
HOUSE BILL 2715

State of Washington

55th Legislature

1998 Regular Session

By Representatives Skinner, Cody, Cooke, Wolfe, Dyer, Backlund, Ballasiotes and Costa

Read first time 01/19/98. Referred to Committee on Health Care.

1 AN ACT Relating to chemical dependency counselor regulation;
2 reenacting and amending RCW 18.130.040; adding a new chapter to Title
3 18 RCW; creating a new section; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that alcohol and drug
6 problems are a major contributor to drunk driving, crime, domestic
7 violence, child abuse and neglect, and welfare. The legislature finds
8 that chemical dependency treatment is an important health care service
9 that can reduce government and general health care expenditures. To
10 this end, the legislature has mandated insurance coverage for chemical
11 dependency treatment, mandated chemical dependency assessment and
12 treatment with alternative sentencing and drug courts, authorized
13 involuntary treatment of alcoholic and addicted youth and adults, and
14 provided that parental custody may be contingent upon completion of
15 chemical dependency treatment.

16 The legislature finds that assuring competency of the individual
17 providing chemical dependency assessment, treatment planning, and
18 counseling is essential to public safety. Chemical dependency
19 assessment and treatment practice is no longer restricted to programs

1 regulated by the department of social and health services and is
2 conducted by many agencies, including health plans, utilization review
3 companies, schools, probation departments, and correctional facilities.
4 The legislature finds that in a practice so intertwined with safety,
5 welfare, parental rights, and public policy, it is necessary to protect
6 the public by requiring verification of competency and qualification
7 from all individuals providing chemical dependency assessment and
8 treatment services. At the same time, it is recognized that certain
9 chemical dependency counseling competencies can be developed through
10 nonacademic experiences.

11 The purpose of this act is to protect the public by identifying
12 individuals with demonstrated qualifications in the core competencies
13 of addiction counseling and make government more efficient by
14 consolidating duplicative regulatory activities into a single
15 credentialing process.

16 NEW SECTION. **Sec. 2.** The definitions in this section apply
17 throughout this chapter unless the context clearly requires otherwise.

18 (1) "Certified chemical dependency counselor" means an individual
19 certified to provide chemical dependency counseling under this chapter.

20 (2) "Chemical dependency counseling" means employing the core
21 competencies of chemical dependency counseling to assist or attempt to
22 assist a person to develop and maintain abstinence from alcohol and
23 other mood-altering drugs.

24 (3) "Core competencies of chemical dependency counseling" means
25 competency in the nationally recognized knowledge, skills, and
26 attitudes of professional practice, including assessment and diagnosis
27 of chemical dependency, chemical dependency treatment planning and
28 referral, patient and family education in the disease of chemical
29 dependency, individual and group counseling with alcoholic and drug
30 addicted individuals, relapse prevention counseling, and case
31 management, all oriented to assist patients to achieve and maintain
32 abstinence from mood-altering substances and develop independent
33 support systems.

34 (4) "Committee" means the chemical dependency credentialing
35 committee established under this chapter.

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

37 (6) "Patient" means an individual who receives or participates in
38 chemical dependency treatment.

1 (7) "Registered chemical dependency counselor" means an individual
2 registered to provide chemical dependency counseling under this
3 chapter.

4 (8) "Secretary" means the secretary of health or the secretary's
5 designee.

6 NEW SECTION. **Sec. 3.** A person may not, for a fee or as a part of
7 the person's position as an employee of a state agency or chemical
8 dependency treatment program certified under chapter 70.96A RCW,
9 practice as a chemical dependency counselor without being registered or
10 certified to practice by the department under this chapter. A person
11 may not represent himself or herself as a registered chemical
12 dependency counselor or certified chemical dependency counselor without
13 being so registered or certified by the department under this chapter.

14 NEW SECTION. **Sec. 4.** Nothing in this chapter may be construed to
15 prohibit or restrict:

16 (1) The practice of a profession by a person who is either
17 registered, certified, licensed, or similarly regulated under the laws
18 of this state and who is performing services within the person's
19 authorized scope of practice; and

20 (2) The practice of chemical dependency counseling by an employee
21 or trainee of any federal agency, or the practice of chemical
22 dependency counseling by a student of a college or university, if the
23 employee, trainee, or student is practicing solely under the
24 supervision of and accountable to the agency, college, or university
25 through which the person performs the functions as part of the person's
26 position for no additional fee other than ordinary compensation.

27 NEW SECTION. **Sec. 5.** (1) In addition to any other authority
28 provided by law, the secretary may:

29 (a) Adopt rules necessary to implement this chapter, in accordance
30 with chapter 34.05 RCW, in consultation with the committee;

31 (b) Set all fees in accordance with RCW 43.70.250 and collect and
32 deposit all of those fees in the health professions account established
33 under RCW 43.70.320;

34 (c) Establish forms and procedures necessary to administer this
35 chapter;

1 (d) Hire clerical, administrative, and investigative staff as
2 needed to implement this chapter;

3 (e) Set standards of practice for registered and certified chemical
4 dependency counselors;

5 (f) Issue a chemical dependency counselor registration to an
6 applicant who has met the requirements for registration;

7 (g) Issue a certificate to any applicant who has met the education,
8 training, and requirements of competency demonstration for chemical
9 dependency counselor certification and to deny a certificate to
10 applicants who do not meet the minimum qualifications for
11 certification;

12 (h) Establish the criteria for evaluating the ability and
13 qualifications of persons applying for a certificate as a certified
14 chemical dependency counselor;

15 (i) Evaluate and designate, in collaboration with the committee,
16 those chemical dependency courses that will be accepted as proof of an
17 applicant's eligibility to receive registration or certification and to
18 establish standards and procedures for accepting alternative training,
19 if any, in lieu of identified courses;

20 (j) Prepare and administer or cause to be prepared and administered
21 an examination for all qualified applicants for chemical dependency
22 counselor certification; and

23 (k) Set requirements for maintaining and renewing registration and
24 certification, that may include continuing education or continuing
25 competency requirements.

26 (2) Persons registered or certified under this chapter shall
27 provide patients, at the commencement of a program of treatment,
28 accurate disclosure information in accordance with guidelines developed
29 by the department. The information must contain at a minimum the
30 counselor's practice and will inform the patients of the purposes of
31 and resources available under this chapter, including the right of
32 patients to refuse treatment and to file a complaint. A single
33 disclosure statement may be used for one or more chemical dependency
34 counselors if the counselors are providing services from a single plan
35 of treatment within a single chemical dependency treatment program
36 approved under chapter 70.96A RCW. The disclosure information provided
37 by the counselor or counselors, the receipt of which shall be
38 acknowledged in writing by the counselor and patient, must include
39 relevant education and training, the therapeutic orientation of the

1 practice, the proposed course of treatment, financial requirements, and
2 such other information as the department may require by rule.

3 (3) The secretary shall keep an official record of all proceedings,
4 a part of which record must consist of a register of all applicants for
5 registration or certification under this chapter, with the result of
6 each application.

7 NEW SECTION. **Sec. 6.** (1) The Washington state chemical dependency
8 credentialing committee is created, consisting of seven members
9 appointed by the secretary. All appointments shall be for a term of
10 four years. A person may not serve as a member of the committee for
11 more than two consecutive full terms. Within ninety days of the
12 effective date of this section, the secretary shall appoint the first
13 committee to propose to the secretary for his or her consideration
14 rules, educational requirements, tests, and procedures to carry out
15 chemical dependency counselor registration and certification
16 established under this chapter. The committee shall also recommend
17 standards for continuing education to meet certification and
18 registration requirements under this chapter. Two appointees to the
19 initial committee shall be professional or public members with
20 experience on private chemical dependency counselor certification
21 boards, and one of whom shall be Native American. Chemical dependency
22 counselors appointed to the first board may be eligible to be certified
23 under this chapter and thereafter must be certified by the department,
24 with the exception of the member who is a registered chemical
25 dependency counselor.

26 (2) Voting members shall include:

27 (a) Two certified chemical dependency counselors;

28 (b) One registered chemical dependency counselor;

29 (c) One chemical dependency treatment program director;

30 (d) One physician licensed under chapter 18.71 or 18.57 RCW and
31 certified in addiction medicine;

32 (e) Two members of the public, at least one of whom must be an
33 individual in recovery from chemical dependency.

34 (3) The director of the department of social and health services
35 division of alcohol and substance abuse or the director's designee,
36 shall serve as an ex officio member of the committee.

37 The secretary may appoint the initial members of the committee to
38 staggered terms of from one to four years. Thereafter, all members

1 shall be appointed to full four-year terms. Members of the committee
2 hold office until their successors are appointed.

3 The secretary may remove any member of the committee for cause as
4 specified by rule. In the case of a vacancy, the secretary shall
5 appoint a person to serve for the remainder of the unexpired term.

6 The committee shall meet at the times and places designated by the
7 secretary and shall hold meetings during the year as necessary to
8 provide advice to the secretary.

9 Each member of the committee shall be reimbursed for travel
10 expenses as authorized in RCW 43.03.050 and 43.030.060. In addition,
11 members of the committee shall be compensated in accordance with RCW
12 43.030.240 when engaged in the authorized business of the committee.
13 The members of the committee are immune from suit in an action, civil
14 or criminal, based on their official acts performed in good faith as
15 members of the committee.

16 NEW SECTION. **Sec. 7.** (1) The department may issue chemical
17 dependency counselor certification to any applicant who satisfactorily
18 meets the following requirements:

19 (a) The applicant has documents showing completion of minimum
20 standards of education, training, and experience established under
21 section 5 of this act;

22 (b) The applicant has successfully completed a recognized chemical
23 dependency counselor examination based on the core competencies of
24 chemical dependency counseling approved by the department;

25 (c) The applicant met other requirements as may be determined by
26 the secretary that impact the competence of the chemical dependency
27 counselor; and

28 (d) The applicant has submitted to the department a completed
29 application and all necessary documentation and fees.

30 (2) Applicants certified as chemical dependency counselors in
31 another state may be certified in this state after successful
32 completion of the examination required by the department.

33 (3) Until July 1, 2000, the department shall issue chemical
34 dependency counselor certification without examination to a person who
35 submits a completed application and payment of necessary fees and
36 verification of a current certificate of qualification as a chemical
37 dependency counselor issued by the department of social and health
38 services.

1 (4) Until July 1, 2000, the department may issue chemical
2 dependency counselor certification only upon passing the required exam
3 to a person who submits a completed application and payment of
4 necessary fees and provides documentation of one of the following:

5 (a) A minimum of four thousand clock-hours of chemical dependency
6 counseling experience in a chemical dependency treatment program
7 certified by the department of social and health services or
8 substantially equivalent experience in another state; or

9 (b) Documentation of a combination of education, training, and
10 experience in the core chemical dependency competencies determined by
11 the department to be substantially equivalent to the knowledge and
12 experience requirements for certified chemical dependency counselors
13 set forth in this section.

14 **Sec. 8.** RCW 18.130.040 and 1997 c 392 s 516, 1997 c 334 s 14, 1997
15 c 285 s 13, and 1997 c 275 s 2 are each reenacted and amended to read
16 as follows:

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

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

24 (i) Dispensing opticians licensed under chapter 18.34 RCW;

25 (ii) Naturopaths licensed under chapter 18.36A RCW;

26 (iii) Midwives licensed under chapter 18.50 RCW;

27 (iv) Ocularists licensed under chapter 18.55 RCW;

28 (v) Massage operators and businesses licensed under chapter 18.108
29 RCW;

30 (vi) Dental hygienists licensed under chapter 18.29 RCW;

31 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

34 (ix) Respiratory care practitioners licensed under chapter 18.89
35 RCW;

36 (x) Persons registered or certified under chapter 18.19 RCW;

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

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

3 (xiii) Health care assistants certified under chapter 18.135 RCW;
4 (xiv) Dietitians and nutritionists certified under chapter 18.138
5 RCW;

6 (xv) Chemical dependency counselors registered or certified under
7 chapter 18.-- RCW (sections 2 through 7 of this act);

8 (xvi) Sex offender treatment providers certified under chapter
9 18.155 RCW;

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

12 (~~(xvii)~~) (xviii) Persons registered as adult family home
13 providers and resident managers under RCW 18.48.020;

14 (~~(xviii)~~) (xix) Denturists licensed under chapter 18.30 RCW; and
15 (~~(xix)~~) (xx) Orthotists and prosthetists licensed under chapter
16 18.200 RCW.

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

19 (i) The podiatric medical board as established in chapter 18.22
20 RCW;

21 (ii) The chiropractic quality assurance commission as established
22 in chapter 18.25 RCW;

23 (iii) The dental quality assurance commission as established in
24 chapter 18.32 RCW;

25 (iv) The board of hearing and speech as established in chapter
26 18.35 RCW;

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

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

31 (vii) The board of osteopathic medicine and surgery as established
32 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
33 18.57A RCW;

34 (viii) The board of pharmacy as established in chapter 18.64 RCW
35 governing licenses issued under chapters 18.64 and 18.64A RCW;

36 (ix) The medical quality assurance commission as established in
37 chapter 18.71 RCW governing licenses and registrations issued under
38 chapters 18.71 and 18.71A RCW;

1 (x) The board of physical therapy as established in chapter 18.74
2 RCW;

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

5 (xii) The nursing care quality assurance commission as established
6 in chapter 18.79 RCW governing licenses issued under that chapter;

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

9 (xiv) The veterinary board of governors as established in chapter
10 18.92 RCW.

11 (3) In addition to the authority to discipline license holders, the
12 disciplining authority has the authority to grant or deny licenses
13 based on the conditions and criteria established in this chapter and
14 the chapters specified in subsection (2) of this section. This chapter
15 also governs any investigation, hearing, or proceeding relating to
16 denial of licensure or issuance of a license conditioned on the
17 applicant's compliance with an order entered pursuant to RCW 18.130.160
18 by the disciplining authority.

19 (4) All disciplining authorities shall adopt procedures to ensure
20 substantially consistent application of this chapter, the Uniform
21 Disciplinary Act, among the disciplining authorities listed in
22 subsection (2) of this section.

23 NEW SECTION. **Sec. 9.** Sections 2 through 7 of this act constitute
24 a new chapter in Title 18 RCW.

25 NEW SECTION. **Sec. 10.** This act takes effect July 1, 1998.

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