

SENATE BILL REPORT

HB 1134

As Reported by Senate Committee On:
Health Care, March 31, 2015

Title: An act relating to scope of practice for certified counselors and advisers.

Brief Description: Concerning scope of practice for certified counselors and advisers.

Sponsors: Representatives Moeller and Harris; by request of Department of Health.

Brief History: Passed House: 2/12/15, 55-42.

Committee Activity: Health Care: 3/30/15, 3/31/15 [DPA, w/oRec].

SENATE COMMITTEE ON HEALTH CARE

Majority Report: Do pass as amended.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Frockt, Ranking Minority Member; Angel, Bailey, Brown, Cleveland and Parlette.

Minority Report: That it be referred without recommendation.

Signed by Senators Conway, Jayapal and Keiser.

Staff: Kathleen Buchli (786-7488)

Background: In 2008 legislation was passed dealing with the practice of counseling. The legislation eliminated the credential of registered counselor and created eight new credentials, including certified advisers and certified counselors.

The Global Assessment of Functioning (GAF) in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV) is used when describing the scope of practice of certified counselors and certified advisers. The GAF is a numeric scale used by mental health professionals to evaluate a person's level of functional impairment. The lower the score, the more severe the person's level of functional impairment. For example a score of 1 to 10 indicates persistent danger of severely hurting self or others, persistent inability to maintain personal hygiene, or a serious suicidal act. A score of 51 to 60 indicates moderate symptoms or some difficulty in social, occupational, or school functioning. A score of 91 to 100 indicates superior functioning in a wide range of activities with no symptoms. The GAF was eliminated from the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders.

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 GAF is used when describing the scope of practice for certified advisers and certified counselors in the following ways:

1. A certified adviser or certified counselor may use the GAF to screen a client's level of functional impairment – if the client has a score of 60 or less, the certified adviser or certified counselor must refer the client to a physician, osteopathic physician, psychiatric advanced registered nurse practitioner (ARNP), or a licensed mental health practitioner defined by the Secretary of Health (Secretary).
2. Certified advisers and certified counselors may counsel and guide a client with a score greater than 60 in adjusting to life situations, developing new skills, and making desired changes, in accordance with the theories and techniques of a specific counseling method and established practice standards.
3. Certified counselors, but not certified advisers, may work with clients with a GAF score of 60 or less if:
 - a. the client has been referred to the certified counselor by a physician, osteopathic physician, psychiatric ARNP, or other licensed mental health care practitioner specified by the Secretary and care is provided as part of a plan of treatment developed by the referring practitioner who is actively treating the client – the certified counselor must also adhere to any conditions related to the certified counselor's role as specified in the plan of care; or
 - b. the certified counselor referred the client to a physician, osteopathic physician, psychiatric ARNP, or licensed mental health practitioner defined by the Secretary and the client refused in writing to the referral.
4. A certified counselor may not be the sole treatment provider for a client with a GAF score of less than 50.

Persons who are not certified advisers or certified counselors are not explicitly prohibited from practicing as certified advisers or certified counselors. However, it has been the policy of the Department of Health to prohibit such unlicensed practice.

Summary of Bill (Recommended Amendments): References to the GAF and the DSM-IV are eliminated and replaced with references to the DSM-V.

A certified adviser or certified counselor may perform a risk assessment or screening of a client's mental, emotional, or behavioral problems using rules adopted by the Secretary – if the client has severe mental, emotional, or behavioral problems, the certified adviser or certified counselor must refer the client to a licensed health care practitioner defined by the Secretary in rule, instead of to a physician, osteopathic physician, psychiatric ARNP, or other mental health practitioner defined by the Secretary. When the client has been referred to a licensed health care practitioner and care is provided as part of a plan of treatment developed by the referring practitioner, the certified counselors, but not certified advisers, may work with the client and must adhere to any conditions related to the certified counselor's role as specified in the plan of care. The certified counselor may not be the sole treatment provider for a client with severe mental, emotional, or behavioral problems.

Certified advisers and certified counselors may counsel and guide a client with absent or mild mental, emotional, or behavioral problems in adjusting to life situations, developing new skills, and making desired changes, in accordance with the theories and techniques of a

specific counseling method and established practice standards. Certified counselors, but not certified advisers, may also work with clients with moderate mental, emotional, or behavioral problems.

Persons who are not certified advisers or certified counselors are explicitly prohibited from practicing as certified advisers or certified counselors.

If the Secretary intends to adopt rules to implement this act, notice must be provided to the health care committees of the Legislature. Notice must include a description of the rule to be adopted and the Legislature must be provided an opportunity to comment on the rule. Rulemaking may not continue until the Legislature has had the opportunity to comment during regular or special session.

EFFECT OF CHANGES MADE BY HEALTH CARE COMMITTEE (Recommended Amendments): Rather than require the Secretary to adopt rules on what is mild, moderate, or severe mental, emotional, or behavioral problems, these problems must be screened as provided in the fifth edition of the DSM. If the Secretary intends to adopt rules to implement this act, notice must be provided to the health care committees of the Legislature. Notice must include a description of the rule to be adopted and the Legislature must be provided an opportunity to comment on the rule. Rulemaking may not continue until the Legislature has had the opportunity to comment during regular or special session.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on House Bill: PRO: Current statutes direct when certified counselors and certified advisers must refer out using a now obsolete diagnostic tool. A screening tool is needed for these professions and a new screening standard should be developed. Rules will be developed with stakeholder involvement.

Persons Testifying: PRO: Martin Mueller, Dept. of Health.

Persons Signed in to Testify But Not Testifying: No one.