

SENATE BILL REPORT

2SHB 2674

As Reported By Senate Committee On:
Health & Long-Term Care, February 25, 2008

Title: An act relating to modifying credentialing standards for counselors.

Brief Description: Modifying credentialing standards for counselors.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Barlow, Morrell, Moeller, Conway, Simpson and Kenney; by request of Governor Gregoire).

Brief History: Passed House: 2/13/08, 89-8.

Committee Activity: Health & Long-Term Care: 2/25/08 [DPA, DNP, w/oRec].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass as amended.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama and Marr.

Minority Report: Do not pass.

Signed by Senator Kohl-Welles.

Minority Report: That it be referred without recommendation.

Signed by Senators Pflug, Ranking Minority Member; Parlette.

Staff: Edith Rice (786-7444)

Background: The Washington State Legislature directed the Department of Health to convene a work group to develop recommendations regarding the need to regulate those individuals currently registered with the Department of Health as counselors. This was done as part of the 2007-2009 operating budget. The Registered Counselor Work Group met, identified issues, and adopted recommendations. These recommendations were made available in November 2007 in a final report.

Membership of the work group included: registered counselors, consumers, legislators, community mental health and chemical dependency treatment organizations, state agencies, hypnotherapists, mental health counselors, social workers, psychologists, advanced practice psychiatric nurses, and marriage and family therapists. A letter was sent to all registered counselors in the state (approximately 18,000) notifying them of the work group.

Current law requires that registered counselors pay a yearly fee of \$40 to the Department of Health and complete four clock hours of AIDS education. They are subject to the Uniform

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Disciplinary Act. The work group found that current registered counselor regulations do not set adequate minimum standards for registered counselors to practice counseling and should be modified to clarify their role, establish different categories and minimum requirements, improve public understanding of state standards and consumer rights, and retain agency oversight.

Summary of Bill (Recommended Amendments): The registered counselor credential is abolished July 1, 2010.

A new health profession credential of certified counselor is created and the Secretary of the Department of Health (Secretary) is given authority to establish administrative procedures, continuing education, and fees for renewal of this credential.

Certified counselors must have a bachelors degree in a counseling related field or the equivalent to be determined by the Secretary. They must pass an examination in risk assessment, ethics, screening and referral, and other subjects to be determined by the Secretary. Certified counselors must have a written supervisory agreement with a supervisor who meets qualifications established by the Secretary.

Registered counselors who wish to become a certified counselor but do not meet the above requirements can still qualify if they have been a registered counselor for a minimum of five years; are in compliance with any disciplinary orders; have taken course work, and passed an examination in risk assessment, ethics, screening and referral, Washington State law; and other subjects to be determined by the Secretary. They must have a written consultation agreement with a credential holder who meets qualifications set by the Secretary. Application must be made by July 1, 2009.

Private practice counseling by a certified counselor is limited to screening of the client's condition and counseling in accordance with specific counseling methods.

Five new associate/trainee licenses are established for those who are working towards becoming mental health counselors, clinical or advanced social workers, marriage and family therapists, or certified chemical dependency professionals.

An advisory committee is established with representation from certified counselors, hypnotherapists, and consumers representing the public at large.

"Mental disorder" and "psychotherapy" are defined.

Peer counselors are exempt from the credentialing requirement. The Secretary of the Department of Health will consult with other agencies regarding continuing education requirements for agency affiliated counselors.

The Department of Health will report to the Legislature and the Governor by December 15, 2011, on the number of certified counselors, disciplinary actions, education, exam and supervision requirements established and make recommendations regarding future reports.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Amendments): The provisions in 2SHB 2674, modifying credentialing standards for counselors, are replaced in their entirety by the provisions of SSB 6456, with an added requirement that the Department of Health report to the Legislature by December 15,

2011, on the number of certified counselors, disciplinary actions, education, examination and supervision requirements and recommendations regarding future reports. Primary differences are: 2SHB 2674 refers to "limited professional counselors," the striking amendment refers to "certified counselors." The striking amendment provides for continued certification, 2SHB 2674 provides that initial certifications will cease after 2010. Finally, 2SHB 2674 provides for a more specifically limited scope of private practice counseling than the striking amendment.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed. The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Second Substitute Bill: PRO: This bill accomplishes the goals of setting standards for counselors and protecting the public, establishing an appropriate scope of practice and defining key terms. We support this bill in its current form. We would prefer a different title and support the use of certified alternative complementary counselor.

CON: We prefer the Senate bill on this issue, which establishes standards and strengthens the safety net for consumers. This bill doesn't meet the goals originally set by the task force. This bill doesn't allow new counselors to enter the field which will limit options for consumers. There are aspects of this bill that force counselors to abandon their client. This violates the code of ethics. This sharply reduces the availability of mental health services to the public. Especially low-income populations who may not have access otherwise.

Persons Testifying: PRO: Representative Barlow, prime sponsor; Christina Hulet, Office of the Governor; Lucy Homans Washington State Psychological Association; Laura Groshong, Washington State Society for Clinical Social Work; Adrian Magnuson-White.

CON: Miriam Dyak, Verne Gibbs, Kate Abbot, Washington. Professional Counselors Association; Thomas J. Johnston, Annie McManus.