and timely and appropriate inpatient care to persons suffering
5 from a mental disorder, and which is licensed or certified as such by
6 the department. The authority may certify single beds as temporary
7 evaluation and treatment beds under RCW 71.05.745. A physically
8 separate and separately operated portion of a state hospital may be
9 designated as an evaluation and treatment facility. A facility which
10 is part of, or operated by, the department of social and health
11 services or any federal agency will not require certification. No
12 correctional institution or facility, or jail, shall be an evaluation
13 and treatment facility within the meaning of this chapter;

14 (24) "Gravely disabled" means a condition in which a person, as a
15 result of a behavioral health disorder: (a) Is in danger of serious
16 physical harm resulting from a failure to provide for his or her
17 essential human needs of health or safety; or (b) manifests severe
18 deterioration from safe behavior evidenced by repeated and escalating
19 loss of cognitive or volitional control over his or her actions and
20 is not receiving such care as is essential for his or her health or
21 safety;

22 (25) "Habilitative services" means those services provided by
23 program personnel to assist persons in acquiring and maintaining life
24 skills and in raising their levels of physical, mental, social, and
25 vocational functioning. Habilitative services include education,
26 training for employment, and therapy. The habilitative process shall
27 be undertaken with recognition of the risk to the public safety
28 presented by the person being assisted as manifested by prior charged
29 criminal conduct;

30 (26) "Hearing" means any proceeding conducted in open court that
31 conforms to the requirements of RCW 71.05.820;

32 (27) "History of one or more violent acts" refers to the period
33 of time ten years prior to the filing of a petition under this
34 chapter, excluding any time spent, but not any violent acts
35 committed, in a behavioral health facility, or in confinement as a
36 result of a criminal conviction;

37 (28) "Imminent" means the state or condition of being likely to
38 occur at any moment or near at hand, rather than distant or remote;

1 (29) "In need of assisted outpatient treatment" refers to a
2 person who meets the criteria for assisted outpatient treatment
3 established under RCW 71.05.148;

4 (30) "Individualized service plan" means a plan prepared by a
5 developmental disabilities professional with other professionals as a
6 team, for a person with developmental disabilities, which shall
7 state:

8 (a) The nature of the person's specific problems, prior charged
9 criminal behavior, and habilitation needs;

10 (b) The conditions and strategies necessary to achieve the
11 purposes of habilitation;

12 (c) The intermediate and long-range goals of the habilitation
13 program, with a projected timetable for the attainment;

14 (d) The rationale for using this plan of habilitation to achieve
15 those intermediate and long-range goals;

16 (e) The staff responsible for carrying out the plan;

17 (f) Where relevant in light of past criminal behavior and due
18 consideration for public safety, the criteria for proposed movement
19 to less-restrictive settings, criteria for proposed eventual
20 discharge or release, and a projected possible date for discharge or
21 release; and

22 (g) The type of residence immediately anticipated for the person
23 and possible future types of residences;

24 (31) "Intoxicated person" means a person whose mental or physical
25 functioning is substantially impaired as a result of the use of
26 alcohol or other psychoactive chemicals;

27 (32) "Judicial commitment" means a commitment by a court pursuant
28 to the provisions of this chapter;

29 (33) "Legal counsel" means attorneys and staff employed by county
30 prosecutor offices or the state attorney general acting in their
31 capacity as legal representatives of public behavioral health service
32 providers under RCW 71.05.130;

33 (34) "Less restrictive alternative treatment" means a program of
34 individualized treatment in a less restrictive setting than inpatient
35 treatment that includes the services described in RCW 71.05.585. This
36 term includes: Treatment pursuant to a less restrictive alternative
37 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
38 to a conditional release under RCW 71.05.340; and treatment pursuant
39 to an assisted outpatient treatment order under RCW 71.05.148;

1 (35) "Licensed physician" means a person licensed to practice
2 medicine or osteopathic medicine and surgery in the state of
3 Washington;

4 (36) "Likelihood of serious harm" means:

5 (a) A substantial risk that: (i) Physical harm will be inflicted
6 by a person upon his or her own person, as evidenced by threats or
7 attempts to commit suicide or inflict physical harm on oneself; (ii)
8 physical harm will be inflicted by a person upon another, as
9 evidenced by behavior which has caused harm, substantial pain, or
10 which places another person or persons in reasonable fear of harm to
11 themselves or others; or (iii) physical harm will be inflicted by a
12 person upon the property of others, as evidenced by behavior which
13 has caused substantial loss or damage to the property of others; or

14 (b) The person has threatened the physical safety of another and
15 has a history of one or more violent acts;

16 (37) "Medical clearance" means a physician or other health care
17 provider has determined that a person is medically stable and ready
18 for referral to the designated crisis responder;

19 (38) "Mental disorder" means any organic, mental, or emotional
20 impairment which has substantial adverse effects on a person's
21 cognitive or volitional functions;

22 (39) "Mental health professional" means ((a)) an individual
23 practicing within the mental health professional's statutory scope of
24 practice who is:

25 (a) A psychiatrist, psychologist, physician assistant working
26 with a supervising psychiatrist, psychiatric advanced registered
27 nurse practitioner, psychiatric nurse, or social worker, ((and such
28 other mental health professionals as may be defined by rules adopted
29 by the secretary pursuant to the provisions of this chapter)) as
30 defined in this chapter and chapter 71.34 RCW;

31 (b) A mental health counselor, mental health counselor associate,
32 marriage and family therapist, or marriage and family therapist
33 associate, as defined in chapter 18.225 RCW; or

34 (c) A certified or licensed agency affiliated counselor, as
35 defined in chapter 18.19 RCW;

36 (40) "Peace officer" means a law enforcement official of a public
37 agency or governmental unit, and includes persons specifically given
38 peace officer powers by any state law, local ordinance, or judicial
39 order of appointment;

1 (41) "Physician assistant" means a person licensed as a physician
2 assistant under chapter 18.71A RCW;

3 (42) "Private agency" means any person, partnership, corporation,
4 or association that is not a public agency, whether or not financed
5 in whole or in part by public funds, which constitutes an evaluation
6 and treatment facility or private institution, or hospital, or
7 approved substance use disorder treatment program, which is conducted
8 for, or includes a department or ward conducted for, the care and
9 treatment of persons with behavioral health disorders;

10 (43) "Professional person" means a mental health professional,
11 substance use disorder professional, or designated crisis responder
12 and shall also mean a physician, physician assistant, psychiatric
13 advanced registered nurse practitioner, registered nurse, and such
14 others as may be defined by rules adopted by the secretary pursuant
15 to the provisions of this chapter;

16 (44) "Psychiatric advanced registered nurse practitioner" means a
17 person who is licensed as an advanced registered nurse practitioner
18 pursuant to chapter 18.79 RCW; and who is board certified in advanced
19 practice psychiatric and mental health nursing;

20 (45) "Psychiatrist" means a person having a license as a
21 physician and surgeon in this state who has in addition completed
22 three years of graduate training in psychiatry in a program approved
23 by the American medical association or the American osteopathic
24 association and is certified or eligible to be certified by the
25 American board of psychiatry and neurology;

26 (46) "Psychologist" means a person who has been licensed as a
27 psychologist pursuant to chapter 18.83 RCW;

28 (47) "Public agency" means any evaluation and treatment facility
29 or institution, secure withdrawal management and stabilization
30 facility, approved substance use disorder treatment program, or
31 hospital which is conducted for, or includes a department or ward
32 conducted for, the care and treatment of persons with behavioral
33 health disorders, if the agency is operated directly by federal,
34 state, county, or municipal government, or a combination of such
35 governments;

36 (48) "Release" means legal termination of the commitment under
37 the provisions of this chapter;

38 (49) "Resource management services" has the meaning given in
39 chapter 71.24 RCW;

1 (50) "Secretary" means the secretary of the department of health,
2 or his or her designee;

3 (51) "Secure withdrawal management and stabilization facility"
4 means a facility operated by either a public or private agency or by
5 the program of an agency which provides care to voluntary individuals
6 and individuals involuntarily detained and committed under this
7 chapter for whom there is a likelihood of serious harm or who are
8 gravely disabled due to the presence of a substance use disorder.
9 Secure withdrawal management and stabilization facilities must:

10 (a) Provide the following services:

11 (i) Assessment and treatment, provided by certified substance use
12 disorder professionals or co-occurring disorder specialists;

13 (ii) Clinical stabilization services;

14 (iii) Acute or subacute detoxification services for intoxicated
15 individuals; and

16 (iv) Discharge assistance provided by certified substance use
17 disorder professionals or co-occurring disorder specialists,
18 including facilitating transitions to appropriate voluntary or
19 involuntary inpatient services or to less restrictive alternatives as
20 appropriate for the individual;

21 (b) Include security measures sufficient to protect the patients,
22 staff, and community; and

23 (c) Be licensed or certified as such by the department of health;

24 (52) "Severe deterioration from safe behavior" means that a
25 person will, if not treated, suffer or continue to suffer severe and
26 abnormal mental, emotional, or physical distress, and this distress
27 is associated with significant impairment of judgment, reason, or
28 behavior;

29 (53) "Social worker" means a person with a master's or further
30 advanced degree from a social work educational program accredited and
31 approved as provided in RCW 18.320.010;

32 (54) "Substance use disorder" means a cluster of cognitive,
33 behavioral, and physiological symptoms indicating that an individual
34 continues using the substance despite significant substance-related
35 problems. The diagnosis of a substance use disorder is based on a
36 pathological pattern of behaviors related to the use of the
37 substances;

38 (55) "Substance use disorder professional" means a person
39 certified as a substance use disorder professional by the department
40 of health under chapter 18.205 RCW;

1 (56) "Therapeutic court personnel" means the staff of a mental
2 health court or other therapeutic court which has jurisdiction over
3 defendants who are dually diagnosed with mental disorders, including
4 court personnel, probation officers, a court monitor, prosecuting
5 attorney, or defense counsel acting within the scope of therapeutic
6 court duties;

7 (57) "Treatment records" include registration and all other
8 records concerning persons who are receiving or who at any time have
9 received services for behavioral health disorders, which are
10 maintained by the department of social and health services, the
11 department, the authority, behavioral health administrative services
12 organizations and their staffs, managed care organizations and their
13 staffs, and by treatment facilities. Treatment records include mental
14 health information contained in a medical bill including but not
15 limited to mental health drugs, a mental health diagnosis, provider
16 name, and dates of service stemming from a medical service. Treatment
17 records do not include notes or records maintained for personal use
18 by a person providing treatment services for the department of social
19 and health services, the department, the authority, behavioral health
20 administrative services organizations, managed care organizations, or
21 a treatment facility if the notes or records are not available to
22 others;

23 (58) "Triage facility" means a short-term facility or a portion
24 of a facility licensed or certified by the department, which is
25 designed as a facility to assess and stabilize an individual or
26 determine the need for involuntary commitment of an individual, and
27 must meet department residential treatment facility standards. A
28 triage facility may be structured as a voluntary or involuntary
29 placement facility;

30 (59) "Video," unless the context clearly indicates otherwise,
31 means the delivery of behavioral health services through the use of
32 interactive audio and video technology, permitting real-time
33 communication between a person and a designated crisis responder, for
34 the purpose of evaluation. "Video" does not include the use of audio-
35 only telephone, facsimile, email, or store and forward technology.
36 "Store and forward technology" means use of an asynchronous
37 transmission of a person's medical information from a mental health
38 service provider to the designated crisis responder which results in
39 medical diagnosis, consultation, or treatment;

1 (60) "Violent act" means behavior that resulted in homicide,
2 attempted suicide, injury, or substantial loss or damage to property.

3 **Sec. 22.** RCW 71.05.760 and 2019 c 446 s 16 and 2019 c 325 s 3015
4 are each reenacted and amended to read as follows:

5 (1)(a) The authority or its designee shall provide training to
6 the designated crisis responders.

7 (b)(i) To qualify as a designated crisis responder, a person must
8 have received substance use disorder training as determined by the
9 authority and be a:

10 (A) ~~((Psychiatrist, psychologist, physician assistant working~~
11 ~~with a supervising psychiatrist, psychiatric advanced registered~~
12 ~~nurse practitioner, or social worker;~~

13 ~~(B) Person who is licensed by the department as a mental health~~
14 ~~counselor or mental health counselor associate, or marriage and~~
15 ~~family therapist or marriage and family therapist associate;~~

16 ~~(C) Person with a master's degree or further advanced degree in~~
17 ~~counseling or one of the social sciences from an accredited college~~
18 ~~or university and who have, in addition, at least two years of~~
19 ~~experience in direct treatment of persons with mental illness or~~
20 ~~emotional disturbance, such experience gained under the direction of~~
21 ~~a mental health professional;~~

22 ~~(D))~~ Mental health professional with an advanced degree;

23 (B) Person who meets the waiver criteria of RCW 71.24.260, which
24 waiver was granted before 1986; or

25 ~~((E))~~ (C) Person who had an approved waiver to perform the
26 duties of a mental health professional that was requested by the
27 regional support network and granted by the department of social and
28 health services before July 1, 2001(~~;~~~~or~~

29 ~~(F) Person who has been granted an exception of the minimum~~
30 ~~requirements of a mental health professional by the department~~
31 ~~consistent with rules adopted by the secretary)).~~

32 (ii) Training must include training specific to the duties of a
33 designated crisis responder, including diagnosis of substance abuse
34 and dependence and assessment of risk associated with substance use.

35 (2)(a) The authority must ensure that at least one sixteen-bed
36 secure withdrawal management and stabilization facility is
37 operational by April 1, 2018, and that at least two sixteen-bed
38 secure withdrawal management and stabilization facilities are
39 operational by April 1, 2019.

1 (b) If, at any time during the implementation of secure
2 withdrawal management and stabilization facility capacity, federal
3 funding becomes unavailable for federal match for services provided
4 in secure withdrawal management and stabilization facilities, then
5 the authority must cease any expansion of secure withdrawal
6 management and stabilization facilities until further direction is
7 provided by the legislature.

8 **Sec. 23.** RCW 43.43.842 and 2021 c 215 s 150 are each amended to
9 read as follows:

10 (1)(a) The secretary of social and health services and the
11 secretary of health shall adopt additional requirements for the
12 licensure or relicensure of agencies, facilities, and licensed
13 individuals who provide care and treatment to vulnerable adults,
14 including nursing pools registered under chapter 18.52C RCW. These
15 additional requirements shall ensure that any person associated with
16 a licensed agency or facility having unsupervised access with a
17 vulnerable adult shall not be the respondent in an active vulnerable
18 adult protection order under chapter 7.105 RCW, nor have been: (i)
19 Convicted of a crime against children or other persons as defined in
20 RCW 43.43.830, except as provided in this section; (ii) convicted of
21 crimes relating to financial exploitation as defined in RCW
22 43.43.830, except as provided in this section; or (iii) found in any
23 disciplinary board final decision to have abused a vulnerable adult
24 as defined in RCW 43.43.830.

25 (b) A person associated with a licensed agency or facility who
26 has unsupervised access with a vulnerable adult shall make the
27 disclosures specified in RCW 43.43.834(2). The person shall make the
28 disclosures in writing, sign, and swear to the contents under penalty
29 of perjury. The person shall, in the disclosures, specify all crimes
30 against children or other persons, all crimes relating to financial
31 exploitation, and all crimes relating to drugs as defined in RCW
32 43.43.830, committed by the person.

33 (2) The rules adopted under this section shall permit the
34 licensee to consider the criminal history of an applicant for
35 employment in a licensed facility when the applicant has one or more
36 convictions for a past offense and:

37 (a) The offense was simple assault, assault in the fourth degree,
38 or the same offense as it may be renamed, and three or more years

1 have passed between the most recent conviction and the date of
2 application for employment;

3 (b) The offense was prostitution, or the same offense as it may
4 be renamed, and three or more years have passed between the most
5 recent conviction and the date of application for employment;

6 (c) The offense was theft in the third degree, or the same
7 offense as it may be renamed, and three or more years have passed
8 between the most recent conviction and the date of application for
9 employment;

10 (d) The offense was theft in the second degree, or the same
11 offense as it may be renamed, and five or more years have passed
12 between the most recent conviction and the date of application for
13 employment;

14 (e) The offense was forgery, or the same offense as it may be
15 renamed, and five or more years have passed between the most recent
16 conviction and the date of application for employment;

17 (f) The department of social and health services reviewed the
18 employee's otherwise disqualifying criminal history through the
19 department of social and health services' background assessment
20 review team process conducted in 2002, and determined that such
21 employee could remain in a position covered by this section; or

22 (g) The otherwise disqualifying conviction or disposition has
23 been the subject of a pardon, annulment, or other equivalent
24 procedure.

25 The offenses set forth in (a) through (g) of this subsection do
26 not automatically disqualify an applicant from employment by a
27 licensee. Nothing in this section may be construed to require the
28 employment of any person against a licensee's judgment.

29 (3) The rules adopted pursuant to subsection (2) of this section
30 may not allow a licensee to automatically deny an applicant with a
31 conviction for an offense set forth in subsection (2) of this section
32 for a position as a substance use disorder professional or substance
33 use disorder professional trainee certified under chapter 18.205 RCW
34 if:

35 (a) At least one year has passed between the applicant's most
36 recent conviction for an offense set forth in subsection (2) of this
37 section and the date of application for employment;

38 (b) The offense was committed as a result of the applicant's
39 substance use or untreated mental health symptoms; and

1 (c) The applicant is at least one year in recovery from a
2 substance use disorder, whether through abstinence or stability on
3 medication-assisted therapy, or in recovery from a mental health
4 disorder.

5 (4) The rules adopted pursuant to subsection (2) of this section
6 may not allow a licensee to automatically deny an applicant with a
7 conviction for an offense set forth in subsection (2) of this section
8 for a position as an agency affiliated counselor (~~(registered)~~)
9 credentialed under chapter 18.19 RCW practicing as a peer counselor
10 in an agency or facility if:

11 (a) At least one year has passed between the applicant's most
12 recent conviction for an offense set forth in subsection (2) of this
13 section and the date of application for employment;

14 (b) The offense was committed as a result of the person's
15 substance use or untreated mental health symptoms; and

16 (c) The applicant is at least one year in recovery from a
17 substance use disorder, whether through abstinence or stability on
18 medication-assisted therapy, or in recovery from mental health
19 challenges.

20 (5) In consultation with law enforcement personnel, the secretary
21 of social and health services and the secretary of health shall
22 investigate, or cause to be investigated, the conviction record and
23 the protection proceeding record information under this chapter of
24 the staff of each agency or facility under their respective
25 jurisdictions seeking licensure or relicensure. An individual
26 responding to a criminal background inquiry request from his or her
27 employer or potential employer shall disclose the information about
28 his or her criminal history under penalty of perjury. The secretaries
29 shall use the information solely for the purpose of determining
30 eligibility for licensure or relicensure. Criminal justice agencies
31 shall provide the secretaries such information as they may have and
32 that the secretaries may require for such purpose.

33 **Sec. 24.** RCW 18.205.105 and 2019 c 444 s 25 are each amended to
34 read as follows:

35 (1) The department shall develop training standards for the
36 creation of a co-occurring disorder specialist enhancement which may
37 be added to the license or registration held by one of the following:

38 (a) Psychologists licensed under chapter 18.83 RCW;

1 (b) Independent clinical social workers licensed under chapter
2 18.225 RCW;

3 (c) Marriage and family therapists licensed under chapter 18.225
4 RCW;

5 (d) Mental health counselors licensed under chapter 18.225 RCW;
6 and

7 (e) An agency affiliated counselor licensed under chapter 18.19
8 RCW (~~(with a master's degree or further advanced degree in counseling
9 or one of the social sciences from an accredited college or
10 university who has at least two years of experience, experience
11 gained under the supervision of a mental health professional
12 recognized by the department or attested to by the licensed
13 behavioral health agency, in direct treatment of persons with mental
14 illness or emotional disturbance)~~).

15 (2) To obtain the co-occurring disorder specialist enhancement,
16 the applicant must meet training standards and experience
17 requirements. The training standards must be designed with
18 consideration of the practices of the health professions listed in
19 subsection (1) of this section and consisting of sixty hours of
20 instruction consisting of (a) thirty hours in understanding the
21 disease pattern of addiction and the pharmacology of alcohol and
22 other drugs; and (b) thirty hours in understanding addiction
23 placement, continuing care, and discharge criteria, including the
24 American society of addiction medicine criteria; treatment planning
25 specific to substance abuse; relapse prevention; and confidentiality
26 issues specific to substance use disorder treatment.

27 (3) In developing the training standards, the department shall
28 consult with the examining board of psychology established in chapter
29 18.83 RCW, the Washington state mental health counselors, marriage
30 and family therapists, and social workers advisory committee
31 established in chapter 18.225 RCW, the substance use disorder
32 certification advisory committee established in chapter 18.205 RCW,
33 and educational institutions in Washington state that train
34 psychologists, marriage and family therapists, mental health
35 counselors, independent clinical social workers, and substance use
36 disorder professionals.

37 (4) The department shall approve educational programs that meet
38 the training standards, and must not limit its approval to
39 university-based courses.

1 (5) The secretary shall issue a co-occurring disorder specialist
2 enhancement to any applicant who demonstrates to the secretary's
3 satisfaction that the following requirements have been met:

4 (a) Completion of the training standards;

5 (b) Successful completion of an approved examination based on
6 core competencies of substance use disorder counseling;

7 (c) Successful completion of an experience requirement of:

8 (i) Eighty hours of supervised experience for an applicant listed
9 under subsection (1) of this section with fewer than five years of
10 experience; or

11 (ii) Forty hours of supervised experience for an applicant listed
12 under subsection (1) of this section with five or more years of
13 experience; and

14 (d) Payment of any fees that may be established by the
15 department.

16 (6) An applicant for the co-occurring disorder specialist
17 enhancement may receive supervised experience from any person who
18 meets or exceeds the requirements of a certified substance use
19 disorder professional in the state of Washington and who would be
20 eligible to take the examination required for substance use disorder
21 professional certification.

22 (7) A person who has obtained a co-occurring disorder specialist
23 enhancement may provide substance use disorder counseling services
24 which are equal in scope with those provided by substance use
25 disorder professionals under this chapter, subject to the following
26 limitations:

27 (a) A co-occurring disorder specialist may only provide substance
28 use disorder counseling services if the co-occurring disorder
29 specialist is employed by:

30 (i) An agency that provides counseling services;

31 (ii) A federally qualified health center; or

32 (iii) A hospital;

33 (b) Following an initial intake or assessment, a co-occurring
34 disorder specialist may provide substance use disorder treatment only
35 to clients diagnosed with a substance use disorder and a mental
36 health disorder;

37 (c) Prior to providing substance use disorder treatment to a
38 client assessed to be in need of 2.1 or higher level of care
39 according to American society of addiction medicine criteria, a co-
40 occurring disorder specialist must make a reasonable effort to refer

1 and connect the client to the appropriate care setting, as indicated
2 by the client's American society of addiction medicine level of care;
3 and

4 (d) A co-occurring disorder specialist must comply with rules
5 promulgated by the department under subsection (11) of this section.

6 (8) The secretary shall establish by rule what constitutes
7 adequate proof of meeting the criteria.

8 (9) Applicants are subject to the grounds for denial of a
9 certificate or issuance of a conditional certificate under chapter
10 18.130 RCW.

11 (10) The department may adopt a fee to defray the cost of
12 regulatory activities related to the issuance of co-occurring
13 disorder specialist enhancements and any related disciplinary
14 activities.

15 (11) The department shall adopt rules regarding the role of co-
16 occurring disorder specialists across the American society of
17 addiction medicine continuum of care.

18 (12) Any increase in fees necessary to cover the cost of
19 regulating co-occurring disorder (~~professionals—[specialists]~~)
20 specialists who receive an enhancement under this section must be
21 borne by persons licensed as psychologists under chapter 18.83 RCW,
22 independent clinical social workers under chapter 18.225 RCW,
23 marriage and family therapists under chapter 18.225 RCW, or mental
24 health counselors under chapter 18.225 RCW. The cost of regulating
25 co-occurring disorder specialists who receive an enhancement under
26 this section may not be borne by substance use disorder professionals
27 or substance use disorder professional trainees certified under this
28 chapter and may not be included in the calculation of fees for
29 substance use disorder professionals or substance use disorder
30 professional trainees certified under this chapter.

31 **Sec. 25.** RCW 18.130.175 and 2022 c 43 s 10 are each amended to
32 read as follows:

33 (1) In lieu of disciplinary action under RCW 18.130.160 and if
34 the disciplining authority determines that the unprofessional conduct
35 may be the result of an applicable impairing or potentially impairing
36 health condition, the disciplining authority may refer the license
37 holder to a physician health program or a voluntary substance use
38 disorder monitoring program approved by the disciplining authority.

1 The cost of evaluation and treatment shall be the responsibility
2 of the license holder, but the responsibility does not preclude
3 payment by an employer, existing insurance coverage, or other
4 sources. Evaluation and treatment shall be provided by providers
5 approved by the entity or the commission. The disciplining authority
6 may also approve the use of out-of-state programs. Referral of the
7 license holder to the physician health program or voluntary substance
8 use disorder monitoring program shall be done only with the consent
9 of the license holder. Referral to the physician health program or
10 voluntary substance use disorder monitoring program may also include
11 probationary conditions for a designated period of time. If the
12 license holder does not consent to be referred to the program or does
13 not successfully complete the program, the disciplining authority may
14 take appropriate action under RCW 18.130.160 which includes
15 suspension of the license unless or until the disciplining authority,
16 in consultation with the director of the applicable program,
17 determines the license holder is able to practice safely. The
18 secretary shall adopt uniform rules for the evaluation by the
19 disciplining authority of return to substance use or program
20 violation on the part of a license holder in the program. The
21 evaluation shall encourage program participation with additional
22 conditions, in lieu of disciplinary action, when the disciplining
23 authority determines that the license holder is able to continue to
24 practice with reasonable skill and safety.

25 (2) In addition to approving the physician health program or the
26 voluntary substance use disorder monitoring program that may receive
27 referrals from the disciplining authority, the disciplining authority
28 may establish by rule requirements for participation of license
29 holders who are not being investigated or monitored by the
30 disciplining authority. License holders voluntarily participating in
31 the approved programs without being referred by the disciplining
32 authority shall not be subject to disciplinary action under RCW
33 18.130.160 for their impairing or potentially impairing health
34 condition, and shall not have their participation made known to the
35 disciplining authority, if they meet the requirements of this section
36 and the program in which they are participating.

37 (3) The license holder shall sign a waiver allowing the program
38 to release information to the disciplining authority if the licensee
39 does not comply with the requirements of this section or is unable to
40 practice with reasonable skill or safety. The physician health

1 program or voluntary substance use disorder program shall report to
2 the disciplining authority any license holder who fails to comply
3 with the requirements of this section or the program or who, in the
4 opinion of the program, is unable to practice with reasonable skill
5 or safety. License holders shall report to the disciplining authority
6 if they fail to comply with this section or do not complete the
7 program's requirements. License holders may, upon the agreement of
8 the program and disciplining authority, reenter the program if they
9 have previously failed to comply with this section.

10 (4) Program records including, but not limited to, case notes,
11 progress notes, laboratory reports, evaluation and treatment records,
12 electronic and written correspondence within the program, and between
13 the program and the participant or other involved entities including,
14 but not limited to, employers, credentialing bodies, referents, or
15 other collateral sources, relating to license holders referred to or
16 voluntarily participating in approved programs are confidential and
17 exempt from disclosure under chapter 42.56 RCW and shall not be
18 subject to discovery by subpoena or admissible as evidence except:

19 (a) To defend any civil action by a license holder regarding the
20 restriction or revocation of that individual's clinical or staff
21 privileges, or termination of a license holder's employment. In such
22 an action, the program will, upon subpoena issued by either party to
23 the action, and upon the requesting party seeking a protective order
24 for the requested disclosure, provide to both parties of the action
25 written disclosure that includes the following information:

26 (i) Verification of a health care professional's participation in
27 the physician health program or voluntary substance use disorder
28 monitoring program as it relates to aspects of program involvement at
29 issue in the civil action;

30 (ii) The dates of participation;

31 (iii) Whether or not the program identified an impairing or
32 potentially impairing health condition;

33 (iv) Whether the health care professional was compliant with the
34 requirements of the physician health program or voluntary substance
35 use disorder monitoring program; and

36 (v) Whether the health care professional successfully completed
37 the physician health program or voluntary substance use disorder
38 monitoring program; and

39 (b) Records provided to the disciplining authority for cause as
40 described in subsection (3) of this section. Program records relating

1 to license holders mandated to the program, through order or by
2 stipulation, by the disciplining authority or relating to license
3 holders reported to the disciplining authority by the program for
4 cause, must be released to the disciplining authority at the request
5 of the disciplining authority. Records held by the disciplining
6 authority under this section are exempt from chapter 42.56 RCW and
7 are not subject to discovery by subpoena except by the license
8 holder.

9 (5) This section does not affect an employer's right or ability
10 to make employment-related decisions regarding a license holder. This
11 section does not restrict the authority of the disciplining authority
12 to take disciplinary action for any other unprofessional conduct.

13 (6) A person who, in good faith, reports information or takes
14 action in connection with this section is immune from civil liability
15 for reporting information or taking the action.

16 (a) The immunity from civil liability provided by this section
17 shall be liberally construed to accomplish the purposes of this
18 section, and applies to both license holders and students and
19 trainees when students and trainees of the applicable professions are
20 served by the program. The persons entitled to immunity shall
21 include:

22 (i) An approved physician health program or voluntary substance
23 use disorder monitoring program;

24 (ii) The professional association affiliated with the program;

25 (iii) Members, employees, or agents of the program or
26 associations;

27 (iv) Persons reporting a license holder as being possibly
28 impaired or providing information about the license holder's
29 impairment; and

30 (v) Professionals supervising or monitoring the course of the
31 program participant's treatment or rehabilitation.

32 (b) The courts are strongly encouraged to impose sanctions on
33 program participants and their attorneys whose allegations under this
34 subsection are not made in good faith and are without either
35 reasonable objective, substantive grounds, or both.

36 (c) The immunity provided in this section is in addition to any
37 other immunity provided by law.

38 (7) In the case of a person who is applying to be a substance use
39 disorder professional or substance use disorder professional trainee
40 certified under chapter 18.205 RCW, if the person is:

1 (a) Less than one year in recovery from a substance use disorder,
2 the duration of time that the person may be required to participate
3 in an approved substance use disorder monitoring program may not
4 exceed the amount of time necessary for the person to achieve one
5 year in recovery; or

6 (b) At least one year in recovery from a substance use disorder,
7 the person may not be required to participate in the approved
8 substance use disorder monitoring program.

9 (8) In the case of a person who is applying to be an agency
10 affiliated counselor (~~(registered)~~) credentialed under chapter 18.19
11 RCW and practices or intends to practice as a peer counselor in an
12 agency, as defined in RCW 18.19.020, if the person is:

13 (a) Less than one year in recovery from a substance use disorder,
14 the duration of time that the person may be required to participate
15 in the approved substance use disorder monitoring program may not
16 exceed the amount of time necessary for the person to achieve one
17 year in recovery; or

18 (b) At least one year in recovery from a substance use disorder,
19 the person may not be required to participate in the approved
20 substance use disorder monitoring program.

21 **Sec. 26.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to
22 read as follows:

23 (1) This chapter applies only to the secretary and the boards and
24 commissions having jurisdiction in relation to the professions
25 licensed under the chapters specified in this section. This chapter
26 does not apply to any business or profession not licensed under the
27 chapters specified in this section.

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

30 (i) Dispensing opticians licensed and designated apprentices
31 under chapter 18.34 RCW;

32 (ii) Midwives licensed under chapter 18.50 RCW;

33 (iii) Ocularists licensed under chapter 18.55 RCW;

34 (iv) Massage therapists and businesses licensed under chapter
35 18.108 RCW;

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

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

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

3 (viii) Respiratory care practitioners licensed under chapter
4 18.89 RCW;

5 (ix) Hypnotherapists (~~and~~) registered, agency affiliated
6 counselors registered, certified, or licensed, and advisors and
7 counselors certified under chapter 18.19 RCW;

8 (x) Persons licensed as mental health counselors, mental health
9 counselor associates, marriage and family therapists, marriage and
10 family therapist associates, social workers, social work associates—
11 advanced, and social work associates—independent clinical under
12 chapter 18.225 RCW;

13 (xi) Persons registered as nursing pool operators under chapter
14 18.52C RCW;

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

17 (xiii) Dietitians and nutritionists certified under chapter
18 18.138 RCW;

19 (xiv) Substance use disorder professionals, substance use
20 disorder professional trainees, or co-occurring disorder specialists
21 certified under chapter 18.205 RCW;

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

24 (xvi) Persons licensed and certified under chapter 18.73 RCW or
25 RCW 18.71.205;

26 (xvii) Orthotists and prosthetists licensed under chapter 18.200
27 RCW;

28 (xviii) Surgical technologists registered under chapter 18.215
29 RCW;

30 (xix) Recreational therapists under chapter 18.230 RCW;

31 (xx) Animal massage therapists certified under chapter 18.240
32 RCW;

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

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

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

36 (xxiv) Reflexologists certified under chapter 18.108 RCW;

37 (xxv) Medical assistants-certified, medical assistants-
38 hemodialysis technician, medical assistants-phlebotomist, forensic
39 phlebotomist, and medical assistants-registered certified and
40 registered under chapter 18.360 RCW; and

1 (xxvi) Behavior analysts, assistant behavior analysts, and
2 behavior technicians under chapter 18.380 RCW.

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

5 (i) The podiatric medical board as established in chapter 18.22
6 RCW;

7 (ii) The chiropractic quality assurance commission as established
8 in chapter 18.25 RCW;

9 (iii) The dental quality assurance commission as established in
10 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
11 licenses and registrations issued under chapter 18.260 RCW, and
12 certifications issued under chapter 18.350 RCW;

13 (iv) The board of hearing and speech as established in chapter
14 18.35 RCW;

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

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

19 (vii) The board of osteopathic medicine and surgery as
20 established in chapter 18.57 RCW governing licenses issued under
21 chapter 18.57 RCW;

22 (viii) The pharmacy quality assurance commission as established
23 in chapter 18.64 RCW governing licenses issued under chapters 18.64
24 and 18.64A RCW;

25 (ix) The Washington medical commission as established in chapter
26 18.71 RCW governing licenses and registrations issued under chapters
27 18.71 and 18.71A RCW;

28 (x) The board of physical therapy as established in chapter 18.74
29 RCW;

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

32 (xii) The nursing care quality assurance commission as
33 established in chapter 18.79 RCW governing licenses and registrations
34 issued under that chapter;

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

37 (xiv) The veterinary board of governors as established in chapter
38 18.92 RCW;

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

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

2 (3) In addition to the authority to discipline license holders,
3 the disciplining authority has the authority to grant or deny
4 licenses. The disciplining authority may also grant a license subject
5 to conditions.

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

10 **Sec. 27.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to
11 read as follows:

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

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

19 (i) Dispensing opticians licensed and designated apprentices
20 under chapter 18.34 RCW;

21 (ii) Midwives licensed under chapter 18.50 RCW;

22 (iii) Ocularists licensed under chapter 18.55 RCW;

23 (iv) Massage therapists and businesses licensed under chapter
24 18.108 RCW;

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

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

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

30 (viii) Respiratory care practitioners licensed under chapter
31 18.89 RCW;

32 (ix) Hypnotherapists (~~and~~) registered, agency affiliated
33 counselors registered, certified, or licensed, and advisors and
34 counselors certified under chapter 18.19 RCW;

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

1 (xi) Persons registered as nursing pool operators under chapter
2 18.52C RCW;

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

5 (xiii) Dietitians and nutritionists certified under chapter
6 18.138 RCW;

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

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

12 (xvi) Persons licensed and certified under chapter 18.73 RCW or
13 RCW 18.71.205;

14 (xvii) Orthotists and prosthetists licensed under chapter 18.200
15 RCW;

16 (xviii) Surgical technologists registered under chapter 18.215
17 RCW;

18 (xix) Recreational therapists under chapter 18.230 RCW;

19 (xx) Animal massage therapists certified under chapter 18.240
20 RCW;

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

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

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

24 (xxiv) Reflexologists certified under chapter 18.108 RCW;

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

29 (xxvi) Behavior analysts, assistant behavior analysts, and
30 behavior technicians under chapter 18.380 RCW; and

31 (xxvii) Birth doulas certified under chapter 18.47 RCW.

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 NEW SECTION. **Sec. 28.** Section 20 of this act expires when
2 section 21 of this act takes effect.

3 NEW SECTION. **Sec. 29.** Section 26 of this act expires October 1,
4 2023.

5 NEW SECTION. **Sec. 30.** Section 21 of this act takes effect when
6 section 2, chapter 210, Laws of 2022 takes effect.

7 NEW SECTION. **Sec. 31.** Section 27 of this act takes effect
8 October 1, 2023.

9 NEW SECTION. **Sec. 32.** If specific funding for the purposes of
10 this act, referencing this act by bill or chapter number, is not
11 provided by June 30, 2023, in the omnibus appropriations act, this
12 act is null and void.

13 NEW SECTION. **Sec. 33.** Sections 1 through 7, 13 through 20, and
14 22 through 26 of this act are necessary for the immediate
15 preservation of the public peace, health, or safety, or support of
16 the state government and its existing public institutions, and take
17 effect immediately.

Passed by the House April 18, 2023.
Passed by the Senate April 12, 2023.
Approved by the Governor May 11, 2023.
Filed in Office of Secretary of State May 11, 2023.

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