

SENATE BILL REPORT

E2SHB 1993

As Reported By Senate Committee On:
Health & Long-Term Care, March 30, 2007

Title: An act relating to credentialing standards for counselors.

Brief Description: Modifying credentialing standards for counselors.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Barlow, Curtis, Schual-Berke, Kagi, Cody, Hinkle, Green, B. Sullivan, Eddy, Pettigrew, P. Sullivan, Bailey, Schindler, Dickerson, Morrell, Kenney, Simpson and Ormsby).

Brief History: Passed House: 3/10/07, 94-3.

Committee Activity: Health & Long-Term Care: 3/26/07, 3/30/07 [DPA].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass as amended.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette.

Staff: Edith Rice (786-7444)

Background: The Department of Health (DOH) regulates several different categories of behavioral health professionals. These include registered counselors, hypnotherapists, psychologists, chemical dependency professionals, mental health counselors, marriage and family therapists, and social workers. Registration as a counselor or hypnotherapist requires that an individual submit an application and a fee of \$40 and obtain a background check. Certification as a chemical dependency counselor requires that an individual have at least an associate's degree, pass an examination, and meet specified experience requirements. Licensing as a psychologist, mental health counselor, marriage and family therapist, or social worker requires that an individual hold a graduate degree, pass an approved examination, and meet specified experience requirements.

In 2006, at the direction of the Governor, the DOH conducted a review of the registered counselor profession to determine the appropriate level of regulation for the profession. The final report found that the registered counselor profession was comprised of over 17,000 people using the credential in many different ways. Some counselors used their registration to meet the experience requirements necessary to obtain a license in the mental health field or a certification as a chemical dependency professional. Others held a registration to allow them to practice in state-licensed agencies and facilities, such as community mental health

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agencies. Others had varying levels of education and training and used the registration in an independent practice.

Summary of Engrossed Second Substitute Bill: The health profession of registered counselors is eliminated by separating it into two new categories of providers: agency-affiliated counselors and mental health advisers. These professions are authorized to engage in therapeutic counseling which means assisting others with mental, emotional, or behavioral problems by using a recognized theory of mental health treatment based on an understanding of human development, emotional disorders, well-being, and recognized counseling techniques. The term does not include counseling by vocational counselors, school counselors, peer counselors, domestic violence treatment providers, crime victim advocates, or camp counselors. It also excludes supportive services such as case management activities, human services, residential support, and the administration of tests. By January 1, 2009, registered counselors must be credentialed as either an agency-affiliated counselor or mental health adviser to practice therapeutic counseling.

Agency-affiliated counselors must be employed by an agency or facility that is regulated by the state in order to engage in therapeutic counseling. Agency-affiliated counselors must provide documentation to the DOH that they are employed by an agency or that they have an offer of employment. If their employment by an agency is discontinued or they obtain employment with another agency, they must notify the DOH.

Mental health advisers may engage in therapeutic counseling in a group practice as defined by the Secretary of Health (Secretary). In order to qualify for a credential, a mental health adviser must have a baccalaureate degree in social work, mental health counseling, psychology, or a similar field. Mental health advisers must have a written supervision agreement with a licensed mental health counselor, marriage and family therapist, independent clinical social worker, psychologist, psychiatrist, or psychiatric advanced registered nurse practitioner. In addition to other information contained in the disclosure statement that mental health advisers must provide to their clients, the statement must include referral resources, a statement that the mental health adviser practices under the supervision of a licensed mental health professional, and information about any disciplinary actions taken against the practitioner by the DOH or other agencies. The client is not responsible for any charges prior to the receipt of the disclosure.

The Secretary must develop continuing education requirements for credentialed individuals. The DOH must develop rules pertaining to the supervision of counseling associates and a model supervision agreement.

One must be registered with the DOH to practice hypnotherapy for a fee.

Associate licenses are created for individuals pursuing a license as a social worker, mental health counselor, or marriage and family therapist. Associates must have a graduate degree and be working toward meeting the supervised experience requirements as required for a full license. Associates may not practice independently for a fee. Associates may only practice under the supervision of an approved supervisor. An associate license may be renewed up to four times. An individual with a master's degree and five years of experience in practice is considered to have met the supervision and experience requirement for a license as a mental health counselor, marriage and family therapist, or social worker.

A chemical dependency professional trainee credential is created for individuals working toward the education and experience requirements for certification as a chemical dependency professional. To obtain a trainee credential, an individual must submit a declaration to the Secretary that he or she is enrolled in an approved education program and pursuing the experience requirements for full certification. Trainees must practice under levels of supervision to be determined by rule, except that the first 50 hours of client contact must be under direct supervision. A trainee credential may be renewed up to four times.

EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Health & Long-Term Care): A work group is to be convened by DOH to develop recommendations for credentialing guidelines for registered counselors. Recommendations from the work group are due by September 15, 2007, and guidelines are to be developed by DOH based on those recommendations. This replaces the entire bill.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2008, except for Section 21, relating to the creation of the Department of Licensing work group, which takes effect immediately.

Staff Summary of Public Testimony: PRO: We need tougher standards to be a counselor. This bill protects the public from those counselors who are unqualified. It will put no one out of work. This is a consumer protection issue. Registered counselors can call themselves something else.

CON: There were no private practice registered counselors on the task force when this issue was considered with the Department of Health. This will put many counselors out of a job. Over 100,000 clients will lose their counselor. Some of us would need to get a second graduate degree. This will increase abuse of clients. The area of counseling is far broader than this bill allows for. This bill does nothing to protect the consumer.

Persons Testifying: PRO: Representative Barlow, prime sponsor; Laura Groshong, Marianne Petterson, Washington State Society for Clinical Social Work; Carey Morris, Washington Association for Marriage and Family Therapy; Adrienne Magnussen, White Washington Mental Health Counselors Association; Melanie Stewart, Licensed Mental Health Counselors; Seth Dawson, Washington State Association of Children's Advocacy, Washington State Psychiatric Association.

CON: Miriam Dyak, Kate Abbott, Richard Miles, Washington Professional Counselors Association; Kathryn Day, Richard Berger, Laurie Al-Naser, citizens.