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SENATE BILL 5579

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State of Washington

60th Legislature

2007 Regular Session

By Senators Keiser, Kastama, Franklin and Kohl-Welles; by request of Department of Health

Read first time 01/24/2007. Referred to Committee on Health & Long-Term Care.

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))~~ (4) "Counseling associate" means a person registered under  
12 this chapter who is engaged in therapeutic counseling in private or  
13 group practices.

14       (5) "Counselor" means ~~((an individual, practitioner, therapist, or~~  
15 ~~analyst))~~ a person who engages in the practice of therapeutic  
16 counseling to the public for a fee ~~(, including for the purposes of~~  
17 ~~this chapter, hypnotherapists)).~~

18       ~~((4))~~ (6) "Department" means the department of health.

19       ~~((5))~~ (7) "Hypnotherapist" means a person registered under this  
20 chapter who is practicing hypnosis as a modality.

21       (8) "Secretary" means the secretary of the department or the  
22 secretary's designee.

23       (9) "Therapeutic counseling" means employing a recognized theory  
24 with a deliberate and defined therapeutic technique, for a fee, that  
25 assists, or attempts to assist, an individual or individuals in the  
26 amelioration or adjustment of mental, emotional, or behavioral  
27 problems. Therapeutic counseling also includes using such techniques  
28 to improve a client's mental health, achieve sensitivity and awareness  
29 of self and others, and develop human potential. For the purposes of  
30 this chapter, "therapeutic counseling" does not include:

31       (a) Counseling done by vocational counselors related to employment,  
32 career development, or vocational rehabilitation; school counselors  
33 employed or contracted with a school or college who work to promote the  
34 academic career and personal and social development of students; peer  
35 counselors and student peer counselors who use their own experience to  
36 help people in similar situations; domestic violence treatment  
37 providers; crime victim advocates; or camp counselors; or

1        (b) Supportive services such as case management activities, human  
2 services, residential support, or administration of tests unless these  
3 services are provided in conjunction with therapeutic counseling.  
4 "Therapeutic counseling" does not imply proficiency in the practice or  
5 competencies of licensed marriage and family therapy, mental health  
6 counselor, social work, chemical dependency professional, psychiatric  
7 nurse practice, psychology, or psychiatry that are regulated under  
8 other laws.

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

11        ((No)) A person may not, ((for a fee or)) as a part of his or her  
12 position as an employee of a state agency, practice therapeutic  
13 counseling without being registered to practice as an agency affiliated  
14 counselor or counseling associate by the department under this chapter  
15 unless exempt under RCW 18.19.040.

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

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

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

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

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

31        (2) The practice of therapeutic counseling by an employee or  
32 trainee of any federal agency, or the practice of counseling by a  
33 student of a college or university, if the employee, trainee, or  
34 student is practicing solely under the supervision of and accountable

1 to the agency, college, or university, through which he or she performs  
2 such functions as part of his or her position for no additional fee  
3 other than ordinary compensation;

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

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

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

13 (6) The practice of therapeutic counseling by a person under the  
14 auspices of a religious denomination, church, or organization, or the  
15 practice of religion itself;

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

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

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

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

26 (b) To set all registration and renewal fees in accordance with RCW  
27 43.70.250 and to collect and deposit all such fees in the health  
28 professions account established under RCW 43.70.320;

29 (c) To establish forms and procedures necessary to administer this  
30 chapter;

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

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

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

1 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the  
2 issuance and denial of registrations and the discipline of registrants  
3 under this chapter. The secretary shall be the disciplining authority  
4 under this chapter. ~~((The absence of educational or training  
5 requirements for counselors registered under this chapter or the  
6 counselor's use of nontraditional nonabusive therapeutic techniques  
7 shall not, in and of itself, give the secretary authority to  
8 unilaterally determine the training and competence or to define or  
9 restrict the scope of practice of such individuals.))~~

10 (3) The department shall publish and disseminate information ~~((in  
11 order))~~ to educate the public about the responsibilities of therapeutic  
12 counselors, the types of therapeutic counselors, and the rights and  
13 responsibilities of clients established under this chapter. ~~((Solely  
14 for the purposes of administering this education requirement,))~~ The  
15 secretary ~~((shall))~~ may assess an additional fee for each application  
16 and renewal ~~((, equal to five percent of the fee. The revenue collected  
17 from the assessment fee may be appropriated by the legislature for the  
18 department's use in educating consumers pursuant to this section. The  
19 authority to charge the assessment fee shall terminate on June 30,  
20 1994))~~ to fund public education efforts under this section.

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

23 Persons registered under this chapter shall provide clients at the  
24 commencement of any program of treatment with accurate disclosure  
25 information concerning their practice, in accordance with guidelines  
26 developed by the department, that will inform clients of the purposes  
27 of and resources available under this chapter, including the right of  
28 clients to refuse treatment, the responsibility of clients for choosing  
29 the provider and treatment modality which best suits their needs, and  
30 the extent of confidentiality provided by this chapter. The disclosure  
31 information provided by the counselor, the receipt of which shall be  
32 acknowledged in writing by the counselor and client, shall include any  
33 relevant education and training, the therapeutic orientation of the  
34 practice, the proposed course of treatment where known, any financial  
35 requirements, referral resources, and such other information as the  
36 department may require by rule. The disclosure statement must inform  
37 the client of any disciplinary action taken against the registrant by

1 the department, other agency, or other jurisdiction. The disclosure  
2 information shall also include a statement that registration of an  
3 individual under this chapter does not include a recognition of any  
4 practice standards, nor necessarily imply the effectiveness of any  
5 treatment. The client is not liable for any fees or charges for  
6 services rendered prior to receipt of the disclosure.

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

9 ~~((The secretary shall issue a registration to any applicant who  
10 submits, on forms provided by the secretary, the applicant's name,  
11 address, occupational title, name and location of business, and other  
12 information as determined by the secretary, including information  
13 necessary to determine whether there are grounds for denial of  
14 registration or issuance of a conditional registration under this  
15 chapter or chapter 18.130 RCW.~~

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

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

34 (3) Applicants for registration as counseling associates are  
35 required to:

36 (a) Have a minimum of a four-year postsecondary degree in  
37 psychology or another area of mental health counseling from an

1 accredited college or university. Coursework must include counseling  
2 ethics, privacy, confidentiality, and recordkeeping; counseling theory;  
3 human growth and development; abnormal psychology; and assessing risk  
4 for suicide and homicide, the duty to warn, and the duty to report  
5 abuse; and

6 (b) Have a written supervision agreement with a licensed mental  
7 health care provider. The licensed mental health care provider must be  
8 a licensed mental health counselor, marriage and family therapist,  
9 clinical social worker, psychologist, psychiatrist, physician, or  
10 psychiatric nurse. The department must develop rules defining  
11 supervisory requirements and a model supervision agreement.

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

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

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

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

23 The secretary shall establish administrative procedures,  
24 administrative requirements, continuing education, and fees for renewal  
25 of registrations as provided in RCW 43.70.250 and 43.70.280.

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

28 ~~((Unless the context clearly requires otherwise,))~~ The definitions  
29 in this section apply throughout this chapter unless the context  
30 clearly requires otherwise.

31 (1) "Advanced social work" means the application of social work  
32 theory and methods including emotional and biopsychosocial assessment,  
33 psychotherapy under the supervision of a licensed independent clinical  
34 social worker, case management, consultation, advocacy, counseling, and  
35 community organization.

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

5 (3) "Committee" means the Washington state mental health  
6 counselors, marriage and family therapists, and social workers advisory  
7 committee.

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

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

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

17 (7) "Intern" means a prelicensure candidate who has a graduate  
18 degree in a mental health field under RCW 18.225.090 and is gaining the  
19 required supervised experience to become a licensed social worker,  
20 mental health counselor, or marriage and family therapist.

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

34 ((+8)) (9) "Mental health counseling" means the application of  
35 principles of human development, learning theory, psychotherapy, group  
36 dynamics, and etiology of mental illness and dysfunctional behavior to  
37 individuals, couples, families, groups, and organizations, for the  
38 purpose of treatment of mental disorders and promoting optimal mental



1 health and functionality. Mental health counseling also includes, but  
2 is not limited to, the assessment, diagnosis, and treatment of mental  
3 and emotional disorders, as well as the application of a wellness model  
4 of mental health.

5 ~~((9))~~ (10) "Secretary" means the secretary of health or the  
6 secretary's designee.

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

9 A person must not represent himself or herself as a licensed  
10 advanced social worker, licensed independent clinical social worker,  
11 licensed mental health counselor, ~~((or))~~ licensed marriage and family  
12 therapist, social work intern, mental health counselor intern, or  
13 marriage and family therapy intern, without being licensed by the  
14 department.

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

17 (1) The secretary shall issue an intern license to any applicant  
18 who demonstrates to the satisfaction of the secretary that the  
19 applicant meets the following requirements for the applicant's practice  
20 area and submits a declaration that the applicant is working toward  
21 full licensure in that category:

22 (a) Licensed social worker - advanced or licensed social worker -  
23 clinical: Graduation from a master's or doctorate social work  
24 educational program accredited by the council on social work education  
25 and approved by the secretary based upon nationally recognized  
26 standards;

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

31 (c) Licensed marriage and family therapist: Graduation from a  
32 master's degree or doctoral degree educational program in marriage and  
33 family therapy or graduation from an educational program in an allied  
34 field equivalent to a master's degree or doctoral degree in marriage  
35 and family therapy approved by the secretary based upon nationally  
36 recognized standards.

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

5 (3) Interns shall provide each client or patient, during the first  
6 professional contact, with a disclosure form according to RCW  
7 18.225.100, disclosing that he or she is an intern under the  
8 supervision of an approved supervisor.

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

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

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

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

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

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

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

35 (1) "Certification" means a voluntary process recognizing an

1 individual who qualifies by examination and meets established  
2 educational prerequisites, and which protects the title of practice.

3 (2) "Certified chemical dependency professional" means an  
4 individual certified in chemical dependency counseling, under this  
5 chapter.

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

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

13 (~~(4)~~) (5) "Committee" means the chemical dependency certification  
14 advisory committee established under this chapter.

15 (~~(5)~~) (6) "Core competencies of chemical dependency counseling"  
16 means competency in the nationally recognized knowledge, skills, and  
17 attitudes of professional practice, including assessment and diagnosis  
18 of chemical dependency, chemical dependency treatment planning and  
19 referral, patient and family education in the disease of chemical  
20 dependency, individual and group counseling with alcoholic and drug  
21 addicted individuals, relapse prevention counseling, and case  
22 management, all oriented to assist alcoholic and drug addicted patients  
23 to achieve and maintain abstinence from mood-altering substances and  
24 develop independent support systems.

25 (~~(6)~~) (7) "Department" means the department of health.

26 (~~(7)~~) (8) "Health profession" means a profession providing health  
27 services regulated under the laws of this state.

28 (~~(8)~~) (9) "Secretary" means the secretary of health or the  
29 secretary's designee.

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

32 No person may represent oneself as a certified chemical dependency  
33 professional or certified chemical dependency professional trainee or  
34 use any title or description of services of a certified chemical  
35 dependency professional or certified chemical dependency professional  
36 trainee without applying for certification, meeting the required

1 qualifications, and being certified by the department of health, unless  
2 otherwise exempted by this chapter.

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

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

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

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

15 (2) A trainee certified under this section shall submit to the  
16 secretary for approval a declaration, in accordance with rules adopted  
17 by the department, that he or she is enrolled in an approved education  
18 program and actively pursuing the experience requirements in RCW  
19 18.205.090. This declaration must be updated with the trainee's annual  
20 renewal.

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

26 (4) A chemical dependency professional trainee provides chemical  
27 dependency assessments, counseling, and case management with a state  
28 regulated agency and can provide clinical services to patients  
29 consistent with his or her education, training, and experience as  
30 approved by his or her supervisor.

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

32 (6) Applicants are subject to denial of a certificate or issuance  
33 of a conditional certificate for the reasons set forth in chapter  
34 18.130 RCW.

1        NEW SECTION.   **Sec. 18.** To practice counseling, all registered  
2 counselors must obtain another health profession credential by July 1,  
3 2009. The registered counselor credential shall be abolished July 1,  
4 2009.

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

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