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HOUSE BILL 1370

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Dunshee, Moeller, Ormsby, and Nelson

Read first time 01/20/09. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to creating a new credentialing standard for  
2 registered retired counselors; amending RCW 18.19.020, 18.19.060,  
3 18.19.090, and 18.130.040; and adding a new section to chapter 18.19  
4 RCW.

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

6            **Sec. 1.** RCW 18.19.020 and 2008 c 135 s 1 are each amended to read  
7 as follows:

8            The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

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

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

14            (3) "Certified adviser" means a person certified under this chapter  
15 who is engaged in private practice counseling to the extent authorized  
16 in RCW 18.19.200.

17            (4) "Certified counselor" means a person certified under this  
18 chapter who is engaged in private practice counseling to the extent  
19 authorized in RCW 18.19.200.

1 (5) "Client" means an individual who receives or participates in  
2 counseling or group counseling.

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

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

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

17 (9) "Hypnotherapist" means a person registered under this chapter  
18 who is practicing hypnosis as a modality.

19 (10) "Private practice counseling" means the practice of counseling  
20 by a certified counselor or certified adviser as specified in RCW  
21 18.19.200.

22 (11) "Psychotherapy" means the practice of counseling using  
23 diagnosis of mental disorders according to the fourth edition of the  
24 diagnostic and statistical manual of mental disorders, published in  
25 1994, and the development of treatment plans for counseling based on  
26 diagnosis of mental disorders in accordance with established practice  
27 standards.

28 (12) "Retired counselor" means a person registered under this  
29 chapter who:

30 (a) Has at least twenty years of experience as a registered  
31 counselor as the credential existed prior to July 1, 2010, a certified  
32 counselor, a certified adviser, or an agency affiliated counselor;

33 (b) Practices counseling for no compensation; and

34 (c) Needs to register in order to provide volunteer counseling for  
35 an organization that requires its volunteer counselors to be  
36 credentialed.

37 (13) "Secretary" means the secretary of the department or the  
38 secretary's designee.

1       **Sec. 2.** RCW 18.19.060 and 2008 c 135 s 7 are each amended to read  
2 as follows:

3       Certified counselors (~~and~~), certified advisers, and retired  
4 counselors shall provide clients at the commencement of any program of  
5 treatment with accurate disclosure information concerning their  
6 practice, in accordance with guidelines developed by the department,  
7 that will inform clients of the purposes of and resources available  
8 under this chapter, including the right of clients to refuse treatment,  
9 the responsibility of clients for choosing the provider and treatment  
10 modality which best suits their needs, and the extent of  
11 confidentiality provided by this chapter, the department, another  
12 agency, or other jurisdiction. For a certified counselor or certified  
13 adviser, the disclosure statement must inform the client of the  
14 certified counselor's or certified adviser's consultation arrangement  
15 or supervisory agreement as defined in rules adopted by the secretary.  
16 The disclosure information provided by the certified counselor (~~or~~),  
17 certified adviser, or retired counselor, the receipt of which shall be  
18 acknowledged in writing by the certified counselor (~~or~~),  
19 certified adviser, or retired counselor and the client, shall include any  
20 relevant education and training, the therapeutic orientation of the  
21 practice, the proposed course of treatment where known, any financial  
22 requirements, referral resources, and such other information as the  
23 department may require by rule. The disclosure information shall also  
24 include a statement that the certification of an individual under this  
25 chapter does not include a recognition of any practice standards, nor  
26 necessarily imply the effectiveness of any treatment. Certified  
27 counselors (~~and~~), certified advisers, and retired counselors must  
28 also disclose that they are not credentialed to diagnose mental  
29 disorders or to conduct psychotherapy as defined by the secretary by  
30 rule. The client is not liable for any fees or charges for services  
31 rendered prior to receipt of the disclosure statement.

32       **Sec. 3.** RCW 18.19.090 and 2008 c 135 s 8 are each amended to read  
33 as follows:

34       (1) Application for agency affiliated counselor, certified  
35 counselor, certified adviser, retired counselor, or hypnotherapist must  
36 be made on forms approved by the secretary. The secretary may require  
37 information necessary to determine whether applicants meet the

1 qualifications for the credential and whether there are any grounds for  
2 denial of the credential, or for issuance of a conditional credential,  
3 under this chapter or chapter 18.130 RCW. The application for agency  
4 affiliated counselor, certified counselor, (~~(or)~~) certified adviser, or  
5 retired counselor must include a description of the applicant's  
6 orientation, discipline, theory, or technique. Each applicant shall  
7 pay a fee determined by the secretary as provided in RCW 43.70.250,  
8 which shall accompany the application.

9 (2) Applicants for agency affiliated counselor must provide  
10 satisfactory documentation that they are employed by an agency or have  
11 an offer of employment from an agency.

12 (3) At the time of application for initial certification,  
13 applicants for certified counselor prior to July 1, 2010, are required  
14 to:

15 (a) Have been registered for no less than five years at the time of  
16 application for an initial certification;

17 (b) Have held a valid, active registration that is in good standing  
18 and be in compliance with any disciplinary process and orders at the  
19 time of application for an initial certification;

20 (c) Show evidence of having completed course work in risk  
21 assessment, ethics, appropriate screening and referral, and Washington  
22 state law and other subjects identified by the secretary;

23 (d) Pass an examination in risk assessment, ethics, appropriate  
24 screening and referral, and Washington state law, and other subjects as  
25 determined by the secretary; and

26 (e) Have a written consultation agreement with a credential holder  
27 who meets the qualifications established by the secretary.

28 (4) Unless eligible for certification under subsection (3) of this  
29 section, applicants for certified counselor or certified adviser are  
30 required to:

31 (a)(i) Have a bachelor's degree in a counseling-related field, if  
32 applying for certified counselor; or

33 (ii) Have an associate degree in a counseling-related field and a  
34 supervised internship, if applying for certified adviser;

35 (b) Pass an examination in risk assessment, ethics, appropriate  
36 screening and referral, and Washington state law, and other subjects as  
37 determined by the secretary; and

1 (c) Have a written supervisory agreement with a supervisor who  
2 meets the qualifications established by the secretary.

3 (5) The secretary shall issue a registration to any retired  
4 counselor who meets the requirements of subsection (1) of this section.

5 (6) Each applicant shall include payment of the fee determined by  
6 the secretary as provided in RCW 43.70.250.

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

9 (1) Registration as a retired counselor is optional for a person  
10 who practices counseling for no compensation. A person otherwise  
11 exempt from this chapter under RCW 18.19.040(3) because he or she  
12 practices counseling for no compensation shall not be required to  
13 register as a retired counselor.

14 (2) A registered retired counselor shall notify the department if  
15 he or she practices, or plans to practice, counseling for compensation.  
16 A registered retired counselor may not practice counseling for  
17 compensation unless he or she is a certified counselor, certified  
18 adviser, or an agency affiliated counselor.

19 **Sec. 5.** RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No.  
20 1029) are each amended to read as follows:

21 (1) This chapter applies only to the secretary and the boards and  
22 commissions having jurisdiction in relation to the professions licensed  
23 under the chapters specified in this section. This chapter does not  
24 apply to any business or profession not licensed under the chapters  
25 specified in this section.

26 (2)(a) The secretary has authority under this chapter in relation  
27 to the following professions:

28 (i) Dispensing opticians licensed and designated apprentices under  
29 chapter 18.34 RCW;

30 (ii) Naturopaths licensed under chapter 18.36A RCW;

31 (iii) Midwives licensed under chapter 18.50 RCW;

32 (iv) Ocularists licensed under chapter 18.55 RCW;

33 (v) Massage operators and businesses licensed under chapter 18.108  
34 RCW;

35 (vi) Dental hygienists licensed under chapter 18.29 RCW;

36 (vii) Acupuncturists licensed under chapter 18.06 RCW;

1 (viii) Radiologic technologists certified and X-ray technicians  
2 registered under chapter 18.84 RCW;

3 (ix) Respiratory care practitioners licensed under chapter 18.89  
4 RCW;

5 (x) Persons registered under chapter 18.19 RCW;

6 (xi) Persons licensed as mental health counselors, marriage and  
7 family therapists, and social workers under chapter 18.225 RCW;

8 (xii) Persons registered as nursing pool operators under chapter  
9 18.52C RCW;

10 (xiii) Nursing assistants registered or certified under chapter  
11 18.88A RCW;

12 (xiv) Health care assistants certified under chapter 18.135 RCW;

13 (xv) Dietitians and nutritionists certified under chapter 18.138  
14 RCW;

15 (xvi) Chemical dependency professionals certified under chapter  
16 18.205 RCW;

17 (xvii) Sex offender treatment providers and certified affiliate sex  
18 offender treatment providers certified under chapter 18.155 RCW;

19 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
20 RCW 18.71.205;

21 (xix) Denturists licensed under chapter 18.30 RCW;

22 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

23 (xxi) Surgical technologists registered under chapter 18.215 RCW;

24 (xxii) Recreational therapists;

25 (xxiii) Animal massage practitioners certified under chapter 18.240  
26 RCW;

27 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; (~~and~~)

28 (xxv) Home care aides certified under chapter 18.88B RCW; and

29 (xxvi) Retired counselors registered under chapter 18.19 RCW.

30 (b) The boards and commissions having authority under this chapter  
31 are as follows:

32 (i) The podiatric medical board as established in chapter 18.22  
33 RCW;

34 (ii) The chiropractic quality assurance commission as established  
35 in chapter 18.25 RCW;

36 (iii) The dental quality assurance commission as established in  
37 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and  
38 licenses and registrations issued under chapter 18.260 RCW;

1 (iv) The board of hearing and speech as established in chapter  
2 18.35 RCW;

3 (v) The board of examiners for nursing home administrators as  
4 established in chapter 18.52 RCW;

5 (vi) The optometry board as established in chapter 18.54 RCW  
6 governing licenses issued under chapter 18.53 RCW;

7 (vii) The board of osteopathic medicine and surgery as established  
8 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
9 18.57A RCW;

10 (viii) The board of pharmacy as established in chapter 18.64 RCW  
11 governing licenses issued under chapters 18.64 and 18.64A RCW;

12 (ix) The medical quality assurance commission as established in  
13 chapter 18.71 RCW governing licenses and registrations issued under  
14 chapters 18.71 and 18.71A RCW;

15 (x) The board of physical therapy as established in chapter 18.74  
16 RCW;

17 (xi) The board of occupational therapy practice as established in  
18 chapter 18.59 RCW;

19 (xii) The nursing care quality assurance commission as established  
20 in chapter 18.79 RCW governing licenses and registrations issued under  
21 that chapter;

22 (xiii) The examining board of psychology and its disciplinary  
23 committee as established in chapter 18.83 RCW; and

24 (xiv) The veterinary board of governors as established in chapter  
25 18.92 RCW.

26 (3) In addition to the authority to discipline license holders, the  
27 disciplining authority has the authority to grant or deny licenses.  
28 The disciplining authority may also grant a license subject to  
29 conditions.

30 (4) All disciplining authorities shall adopt procedures to ensure  
31 substantially consistent application of this chapter, the Uniform  
32 Disciplinary Act, among the disciplining authorities listed in  
33 subsection (2) of this section.

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