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HOUSE BILL 2709

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Kagi and Moeller

Read first time 01/20/2004. Referred to Committee on Health Care.

1            AN ACT Relating to the licensing of counselors doing vocational  
2 evaluations or rehabilitation counseling; and amending RCW 18.225.010,  
3 18.225.020, 18.225.030, 18.225.060, 18.225.070, and 18.225.090.

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

5            **Sec. 1.** RCW 18.225.010 and 2001 c 251 s 1 are each amended to read  
6 as follows:

7            Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9            (1) "Advanced social work" means the application of social work  
10 theory and methods including emotional and biopsychosocial assessment,  
11 psychotherapy under the supervision of a licensed independent clinical  
12 social worker, case management, consultation, advocacy, counseling, and  
13 community organization.

14            (2) "Applicant" means a person who completes the required  
15 application, pays the required fee, is at least eighteen years of age,  
16 and meets any background check requirements and uniform disciplinary  
17 act requirements.

18            (3) "Committee" means the Washington state mental health

1 counselors, marriage and family therapists, (~~and~~) social workers, and  
2 vocational and rehabilitation counselors advisory committee.

3 (4) "Department" means the department of health.

4 (5) "Disciplining authority" means the department.

5 (6) "Independent clinical social work" means the diagnosis and  
6 treatment of emotional and mental disorders based on knowledge of human  
7 development, the causation and treatment of psychopathology,  
8 psychotherapeutic treatment practices, and social work practice as  
9 defined in advanced social work. Treatment modalities include but are  
10 not limited to diagnosis and treatment of individuals, couples,  
11 families, groups, or organizations.

12 (7) "Marriage and family therapy" means the diagnosis and treatment  
13 of mental and emotional disorders, whether cognitive, affective, or  
14 behavioral, within the context of relationships, including marriage and  
15 family systems. Marriage and family therapy involves the professional  
16 application of psychotherapeutic and family systems theories and  
17 techniques in the delivery of services to individuals, couples, and  
18 families for the purpose of treating such diagnosed nervous and mental  
19 disorders. The practice of marriage and family therapy means the  
20 rendering of professional marriage and family therapy services to  
21 individuals, couples, and families, singly or in groups, whether such  
22 services are offered directly to the general public or through  
23 organizations, either public or private, for a fee, monetary or  
24 otherwise.

25 (8) "Licensed professional counselors doing vocational/career  
26 evaluations and rehabilitation counseling" means the application of  
27 rehabilitation counseling and vocational/career evaluations.  
28 Rehabilitation counseling practice is a systematic process which  
29 assists persons with physical, mental, developmental, cognitive, and  
30 emotional disabilities to achieve their personal, career, and  
31 independent living goals in the most integrated setting possible  
32 through the application of the counseling process. The counseling  
33 process involves communication, goal setting, and beneficial growth or  
34 change through self-advocacy, psychological, vocational, social, and  
35 behavioral interventions. The specific techniques and modalities  
36 utilized within rehabilitation counseling process and career counseling  
37 may include, but are not limited to, assessment and appraisal of  
38 individuals, including the selecting, administering, scoring, and

1 interpreting of individual and group aptitude, ability, achievement,  
2 interest, and personality tests; diagnosis and treatment planning for  
3 mental, emotional, and behavioral conditions and psycho-social  
4 adjustment; vocational/career counseling; case management; program  
5 evaluation; and job analysis, job development placement services, labor  
6 market surveys, interventions to remove barriers and make  
7 accommodations in employment, environmental, and attitudinal areas.  
8 Vocational/career evaluation means the practice of evaluation that  
9 includes coordinating medical and physical limits, work history,  
10 education, and transferable knowledge skills and abilities into the  
11 determination of employability and suitability of a person for any  
12 occupation, and training analysis. It involves the application of  
13 personal interviews; psychological testing and measurement by  
14 individual or group assessment for ability and attitudes, achievement,  
15 vocational interests, personality, and behavioral adjustment; job  
16 analysis, job classification and pay, job placement, and job or labor  
17 market surveys, and forensic testimony.

18 (9) "Mental health counseling" means the application of principles  
19 of human development, learning theory, psychotherapy, group dynamics,  
20 and etiology of mental illness and dysfunctional behavior to  
21 individuals, couples, families, groups, and organizations, for the  
22 purpose of treatment of mental disorders and promoting optimal mental  
23 health and functionality. Mental health counseling also includes, but  
24 is not limited to, the assessment, diagnosis, and treatment of mental  
25 and emotional disorders, as well as the application of a wellness model  
26 of mental health.

27 ((+9)) (10) "Secretary" means the secretary of health or the  
28 secretary's designee.

29 **Sec. 2.** RCW 18.225.020 and 2001 c 251 s 2 are each amended to read  
30 as follows:

31 A person must not represent himself or herself as a licensed  
32 advanced social worker, licensed independent clinical social worker,  
33 licensed mental health counselor, ((~~or~~)) licensed marriage and family  
34 therapist, or licensed professional counselor doing vocational/career  
35 evaluations and rehabilitation counseling without being licensed by the  
36 department.

1       **Sec. 3.** RCW 18.225.030 and 2001 c 251 s 3 are each amended to read  
2 as follows:

3       Nothing in this chapter shall be construed to prohibit or restrict:

4       (1) The practice of marriage and family therapy, mental health  
5 counseling, ~~((~~or~~))~~ social work, or licensed professional counselors  
6 doing vocational/career evaluations and rehabilitation counseling by an  
7 individual otherwise regulated under this title and performing services  
8 within the authorized scope of practice;

9       (2) The practice of marriage and family therapy, mental health  
10 counseling, ~~((~~or~~))~~ social work, or licensed professional counselors  
11 doing vocational/career evaluations and rehabilitation counseling by an  
12 individual employed by the government of the United States or state of  
13 Washington while engaged in the performance of duties prescribed by the  
14 laws of the United States or state of Washington;

15       (3) The practice of marriage and family therapy, mental health  
16 counseling, ~~((~~or~~))~~ social work, or licensed professional counselors  
17 doing vocational/career evaluations and rehabilitation counseling by a  
18 person who is a regular student in an educational program based on  
19 recognized national standards and approved by the secretary, and whose  
20 performance of services is pursuant to a regular course of instruction  
21 or assignments from an instructor and under the general supervision of  
22 the instructor;

23       (4) The practice of marriage and family therapy, mental health  
24 counseling, ~~((~~or~~))~~ social work, or licensed professional counselors  
25 doing vocational/career evaluations and rehabilitation counseling under  
26 the auspices of a religious denomination, church, or religious  
27 organization.

28       **Sec. 4.** RCW 18.225.060 and 2001 c 251 s 6 are each amended to read  
29 as follows:

30       The Washington state mental health counselors, marriage and family  
31 therapists, ~~((and))~~ social workers, and vocational and rehabilitation  
32 counselors advisory committee is established.

33       (1) The committee shall be comprised of ~~((nine))~~ eleven members.  
34 Two members shall be licensed mental health counselors. Two members  
35 shall be licensed marriage and family therapists. Two members shall be  
36 licensed professional counselors doing vocational/career evaluations  
37 and rehabilitation counseling. One member shall be a licensed

1 independent clinical social worker, and one member shall be a licensed  
2 advanced social worker. Three members must be consumers and represent  
3 the public at large and may not be licensed mental health care  
4 providers.

5 (2) Three members shall be appointed for a term of one year,  
6 (~~three~~) four members shall be appointed for a term of two years, and  
7 (~~three~~) four members shall be appointed for a term of three years.  
8 Subsequent members shall be appointed for terms of three years. A  
9 person must not serve as a member for more than two consecutive terms.  
10 One new licensed professional counselor doing vocational/career  
11 evaluations and rehabilitation counseling shall be appointed for two  
12 years and the other counselor for three years, and then they shall be  
13 for three-year terms.

14 (3)(a) Each member must be a resident of the state of Washington.  
15 (b) Each member must not hold an office in a professional  
16 association for mental health, social work, (~~or~~) marriage and family  
17 therapy, or licensed professional counselors doing vocational/career  
18 evaluations and rehabilitation counseling and must not be employed by  
19 the state of Washington.

20 (c) Each professional member must have been actively engaged as a  
21 mental health counselor, marriage and family therapist, (~~or~~) social  
22 worker, or licensed professional counselors doing vocational/career  
23 evaluations and rehabilitation counseling for five years immediately  
24 preceding appointment.

25 (d) The consumer members must represent the general public and be  
26 unaffiliated directly or indirectly with the professions licensed under  
27 this chapter.

28 (4) The secretary shall appoint the committee members.

29 (5) Committee members are immune from suit in an action, civil or  
30 criminal, based on the department's disciplinary proceedings or other  
31 official acts performed in good faith.

32 (6) Committee members shall be compensated in accordance with RCW  
33 43.03.240, including travel expenses in carrying out his or her  
34 authorized duties in accordance with RCW 43.03.050 and 43.03.060.

35 (7) The committee shall elect a chair and vice-chair.

36 **Sec. 5.** RCW 18.225.070 and 2001 c 251 s 7 are each amended to read  
37 as follows:

1 The department of health may seek the advice and assistance of the  
2 advisory committee in administering this chapter, including, but not  
3 limited to:

4 (1) Advice and recommendations regarding the establishment or  
5 implementation of rules related to the administration of this chapter;

6 (2) Advice, recommendations, and consultation regarding case  
7 disposition guidelines and priorities related to unprofessional conduct  
8 cases regarding licensed mental health counselors, licensed clinical  
9 social workers, licensed advanced social workers, (~~and~~) licensed  
10 marriage and family therapists, and licensed professional counselors  
11 doing vocational/career evaluations and rehabilitation counseling;

12 (3) Assistance and consultation of individual committee members as  
13 needed in the review, analysis, and disposition of reports of  
14 unprofessional conduct and consumer complaints;

15 (4) Assistance and recommendations to enhance consumer education;  
16 and

17 (5) Assistance and recommendations regarding any continuing  
18 education and continuing competency programs administered under the  
19 provisions of (~~the [this]~~) this chapter.

20 **Sec. 6.** RCW 18.225.090 and 2003 c 108 s 1 are each amended to read  
21 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 educational  
29 program accredited by the council on social work education and approved  
30 by the secretary based upon nationally recognized standards;

31 (B) Successful completion of an approved examination;

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

33 The experience requirement consists of a minimum of three thousand two  
34 hundred hours with ninety hours of supervision by a licensed  
35 independent clinical social worker or a licensed advanced social worker  
36 who has been licensed or certified for at least two years. Of those  
37 hours, fifty hours must include direct supervision by a licensed

1 advanced social worker or licensed independent clinical social worker;  
2 the other forty hours may be with an equally qualified licensed mental  
3 health practitioner. Forty hours must be in one-to-one supervision and  
4 fifty hours may be in one-to-one supervision or group supervision.  
5 Distance supervision is limited to forty supervision hours. Eight  
6 hundred hours must be in direct client contact; and

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

9 (ii) Licensed independent clinical social worker:

10 (A) Graduation from a master's or doctorate level social work  
11 educational program accredited by the council on social work education  
12 and approved by the secretary based upon nationally recognized  
13 standards;

14 (B) Successful completion of an approved examination;

15 (C) Successful completion of a supervised experience requirement.  
16 The experience requirement consists of a minimum of four thousand hours  
17 of experience, of which one thousand hours must be direct client  
18 contact, over a three-year period supervised by a licensed independent  
19 clinical social worker who has been licensed or certified for at least  
20 five years and who has had at least one year of experience in  
21 supervising the clinical social work practice of others, with  
22 supervision of at least one hundred thirty hours by a licensed mental  
23 health practitioner. Of the total supervision, seventy hours must be  
24 with an independent clinical social worker meeting the qualifications  
25 under this subsection (1)(a)(ii)(C); the other sixty hours may be with  
26 an equally qualified licensed mental health practitioner. Sixty hours  
27 must be in one-to-one supervision and seventy hours may be in one-to-  
28 one supervision or group supervision. Distance supervision is limited  
29 to sixty supervision hours; and

30 (D) Successful completion of continuing education requirements of  
31 thirty-six hours, with six in professional ethics.

32 (b) Licensed mental health counselor:

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

37 (ii) Successful completion of an approved examination;

1 (iii) Successful completion of a supervised experience requirement.  
2 The experience requirement consists of a minimum of thirty-six months  
3 full-time counseling or three thousand hours of postgraduate mental  
4 health counseling under the supervision of a qualified licensed mental  
5 health counselor in an approved setting. The three thousand hours of  
6 required experience includes a minimum of one hundred hours spent in  
7 immediate supervision with the qualified licensed mental health  
8 counselor, and includes a minimum of one thousand two hundred hours of  
9 direct counseling with individuals, couples, families, or groups; and

10 (iv) Successful completion of continuing education requirements of  
11 thirty-six hours, with six in professional ethics.

12 (c) Licensed marriage and family therapist:

13 (i) Graduation from a master's degree or doctoral degree  
14 educational program in marriage and family therapy or graduation from  
15 an educational program in an allied field equivalent to a master's  
16 degree or doctoral degree in marriage and family therapy approved by  
17 the secretary based upon nationally recognized standards;

18 (ii) Successful passage of an approved examination;

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

26 (A) A minimum of three thousand hours of experience, one thousand  
27 hours of which must be direct client contact; at least five hundred  
28 hours must be gained in diagnosing and treating couples and families;  
29 plus

30 (B) At least two hundred hours of qualified supervision with a  
31 supervisor. At least one hundred of the two hundred hours must be one-  
32 on-one supervision, and the remaining hours may be in one-on-one or  
33 group supervision.

34 Applicants who have completed a master's program accredited by the  
35 commission on accreditation for marriage and family therapy education  
36 of the American association for marriage and family therapy may be  
37 credited with five hundred hours of direct client contact and one  
38 hundred hours of formal meetings with an approved supervisor; and



1 (iv) Successful completion of continuing education requirements of  
2 thirty-six hours, with six in professional ethics.

3 (d)(i) Licensed professional counselors doing vocational/career  
4 evaluations and rehabilitation counseling:

5 (A) Graduation from a master's degree or doctoral degree  
6 educational program in rehabilitation counseling, educational  
7 psychology, counseling, or psychology, or graduation from an  
8 educational program in an allied field equivalent to a master's degree  
9 or doctoral degree approved by the secretary based upon nationally  
10 recognized standards;

11 (B) Successful completion of an approved examination; such as the  
12 certified rehabilitation counselor exam or the American board of  
13 vocational experts exam, or equivalent exam at a score level acceptable  
14 to the board; and

15 (C) Successful completion of a supervised experience requirement.  
16 The experience requirement consists of a minimum of three years of  
17 full-time work experience, or its pro-rated part-time equivalent, in  
18 rehabilitation counseling or vocational/career evaluation work. One  
19 year of the work experience must be supervised by a certified  
20 rehabilitation counselor (CRC), or an American board of vocational  
21 experts (ABVE) diplomate or fellow, or a person licensed under this  
22 professional license.

23 (ii) For grandparenting purposes: Any person who, on the effective  
24 date of this act, or within two years after, possesses current  
25 recertification as a certified rehabilitation counselor; an American  
26 board of vocational experts, diplomate or fellow; a certified  
27 disability management specialist; or is a nationally certified career  
28 counselor from the specialty board of the national board of certified  
29 counselors will be accepted as qualified under this chapter by  
30 education, work experience, and examination. Additionally, anyone who  
31 has been employed as a vocational rehabilitation counselor for this  
32 state, either as a contractor or an employee, for five years full time,  
33 or its pro-rated part-time equivalent, and has a bachelor's degree  
34 acceptable to the board, will be considered eligible by education and  
35 work experience to take an examination acceptable to the board.

36 (2) The department shall establish by rule what constitutes  
37 adequate proof of meeting the criteria.

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

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