

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6550

55th Legislature
1998 Regular Session

Passed by the Senate March 9, 1998
YEAS 44 NAYS 4

President of the Senate

Passed by the House March 4, 1998
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6550** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6550

AS AMENDED BY THE HOUSE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

**By Senate Committee on Health & Long-Term Care (originally sponsored by
Senators Deccio, Wojahn, Wood and Fairley)**

Read first time 02/02/98.

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; and providing effective dates.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes chemical
6 dependency professionals as discrete health professionals. Chemical
7 dependency professional certification serves the public interest.

8 NEW SECTION. **Sec. 2.** Unless the context clearly requires
9 otherwise, the definitions in this section apply throughout this
10 chapter.

11 (1) "Certification" means a voluntary process recognizing an
12 individual who qualifies by examination and meets established
13 educational prerequisites, and which protects the title of practice.

14 (2) "Certified chemical dependency professional" means an
15 individual certified in chemical dependency counseling, under this
16 chapter.

17 (3) "Chemical dependency counseling" means employing the core
18 competencies of chemical dependency counseling to assist or attempt to

1 assist an alcohol or drug addicted person to develop and maintain
2 abstinence from alcohol and other mood-altering drugs.

3 (4) "Committee" means the chemical dependency certification
4 advisory committee established under this chapter.

5 (5) "Core competencies of chemical dependency counseling" means
6 competency in the nationally recognized knowledge, skills, and
7 attitudes of professional practice, including assessment and diagnosis
8 of chemical dependency, chemical dependency treatment planning and
9 referral, patient and family education in the disease of chemical
10 dependency, individual and group counseling with alcoholic and drug
11 addicted individuals, relapse prevention counseling, and case
12 management, all oriented to assist alcoholic and drug addicted patients
13 to achieve and maintain abstinence from mood-altering substances and
14 develop independent support systems.

15 (6) "Department" means the department of health.

16 (7) "Health profession" means a profession providing health
17 services regulated under the laws of this state.

18 (8) "Secretary" means the secretary of health or the secretary's
19 designee.

20 NEW SECTION. **Sec. 3.** No person may represent oneself as a
21 certified chemical dependency professional or use any title or
22 description of services of certified chemical dependency professional
23 without applying for certification, meeting the required
24 qualifications, and being certified by the department of health, unless
25 otherwise exempted by this chapter.

26 NEW SECTION. **Sec. 4.** Nothing in this chapter shall be construed
27 to authorize the use of the title "certified chemical dependency
28 professional" when treating patients in settings other than programs
29 approved under chapter 70.96A RCW.

30 NEW SECTION. **Sec. 5.** Nothing in this chapter shall be construed
31 to prohibit or restrict:

32 (1) The practice by an individual licensed, certified, or
33 registered under the laws of this state and performing services within
34 the authorized scope of practice;

1 (2) The practice by an individual employed by the government of the
2 United States while engaged in the performance of duties prescribed by
3 the laws of the United States;

4 (3) The practice by a person who is a regular student in an
5 educational program approved by the secretary, and whose performance of
6 services is pursuant to a regular course of instruction or assignments
7 from an instructor and under the general supervision of the instructor.

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

10 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
11 chapter, in consultation with the committee;

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

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

16 (4) Issue certificates to applicants who have met the education,
17 training, and examination requirements for certification and to deny
18 certification to applicants who do not meet the minimum qualifications,
19 except that proceedings concerning the denial of certification based
20 upon unprofessional conduct or impairment shall be governed by the
21 uniform disciplinary act, chapter 18.130 RCW;

22 (5) Hire clerical, administrative, investigative, and other staff
23 as needed to implement this chapter, and hire individuals certified
24 under this chapter to serve as examiners for any practical
25 examinations;

26 (6) Determine minimum education requirements and evaluate and
27 designate those educational programs that will be accepted as proof of
28 eligibility to take a qualifying examination for applicants for
29 certification;

30 (7) Prepare, grade, and administer, or determine the nature of, and
31 supervise the grading and administration of, examinations for
32 applicants for certification;

33 (8) Determine whether alternative methods of training are
34 equivalent to formal education, and establish forms, procedures, and
35 criteria for evaluation of an applicant's alternative training to
36 determine the applicant's eligibility to take any qualifying
37 examination;

1 (9) Determine which states have credentialing requirements
2 equivalent to those of this state, and issue certificates to
3 individuals credentialed in those states without examinations;

4 (10) Define and approve any experience requirement for
5 certification;

6 (11) Implement and administer a program for consumer education;

7 (12) Adopt rules implementing a continuing competency program;

8 (13) Maintain the official department record of all applicants and
9 certificated individuals;

10 (14) Establish by rule the procedures for an appeal of an
11 examination failure; and

12 (15) Establish disclosure requirements.

13 NEW SECTION. **Sec. 7.** The secretary shall keep an official record
14 of all proceedings. A part of the record shall consist of a register
15 of all applicants for certification under this chapter and the results
16 of each application.

17 NEW SECTION. **Sec. 8.** The secretary shall appoint a chemical
18 dependency certification advisory committee to further the purposes of
19 this chapter. The committee shall be composed of seven members, one
20 member initially appointed for a term of one year, three for a term of
21 two years, and three for a term of three years. Subsequent
22 appointments shall be for terms of three years. No person may serve as
23 a member of the committee for more than two consecutive terms. Members
24 of the committee shall be residents of this state. The committee shall
25 be composed of four certified chemical dependency professionals; one
26 chemical dependency treatment program director; one physician licensed
27 under chapter 18.71 or 18.57 RCW who is certified in addiction medicine
28 or a licensed or certified mental health practitioner; and one member
29 of the public who has received chemical dependency counseling.

30 (2) The secretary may remove any member of the committee for cause
31 as specified by rule. In the case of a vacancy, the secretary shall
32 appoint a person to serve for the remainder of the unexpired term.

33 (3) The committee shall meet at the times and places designated by
34 the secretary and shall hold meetings during the year as necessary to
35 provide advice to the director. The committee may elect a chair and a
36 vice-chair. A majority of the members currently serving shall
37 constitute a quorum.

1 (4) Each member of the committee shall be reimbursed for travel
2 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
3 members of the committee shall be compensated in accordance with RCW
4 43.03.240 when engaged in the authorized business of the committee.

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

8 (6) The secretary, members of the committee, or individuals acting
9 on their behalf are immune from suit in any action, civil or criminal,
10 based on any certification or disciplinary proceedings or other
11 official acts performed in the course of their duties.

12 NEW SECTION. **Sec. 9.** (1) The secretary shall issue a certificate
13 to any applicant who demonstrates to the secretary's satisfaction that
14 the following requirements have been met:

15 (a) Completion of an educational program approved by the secretary
16 or successful completion of alternate training that meets established
17 criteria;

18 (b) Successful completion of an approved examination, based on core
19 competencies of chemical dependency counseling; and

20 (c) Successful completion of an experience requirement that
21 establishes fewer hours of experience for applicants with higher levels
22 of relevant education. In meeting any experience requirement
23 established under this subsection, the secretary may not require more
24 than one thousand five hundred hours of experience in chemical
25 dependency counseling for applicants who are licensed under chapter
26 18.83 RCW or under chapter 18.79 RCW as advanced registered nurse
27 practitioners.

28 (2) The secretary shall establish by rule what constitutes adequate
29 proof of meeting the criteria.

30 (3) Applicants are subject to the grounds for denial of a
31 certificate or issuance of a conditional certificate under chapter
32 18.130 RCW.

33 (4) Certified chemical dependency professionals shall not be
34 required to be registered under chapter 18.19 RCW.

35 NEW SECTION. **Sec. 10.** The secretary may establish by rule the
36 standards and procedures for approval of educational programs and
37 alternative training. The secretary may utilize or contract with

1 individuals or organizations having expertise in the profession or in
2 education to assist in the evaluations. The secretary shall establish
3 by rule the standards and procedures for revocation of approval of
4 education programs. The standards and procedures set shall apply
5 equally to educational programs and training in the United States and
6 in foreign jurisdictions. The secretary may establish a fee for
7 educational program evaluations.

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

14 (2) The secretary or the secretary's designees shall examine each
15 applicant, by means determined most effective, on subjects appropriate
16 to the scope of practice, as applicable. Such examinations shall be
17 limited to the purpose of determining whether the applicant possesses
18 the minimum skill and knowledge necessary to 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) Any applicant failing to make the required grade in the first
25 examination may take up to three subsequent examinations as the
26 applicant desires upon prepaying a fee determined by the secretary
27 under RCW 43.70.250 for each subsequent examination. Upon failing four
28 examinations, the secretary may invalidate the original application and
29 require such remedial education before the person may take future
30 examinations.

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

35 NEW SECTION. **Sec. 12.** Applications for certification shall be
36 submitted on forms provided by the secretary. The secretary may
37 require any information and documentation that reasonably relates to

1 the need to determine whether the applicant meets the criteria for
2 certification provided for in this chapter and chapter 18.130 RCW.
3 Each applicant shall pay a fee determined by the secretary under RCW
4 43.70.250. The fee shall accompany the application.

5 NEW SECTION. **Sec. 13.** (1) Within two years after the effective
6 date of this section, the secretary shall waive the examination and
7 certify a person who pays a fee and produces a valid chemical
8 dependency counselor certificate of qualification from the department
9 of social and health services.

10 (2) Within two years after the effective date of this section, the
11 secretary shall waive the examination and certify applicants who are
12 licensed under chapter 18.83 RCW or under chapter 18.79 RCW as advanced
13 registered nurse practitioners who pay a fee, who document completion
14 of courses substantially equivalent to those required of chemical
15 dependency counselors working in programs approved under chapter 70.96A
16 RCW on the effective date of this section, and who provide evidence of
17 one thousand five hundred hours of experience in chemical dependency
18 counseling.

19 (3) It is the intent of the legislature that the credentialing of
20 chemical dependency professionals be established solely by the
21 department.

22 NEW SECTION. **Sec. 14.** An applicant holding a credential in
23 another state may be certified to practice in this state without
24 examination if the secretary determines that the other state's
25 credentialing standards are substantially equivalent to the standards
26 in this state.

27 NEW SECTION. **Sec. 15.** The uniform disciplinary act, chapter
28 18.130 RCW, shall govern the issuance and denial of certificates,
29 unauthorized practice, and the discipline of persons certified under
30 this chapter. The secretary shall be the disciplining authority under
31 this chapter.

32 **Sec. 16.** RCW 18.130.040 and 1997 c 392 s 516, 1997 c 334 s 14,
33 1997 c 285 s 13, and 1997 c 275 s 2 are each reenacted and amended to
34 read as follows:

1 (1) This chapter applies only to the secretary and the boards and
2 commissions having jurisdiction in relation to the professions licensed
3 under the chapters specified in this section. This chapter does not
4 apply to any business or profession not licensed under the chapters
5 specified in this section.

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

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

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

10 (iii) Midwives licensed under chapter 18.50 RCW;

11 (iv) Ocularists licensed under chapter 18.55 RCW;

12 (v) Massage operators and businesses licensed under chapter 18.108
13 RCW;

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

15 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

18 (ix) Respiratory care practitioners licensed under chapter 18.89
19 RCW;

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

21 (xi) Persons registered as nursing pool operators under chapter
22 18.52C RCW;

23 (xii) Nursing assistants registered or certified under chapter
24 18.88A RCW;

25 (xiii) Health care assistants certified under chapter 18.135 RCW;

26 (xiv) Dietitians and nutritionists certified under chapter 18.138
27 RCW;

28 (xv) Chemical dependency professionals certified under chapter
29 18.-- RCW (sections 1 through 15 of this act);

30 (xvi) Sex offender treatment providers certified under chapter
31 18.155 RCW;

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

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

36 (~~(xviii)~~) (xix) Denturists licensed under chapter 18.30 RCW; and

37 (~~(xix)~~) (xx) Orthotists and prosthetists licensed under chapter
38 18.200 RCW.

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

3 (i) The podiatric medical board as established in chapter 18.22
4 RCW;

5 (ii) The chiropractic quality assurance commission as established
6 in chapter 18.25 RCW;

7 (iii) The dental quality assurance commission as established in
8 chapter 18.32 RCW;

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

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

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

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

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

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

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

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

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

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

31 (xiv) The veterinary board of governors as established in chapter
32 18.92 RCW.

33 (3) In addition to the authority to discipline license holders, the
34 disciplining authority has the authority to grant or deny licenses
35 based on the conditions and criteria established in this chapter and
36 the chapters specified in subsection (2) of this section. This chapter
37 also governs any investigation, hearing, or proceeding relating to
38 denial of licensure or issuance of a license conditioned on the

1 applicant's compliance with an order entered pursuant to RCW 18.130.160
2 by the disciplining authority.

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

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

9 NEW SECTION. **Sec. 18.** This act takes effect July 1, 1998, except
10 for sections 3, 9, 13, and 14 of this act, which take effect July 1,
11 1999.

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