

HB 1134 - S COMM AMD
By Committee on Health Care

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 18.19.020 and 2011 c 86 s 1 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Agency" means (a) an agency or facility operated, licensed,
8 or certified by the state of Washington; (b) a federally recognized
9 Indian tribe located within the state; or (c) a county.

10 (2) "Agency affiliated counselor" means a person registered under
11 this chapter who is engaged in counseling and employed by an agency.
12 "Agency affiliated counselor" includes juvenile probation counselors
13 who are employees of the juvenile court under RCW 13.04.035 and
14 13.04.040 and juvenile court employees providing functional family
15 therapy, aggression replacement training, or other evidence-based
16 programs approved by the juvenile rehabilitation administration of
17 the department of social and health services.

18 (3) "Certified adviser" means a person certified under this
19 chapter who (~~is~~) may be engaged in private practice counseling to
20 the extent authorized in RCW 18.19.200.

21 (4) "Certified counselor" means a person certified under this
22 chapter who (~~is~~) may be engaged in private practice counseling to
23 the extent authorized in RCW 18.19.200.

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

26 (6) "Counseling" means employing any therapeutic techniques,
27 including but not limited to social work, mental health counseling,
28 marriage and family therapy, and hypnotherapy, for a fee that offer,
29 assist, or attempt to assist an individual or individuals in the
30 amelioration or adjustment of mental, emotional, or behavioral
31 problems, and includes therapeutic techniques to achieve sensitivity
32 and awareness of self and others and the development of human
33 potential. For the purposes of this chapter, nothing may be construed

1 to imply that the practice of hypnotherapy is necessarily limited to
2 counseling.

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

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

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

9 (10) "Private practice counseling" means the practice of
10 counseling by a certified counselor or certified adviser in a setting
11 other than an agency and as specified in RCW 18.19.200.

12 (11) "Psychotherapy" means the practice of counseling using
13 diagnosis of mental disorders (~~(according to the fourth edition of~~
14 ~~the diagnostic and statistical manual of mental disorders, published~~
15 ~~in 1994,~~) and the development of treatment plans for counseling
16 based on diagnosis of mental disorders in accordance with established
17 practice standards.

18 (12) "Secretary" means the secretary of the department or the
19 secretary's designee.

20 **Sec. 2.** RCW 18.19.200 and 2008 c 135 s 4 are each amended to
21 read as follows:

22 A person may not practice as a certified counselor or certified
23 adviser unless he or she is certified under this chapter. The scope
24 of practice of certified counselors and certified advisers consists
25 exclusively of the following:

26 (1) Risk assessment and appropriate screening of the client's
27 ~~((level of functional impairment using the global assessment of~~
28 ~~functioning as described in the fourth edition of the diagnostic and~~
29 ~~statistical manual of mental disorders, published in 1994)) mental,~~
30 emotional, or behavioral problems according to the definition of
31 mild, moderate, and severe mental, emotional, or behavioral problems
32 as provided in the fifth edition of the diagnostic and statistical
33 manual of mental disorders. Recognition of ~~((a mental or physical~~
34 ~~disorder or a global assessment of functioning score of sixty or~~
35 ~~less)) severe mental, emotional, or behavioral problems requires that~~
36 the certified counselor or certified adviser refer the client to a
37 ~~((physician, osteopathic physician, psychiatric registered nurse~~
38 ~~practitioner, or)) licensed ~~((mental))~~ health care practitioner, as
39 defined by the secretary, for diagnosis and treatment;~~

1 (2) Certified counselors and certified advisers may counsel and
2 guide a client in adjusting to life situations, developing new
3 skills, and making desired changes, in accordance with the theories
4 and techniques of a specific counseling method and established
5 practice standards, if the client has (~~(a global assessment of~~
6 ~~functioning score greater than sixty)~~) absent to mild mental,
7 emotional, or behavioral problems;

8 (3) Certified counselors may counsel and guide a client in
9 adjusting to life situations, developing new skills, and making
10 desired changes if the client has (~~(a global assessment of~~
11 ~~functioning score of sixty or less if+)~~) moderate mental, emotional,
12 or behavioral problems;

13 (~~(a) The~~) (4) A certified counselor may not be a sole treatment
14 provider for a client with severe mental, emotional, or behavioral
15 problems. When a client has been referred to the certified counselor
16 by a (~~(physician, osteopathic physician, psychiatric registered nurse~~
17 practitioner, or)) licensed (~~(mental)~~) health care practitioner, as
18 defined by the secretary, and care is provided as part of a plan of
19 treatment developed by the referring practitioner (~~(who is actively~~
20 ~~treating the client.)~~), the certified counselor may work with the
21 client and must adhere to any conditions related to the certified
22 counselor's role as specified in the plan of care(~~(+ or~~

23 ~~(b) The certified counselor referred the client to seek diagnosis~~
24 ~~and treatment from a physician, osteopathic physician, psychiatric~~
25 ~~registered nurse practitioner, or licensed mental health~~
26 ~~practitioner, as defined by the secretary, and the client refused, in~~
27 ~~writing, to seek treatment from the other provider. The certified~~
28 ~~counselor may provide services to the client consistent with a~~
29 ~~treatment plan developed by the certified counselor and the~~
30 ~~consultant or supervisor with whom the certified counselor has a~~
31 ~~written consultation or supervisory agreement. A certified counselor~~
32 ~~shall not be a sole treatment provider for a client with a global~~
33 ~~assessment of functioning score of less than fifty)).~~

34 NEW SECTION. Sec. 3. A new section is added to chapter 34.05
35 RCW to read as follows:

36 (1) If the secretary of the department of health intends to adopt
37 rules to implement section 1, chapter . . ., Laws of 2015 (section 1
38 of this act) or section 2, chapter . . ., Laws of 2015 (section 2 of
39 this act), the secretary must notify and solicit comments from the

1 health care committees of the senate and the house of
2 representatives. The secretary must notify the committees before
3 undergoing the prenotice inquiry requirements of RCW 34.05.310. If
4 the legislature is not in session when the notice is provided to the
5 health care committees, further rule making cannot continue until the
6 legislature has had an opportunity during a regular or special
7 session to review the notification and submit comments to the
8 secretary.

9 (2) The notification must include the criteria required in RCW
10 34.05.310(1)(a) and include a copy of the draft rule or rules."

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11 On page 1, line 2 of the title, after "advisers;" strike the
12 remainder of the title and insert "amending RCW 18.19.020 and
13 18.19.200; and adding a new section to chapter 34.05 RCW."

EFFECT: Rather than require the secretary of the department of health to adopt rules on the definition of mild, moderate, and severe mental, emotional, or behavioral problems, these terms are defined as provided in the DSM - V.

Requires the Secretary to notify and solicit comments on any rules to be adopted pursuant to this act. This notification must be made before rule making begins under the Administrative Procedure Act. If the notification is provided when the legislature is not in session, no rule making may occur until the legislature is in session and the Health Care Committees of the Senate and the House of Representatives have had an opportunity to review and make comments on the rule.

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