

HOUSE BILL REPORT

HB 3006

As Reported by House Committee On: Health Care & Wellness

Title: An act relating to clarifying the circumstances under which certain counseling-related associates may practice.

Brief Description: Clarifying the circumstances under which certain counseling-related associates may practice.

Sponsors: Representative Green.

Brief History:

Committee Activity:

Health Care & Wellness: 1/26/10, 2/2/10 [DPS].

Brief Summary of Substitute Bill

- Clarifies the circumstances under which counseling-related associates may practice.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Cody, Chair; Driscoll, Vice Chair; Bailey, Campbell, Clibborn, Green, Herrera, Hinkle, Kelley, Moeller, Morrell and Pedersen.

Minority Report: Do not pass. Signed by 1 member: Representative Ericksen, Ranking Minority Member.

Staff: Jim Morishima (786-7191).

Background:

In 2008 legislation was passed relating to the practice of counseling. The legislation eliminated the credential of Registered Counselor as of July 1, 2010, and created new credentials for Agency Affiliated Counselors, Certified Advisors, and Certified Counselors.

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.

The legislation also created the following associate licenses for individuals pursuing full licensure as social workers, mental health counselors, or marriage and family therapists:

- Licensed Mental Health Counselor Associates;
- Licensed Marriage and Family Therapist Associates;
- Licensed Social Worker Associates - Advanced; and
- Licensed Social Worker Associates - Independent Clinical.

Associates must have a graduate degree and be working toward meeting the supervised experience requirements for full licensure. Associates may not provide independent social work, mental health counseling, or marriage and family therapy for a fee and must work under the supervision of an approved supervisor.

Summary of Substitute Bill:

"A Licensed Social Worker Associate - Advanced" or a "Licensed Social Worker Associate - Independent Clinical" may only practice as an employee of a public or private agency, institution, or incorporated clinic to acquire the experience hours necessary for full licensure. These associates may not provide services for a fee or as volunteers under any other circumstances, including private practice.

It is clarified that a Licensed Mental Health Counselor Associate or a Licensed Marriage and Family Therapist Associate working under the supervision of an approved supervisor is not providing independent practice.

Any type of associate must meet with his or her approved supervisor, who must document the provided experience hours required for full licensure.

Substitute Bill Compared to Original Bill:

The substitute bill:

- exempts Licensed Mental Health Associates and Licensed Marriage and Family Therapist Associates from the prohibition against practicing in settings other than a public or private agency, institution, or incorporated clinic;
- clarifies that a Licensed Mental Health Associate or a Licensed Marriage and Family Therapist Associate working under the supervision of an approved supervisor is not providing independent practice; and
- requires supervisor to document "provided" experience hours, instead of "overall" experience hours.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2013..

Staff Summary of Public Testimony:

(In support) This bill was intended to clarify the Legislature's intent in the legislation that was enacted in 2008. Clinical social worker associates are not allowed to work in private practice in 38 other states, but are allowed to do so in Washington according to the Department of Health's interpretation of Washington law, which states that clinical social work is not supposed to be performed for a fee and must be supervised.

(Opposed) The 2008 legislation gave associates a new level of credibility; this bill goes the other way. Mental Health Associates and Marriage and Family Therapy Associates often serve vulnerable populations not served in agencies. These associates' practices do not fit in the practice settings required by this bill. Many Mental Health Associates and Marriage and Family Therapy Associates who are in private practice often pay for supervision, which can be superior to the supervision they would receive in an agency. These associates opened private practices in reliance on the current law. This bill will force many associates out of business. Because there is a limited number of jobs in the practice settings required by this bill, Mental Health Associates and Marriage and Family Therapy Associates will be unable to obtain the hours necessary for licensure. This bill will harm non-profit organizations who enter into agreements with associates wanting to gain experience. Mental Health Associates and Marriage and Family Therapy Associates are well educated and well prepared. This bill works well for the social work associates, but not the Mental Health Associates and Marriage and Family Therapy Associates. The bill should therefore be limited to social workers only. All associates are at the same level; one type of associate should not be exempted while others are hurt.

Persons Testifying: (In support) Representative Green, prime sponsor; and Laura Groshong, Washington State Society for Clinical Social Work.

(Opposed) Beth Jenson and Karen Rowlee, Washington Marriage and Family Therapists; Aubra Taylor and Robert Ransom, Washington Mental Health Counselor's Association; Hoyt Suppes, Washington Chapter of National Association of Social Workers; Wendy Clarke, Arlen Rose Frazier, and Gretchen Savage, Young Women's Christian Association Snohomish County; Laura Vaillancourt; Myla Haider; Karlene Johnson, Karlene Johnson Mental Health Counseling; Ryan Lewis, Ryan Lewis Counseling and Psychotherapy; and Tammy Putvin, Labyrinth Living.

Persons Signed In To Testify But Not Testifying: None.