
HOUSE BILL 1993

State of Washington 60th Legislature 2007 Regular Session

By Representatives Barlow, Curtis, Schual-Berke, Kagi, Cody, Hinkle, Green, B. Sullivan, Eddy, Pettigrew, P. Sullivan, Bailey, Schindler, Dickerson, Morrell, Kenney, Simpson and Ormsby

Read first time 02/05/2007. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to credentialing standards for counselors; amending
2 RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.090,
3 18.19.100, 18.225.010, 18.225.020, 18.225.150, 18.205.020, 18.205.030,
4 and 18.205.040; adding new sections to chapter 18.19 RCW; adding a new
5 section to chapter 18.225 RCW; adding a new section to chapter 18.205
6 RCW; creating a new section; and providing an effective date.

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

8 **Sec. 1.** RCW 18.19.020 and 2001 c 251 s 18 are each amended to read
9 as follows:

10 (~~Unless the context clearly requires otherwise,~~) The definitions
11 in this section apply throughout this chapter unless the context
12 clearly requires otherwise.

13 (1) "Agency" means an agency or facility operated, licensed, or
14 certified by the state of Washington.

15 (2) "Agency affiliated counselor" means a person registered under
16 this chapter who is engaged in therapeutic counseling and employed by
17 an agency.

18 (3) "Client" means an individual who receives or participates in
19 counseling or group counseling.

1 ~~((2) "Counseling" means employing any therapeutic techniques,~~
2 ~~including but not limited to social work, mental health counseling,~~
3 ~~marriage and family therapy, and hypnotherapy, for a fee that offer,~~
4 ~~assist or attempt to assist an individual or individuals in the~~
5 ~~amelioration or adjustment of mental, emotional, or behavioral~~
6 ~~problems, and includes therapeutic techniques to achieve sensitivity~~
7 ~~and awareness of self and others and the development of human~~
8 ~~potential. For the purposes of this chapter, nothing may be construed~~
9 ~~to imply that the practice of hypnotherapy is necessarily limited to~~
10 ~~counseling.~~

11 ~~(3) "Counselor" means an individual, practitioner, therapist, or~~
12 ~~analyst who engages in the practice of counseling to the public for a~~
13 ~~fee, including for the purposes of this chapter, hypnotherapists.)~~

14 (4) "Counseling associate" means a person registered under this
15 chapter who is engaged in therapeutic counseling in private or group
16 practice under the supervision of a licensed mental health
17 practitioner. All registered counselors must become counseling
18 associates within ninety days after the effective date of this section.
19 No one may register as a new counseling associate after the effective
20 date of this section.

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

22 ~~((+5))~~ (6) "Hypnotherapist" means a person registered under this
23 chapter who is practicing hypnosis as a modality.

24 (7) "Secretary" means the secretary of the department or the
25 secretary's designee.

26 (8) "Therapeutic counseling" means employing a recognized theory of
27 mental health treatment based on an understanding of human development,
28 emotional disorders, and well-being, and the use of recognized
29 counseling techniques including the use of self in assisting a client
30 or clients in the amelioration or adjustment of mental, emotional, and
31 behavioral problems. Therapeutic counseling does not include any
32 activity that is based on other types of orientations such as life
33 coaching, spiritual counseling, or pastoral counseling.

34 **Sec. 2.** RCW 18.19.030 and 2001 c 251 s 19 are each amended to read
35 as follows:

36 ~~((No))~~ A person may not, ((for a fee or)) as a part of his or her
37 position as an employee of a state agency, practice therapeutic

1 counseling without being registered to practice as an agency affiliated
2 counselor or counseling associate by the department under this chapter
3 unless exempt under RCW 18.19.040.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.19 RCW
5 to read as follows:

6 A person may not, for a fee or as a part of his or her position as
7 an employee of a state agency, practice hypnotherapy without being
8 registered to practice as a hypnotherapist by the department under this
9 chapter unless exempt under RCW 18.19.040.

10 **Sec. 4.** RCW 18.19.040 and 2001 c 251 s 20 are each amended to read
11 as follows:

12 Nothing in this chapter may be construed to prohibit or restrict:

13 (1) The practice of a profession by a person who is either
14 registered, certified, licensed, or similarly regulated under the laws
15 of this state and who is performing services within the person's
16 authorized scope of practice, including any attorney admitted to
17 practice law in this state when providing counseling incidental to and
18 in the course of providing legal counsel;

19 (2) The practice of therapeutic counseling by an employee or
20 trainee of any federal agency, or the practice of counseling by a
21 student of a college or university, if the employee, trainee, or
22 student is practicing solely under the supervision of and accountable
23 to the agency, college, or university, through which he or she performs
24 such functions as part of his or her position for no additional fee
25 other than ordinary compensation;

26 (3) The practice of therapeutic counseling by a person (~~(without a~~
27 ~~mandatory charge)) for no compensation;~~

28 (4) The practice of therapeutic counseling by persons offering
29 services for public and private nonprofit organizations or charities
30 not primarily engaged in therapeutic counseling for a fee when approved
31 by the organizations or agencies for whom they render their services;

32 (5) Evaluation, consultation, planning, policy-making, research, or
33 related services conducted by social scientists for private
34 corporations or public agencies;

35 (6) The practice of therapeutic counseling by a person under the

1 auspices of a religious denomination, church, or organization, or the
2 practice of religion itself;

3 (7) Counselors (~~((whose residency is not))~~) who reside outside
4 Washington state from providing up to ten days per quarter of training
5 or workshops in the state, as long as they (~~((don't))~~) do not hold
6 themselves out to be registered in Washington state.

7 **Sec. 5.** RCW 18.19.050 and 2001 c 251 s 21 are each amended to read
8 as follows:

9 (1) In addition to any other authority provided by law, the
10 secretary has the following authority:

11 (a) To adopt rules, in accordance with chapter 34.05 RCW, necessary
12 to implement this chapter;

13 (b) To set all registration and renewal fees in accordance with RCW
14 43.70.250 and to collect and deposit all such fees in the health
15 professions account established under RCW 43.70.320;

16 (c) To establish forms and procedures necessary to administer this
17 chapter;

18 (d) To hire clerical, administrative, and investigative staff as
19 needed to implement this chapter; and

20 (e) To issue a registration to any applicant who has met the
21 requirements for registration(~~(; and~~

22 ~~(f) To develop a dictionary of recognized professions and~~
23 ~~occupations providing counseling services to the public included under~~
24 ~~this chapter)).~~

25 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the
26 issuance and denial of registrations and the discipline of registrants
27 under this chapter. The secretary shall be the disciplining authority
28 under this chapter. (~~((The absence of educational or training~~
29 ~~requirements for counselors registered under this chapter or the~~
30 ~~counselor's use of nontraditional nonabusive therapeutic techniques~~
31 ~~shall not, in and of itself, give the secretary authority to~~
32 ~~unilaterally determine the training and competence or to define or~~
33 ~~restrict the scope of practice of such individuals.))~~

34 (3) The department shall publish and disseminate information (~~((in~~
35 ~~order))~~) to educate the public about the responsibilities of therapeutic
36 counselors, the types of therapeutic counselors, and the rights and
37 responsibilities of clients established under this chapter. (~~((Solely~~

1 ~~for the purposes of administering this education requirement,~~) The
2 secretary (~~shall~~) may assess an additional fee for each application
3 and renewal(~~, equal to five percent of the fee. The revenue collected~~
4 ~~from the assessment fee may be appropriated by the legislature for the~~
5 ~~department's use in educating consumers pursuant to this section. The~~
6 ~~authority to charge the assessment fee shall terminate on June 30,~~
7 ~~1994)) to fund public education efforts under this section.~~

8 **Sec. 6.** RCW 18.19.060 and 2001 c 251 s 22 are each amended to read
9 as follows:

10 (~~Persons~~) Counseling associates registered under this chapter
11 shall provide clients at the commencement of any program of treatment
12 with accurate disclosure information concerning their practice, in
13 accordance with guidelines developed by the department, that will
14 inform clients of the purposes of and resources available under this
15 chapter, including the right of clients to refuse treatment, the
16 responsibility of clients for choosing the provider and treatment
17 modality which best suits their needs, and the extent of
18 confidentiality provided by this chapter, the department, another
19 agency, or other jurisdiction. The disclosure statement must inform
20 the client that any counseling associate is under the supervision of a
21 licensed mental health professional. The disclosure information
22 provided by the counselor, the receipt of which shall be acknowledged
23 in writing by the counselor and client, shall include any relevant
24 education and training, the therapeutic orientation of the practice,
25 the proposed course of treatment where known, any financial
26 requirements, referral resources, and such other information as the
27 department may require by rule. The disclosure statement must inform
28 the client of any disciplinary action taken against the registrant by
29 the department, other agency, or other jurisdiction. The disclosure
30 information shall also include a statement that registration of an
31 individual under this chapter does not include a recognition of any
32 practice standards, nor necessarily imply the effectiveness of any
33 treatment. The client is not liable for any fees or charges for
34 services rendered prior to receipt of the disclosure statement.

35 **Sec. 7.** RCW 18.19.090 and 1991 c 3 s 24 are each amended to read
36 as follows:

1 (~~The secretary shall issue a registration to any applicant who~~
2 ~~submits, on forms provided by the secretary, the applicant's name,~~
3 ~~address, occupational title, name and location of business, and other~~
4 ~~information as determined by the secretary, including information~~
5 ~~necessary to determine whether there are grounds for denial of~~
6 ~~registration or issuance of a conditional registration under this~~
7 ~~chapter or chapter 18.130 RCW.~~

8 Applicants)) (1) Applications for registration (~~shall register as~~
9 ~~counselors or may register as hypnotherapists if employing hypnosis as~~
10 ~~a modality. Applicants shall, in addition, provide in their titles a~~
11 ~~description of their therapeutic orientation, discipline, theory, or~~
12 ~~technique. Each applicant shall pay a fee determined by the secretary~~
13 ~~as provided in RCW 43.70.250, which shall accompany the application.))~~
14 as agency affiliated counselors, counseling associates, or
15 hypnotherapists must be made on forms approved by the secretary. The
16 secretary may require information necessary to determine whether
17 applicants meet the qualifications for the registration and whether
18 there are any grounds for denial of registration or issuance of a
19 conditional registration under this chapter or chapter 18.130 RCW. An
20 application for registration as an agency affiliated counselor or
21 counseling associate shall include a description of their therapeutic
22 orientation, discipline, theory, or technique to the department.

23 (2) Applicants for registration as agency affiliated counselors
24 must provide satisfactory documentation that they are employed by an
25 agency or have an offer of employment from an agency.

26 (3) Applicants for registration as counseling associates are
27 required to:

28 (a)(i) Have a master's degree in social work, mental health
29 counseling, marriage and family therapy, or psychology and submit a
30 plan to the department for acquiring the experience and supervision
31 necessary to become licensed as a social worker, mental health
32 counselor, or marriage and family therapist within one year.
33 Counseling associates with a master's degree have up to three years to
34 complete the experience and supervision requirements necessary to
35 become licensed as a social worker, mental health counselor, or
36 marriage and family therapist; or

37 (ii) Have a baccalaureate degree in social work, mental health
38 counseling, psychology, or some other field and submit a plan to the

1 department for acquiring a master's degree in social work, mental
2 health counseling, marriage and family therapy, or psychology within
3 one year. Counseling associates with a baccalaureate degree have up to
4 four years to complete a master's degree. A plan must then be
5 submitted to the department for completing the experience and
6 supervision requirements necessary to become licensed as a social
7 worker, mental health counselor, or marriage and family therapist; and

8 (b) Submit a supervision agreement with a licensed mental health
9 practitioner who is a licensed independent clinical social worker,
10 licensed mental health counselor, licensed marriage and family
11 therapist, psychologist, advanced registered nurse practitioner, or
12 psychiatrist who is an approved supervisor with the department.
13 Supervision must occur no less than once every two weeks or after every
14 fifteen client contact hours.

15 (4) Each applicant shall include payment of the fee determined by
16 the secretary as provided in RCW 43.70.250.

17 NEW SECTION. Sec. 8. A new section is added to chapter 18.19 RCW
18 to read as follows:

19 Agency affiliated counselors shall notify the department if they
20 are either no longer employed by the agency identified on their
21 application or are now employed with another agency, or both. Agency
22 affiliated counselors may not engage in the practice of therapeutic
23 counseling unless they are currently affiliated with an agency.

24 **Sec. 9.** RCW 18.19.100 and 1996 c 191 s 5 are each amended to read
25 as follows:

26 The secretary shall establish administrative procedures,
27 administrative requirements, continuing education, and fees for renewal
28 of registrations as provided in RCW 43.70.250 and 43.70.280.

29 **Sec. 10.** RCW 18.225.010 and 2001 c 251 s 1 are each amended to
30 read as follows:

31 ~~((Unless the context clearly requires otherwise,))~~ The definitions
32 in this section apply throughout this chapter unless the context
33 clearly requires otherwise.

34 (1) "Advanced social work" means the application of social work
35 theory and methods including emotional and biopsychosocial assessment,

1 psychotherapy under the supervision of a licensed independent clinical
2 social worker, case management, consultation, advocacy, counseling, and
3 community organization.

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

8 (3) "Committee" means the Washington state mental health
9 counselors, marriage and family therapists, and social workers advisory
10 committee.

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

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

13 (6) "Independent clinical social work" means the diagnosis and
14 treatment of emotional and mental disorders based on knowledge of human
15 development, the causation and treatment of psychopathology,
16 psychotherapeutic treatment practices, and social work practice as
17 defined in advanced social work. Treatment modalities include but are
18 not limited to diagnosis and treatment of individuals, couples,
19 families, groups, or organizations.

20 (7) "Intern" means a prelicensure candidate who has a graduate
21 degree in a mental health field under RCW 18.225.090 and is gaining the
22 supervision and supervised experience necessary to become a licensed
23 independent clinical social worker, a licensed advanced social worker,
24 a licensed mental health counselor, or a licensed marriage and family
25 therapist.

26 (8) "Marriage and family therapy" means the diagnosis and treatment
27 of mental and emotional disorders, whether cognitive, affective, or
28 behavioral, within the context of relationships, including marriage and
29 family systems. Marriage and family therapy involves the professional
30 application of psychotherapeutic and family systems theories and
31 techniques in the delivery of services to individuals, couples, and
32 families for the purpose of treating such diagnosed nervous and mental
33 disorders. The practice of marriage and family therapy means the
34 rendering of professional marriage and family therapy services to
35 individuals, couples, and families, singly or in groups, whether such
36 services are offered directly to the general public or through
37 organizations, either public or private, for a fee, monetary or
38 otherwise.

1 (~~(8)~~) (9) "Mental health counseling" means the application of
2 principles of human development, learning theory, psychotherapy, group
3 dynamics, and etiology of mental illness and dysfunctional behavior to
4 individuals, couples, families, groups, and organizations, for the
5 purpose of treatment of mental disorders and promoting optimal mental
6 health and functionality. Mental health counseling also includes, but
7 is not limited to, the assessment, diagnosis, and treatment of mental
8 and emotional disorders, as well as the application of a wellness model
9 of mental health.

10 (~~(9)~~) (10) "Secretary" means the secretary of health or the
11 secretary's designee.

12 **Sec. 11.** RCW 18.225.020 and 2001 c 251 s 2 are each amended to
13 read as follows:

14 A person must not represent himself or herself as a licensed
15 advanced social worker, a licensed independent clinical social worker,
16 a licensed mental health counselor, (~~(or)~~) a licensed marriage and
17 family therapist, a licensed social work intern - advanced, a licensed
18 social work intern - independent clinical, a licensed mental health
19 counselor intern, or a licensed marriage and family therapist intern,
20 without being licensed by the department.

21 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.225
22 RCW to read as follows:

23 (1) The secretary shall issue an intern license to any applicant
24 who demonstrates to the satisfaction of the secretary that the
25 applicant meets the following requirements for the applicant's practice
26 area and submits a declaration that the applicant is working toward
27 full licensure in that category:

28 (a) Licensed social worker - advanced or licensed social worker -
29 clinical: Graduation from a master's or doctorate social work
30 educational program accredited by the council on social work education
31 and approved by the secretary based upon nationally recognized
32 standards;

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

1 (c) Licensed marriage and family therapist: Graduation from a
2 master's degree or doctoral degree educational program in marriage and
3 family therapy or graduation from an educational program in an allied
4 field equivalent to a master's degree or doctoral degree in marriage
5 and family therapy approved by the secretary based upon nationally
6 recognized standards.

7 (2) Interns may not provide independent social work, mental health
8 counseling, or marriage and family therapy for a fee, monetary or
9 otherwise. Interns must work under the supervision of an approved
10 supervisor.

11 (3) Interns shall provide each client or patient, during the first
12 professional contact, with a disclosure form according to RCW
13 18.225.100, disclosing that he or she is an intern under the
14 supervision of an approved supervisor.

15 (4) The department shall establish by rule what constitutes
16 adequate proof of compliance with the requirements of this section.

17 (5) Applicants are subject to the denial of a license or issuance
18 of a conditional license for the reasons set forth in chapter 18.130
19 RCW.

20 (6) An intern license may be renewed no more than four times.

21 **Sec. 13.** RCW 18.225.150 and 2001 c 251 s 15 are each amended to
22 read as follows:

23 The secretary shall establish by rule the procedural requirements
24 and fees for renewal of a license or intern license. Failure to renew
25 shall invalidate the license or intern license and all privileges
26 granted by the license. If an intern license has lapsed, the person
27 shall submit an updated declaration, in accordance with rules adopted
28 by the department, that the person is working toward full licensure.
29 If a license has lapsed for a period longer than three years, the
30 person shall demonstrate competence to the satisfaction of the
31 secretary by taking continuing education courses, or meeting other
32 standards determined by the secretary. If an intern license has
33 lapsed, the person shall submit an updated declaration, in accordance
34 with rules adopted by the department, that the person is working toward
35 full licensure.

1 **Sec. 14.** RCW 18.205.020 and 1998 c 243 s 2 are each amended to
2 read as follows:

3 (~~Unless the context clearly requires otherwise,~~) The definitions
4 in this section apply throughout this chapter unless the context
5 clearly requires otherwise.

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

9 (2) "Certified chemical dependency professional" means an
10 individual certified in chemical dependency counseling, under this
11 chapter.

12 (3) "Certified chemical dependency professional trainee" means an
13 individual working toward the education and experience requirements for
14 certification as a chemical dependency professional.

15 (4) "Chemical dependency counseling" means employing the core
16 competencies of chemical dependency counseling to assist or attempt to
17 assist an alcohol or drug addicted person to develop and maintain
18 abstinence from alcohol and other mood-altering drugs.

19 (~~(4)~~) (5) "Committee" means the chemical dependency certification
20 advisory committee established under this chapter.

21 (~~(5)~~) (6) "Core competencies of chemical dependency counseling"
22 means competency in the nationally recognized knowledge, skills, and
23 attitudes of professional practice, including assessment and diagnosis
24 of chemical dependency, chemical dependency treatment planning and
25 referral, patient and family education in the disease of chemical
26 dependency, individual and group counseling with alcoholic and drug
27 addicted individuals, relapse prevention counseling, and case
28 management, all oriented to assist alcoholic and drug addicted patients
29 to achieve and maintain abstinence from mood-altering substances and
30 develop independent support systems.

31 (~~(6)~~) (7) "Department" means the department of health.

32 (~~(7)~~) (8) "Health profession" means a profession providing health
33 services regulated under the laws of this state.

34 (~~(8)~~) (9) "Secretary" means the secretary of health or the
35 secretary's designee.

36 **Sec. 15.** RCW 18.205.030 and 2000 c 171 s 41 are each amended to
37 read as follows:

1 No person may represent oneself as a certified chemical dependency
2 professional or certified chemical dependency professional trainee or
3 use any title or description of services of a certified chemical
4 dependency professional or certified chemical dependency professional
5 trainee without applying for certification, meeting the required
6 qualifications, and being certified by the department of health, unless
7 otherwise exempted by this chapter.

8 **Sec. 16.** RCW 18.205.040 and 1998 c 243 s 4 are each amended to
9 read as follows:

10 Nothing in this chapter shall be construed to authorize the use of
11 the title "certified chemical dependency professional" or "certified
12 chemical dependency professional trainee" when treating patients in
13 settings other than programs approved under chapter 70.96A RCW.

14 NEW SECTION. **Sec. 17.** A new section is added to chapter 18.205
15 RCW to read as follows:

16 (1) The secretary shall issue a trainee certificate to any
17 applicant who demonstrates to the satisfaction of the secretary that he
18 or she is working toward the education and experience requirements in
19 RCW 18.205.090.

20 (2) A trainee certified under this section shall submit to the
21 secretary for approval a declaration, in accordance with rules adopted
22 by the department, that he or she is enrolled in an approved education
23 program and actively pursuing the experience requirements in RCW
24 18.205.090. This declaration must be updated with the trainee's annual
25 renewal.

26 (3) A trainee certified under this section may practice only under
27 the supervision of a certified chemical dependency professional. The
28 first fifty hours of any face-to-face client contact must be under
29 direct observation. All remaining experience must be under supervision
30 in accordance with rules adopted by the department.

31 (4) A chemical dependency professional trainee provides chemical
32 dependency assessments, counseling, and case management with a state
33 regulated agency and can provide clinical services to patients
34 consistent with his or her education, training, and experience as
35 approved by his or her supervisor.

36 (5) A trainee certification may only be renewed four times.

1 (6) Applicants are subject to denial of a certificate or issuance
2 of a conditional certificate for the reasons set forth in chapter
3 18.130 RCW.

4 NEW SECTION. **Sec. 18.** To practice counseling, all registered
5 counselors must obtain another health profession credential by July 1,
6 2009. The registered counselor credential shall be abolished July 1,
7 2009.

8 NEW SECTION. **Sec. 19.** This act takes effect July 1, 2008.

--- END ---