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## Health Care & Wellness Committee

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### HB 1529

**Brief Description:** Removing barriers for agency affiliated counselors practicing as peer counselors.

**Sponsors:** Representatives Davis, Corry, Frame, Kloba, Doglio and Ormsby.

#### Brief Summary of Bill

- Limits the amount of time that an agency-affiliated counselor working as a peer counselor in a behavioral health agency must spend in a substance abuse monitoring program to one year.
- Prohibits a facility that cares for vulnerable adults from automatically denying employment to an applicant for a position as an agency-affiliated counselor practicing as a peer counselor if at least one year has passed since a conviction, the conviction was committed as a result of the applicant's substance use, and the applicant has been in recovery for at least one year.

**Hearing Date:** 2/15/19

**Staff:** Chris Blake (786-7392).

#### **Background:**

##### Substance Abuse Monitoring Programs.

A disciplining authority may refer a licensee to a substance abuse monitoring program in lieu of formal discipline if the disciplining authority determines that unprofessional conduct is the product of substance abuse. The licensee must consent to the referral and the referral may include probationary conditions. If the licensee does not consent to the referral or fails to meet the requirements of the program, the disciplining authority may take formal disciplinary action against the licensee.

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*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.*

There are four substance abuse monitoring programs in Washington for credentialed health care providers. Each program serves specific professions or groups of professions. Although the programs do not provide substance use disorder treatment, they contract with and monitor health care providers for compliance with treatment and recovery goals. The contract includes random drug testing and worksite monitoring to ensure a safe return to practice. Some professions pay a fee to cover program expenses, while other professions require the individual to bear the expenses of the program.

### Disqualifying Crimes.

Agencies, facilities, and individuals who provide care to vulnerable adults may not allow persons to work in a position that may involve unsupervised access to minors or vulnerable adults if the person has been convicted of or has a pending charge for certain disqualifying crimes. In some cases a person will not be automatically disqualified from employment if a designated number of years have passed since the date of conviction for the disqualifying crime. In those instances, the person may be allowed to work in a position with access to minors and vulnerable adults depending on the results of a character, competence, and suitability review.

### **Summary of Bill:**

The amount of time that a person who is at least one year in recovery from a substance use disorder is required to spend in the voluntary substance abuse monitoring program is limited to one year. The limitation applies if the person is or is applying to be an agency-affiliated counselor working as a peer counselor in a behavioral health agency.

Facilities that care for vulnerable adults are prohibited from automatically denying employment to an applicant for a position as an agency-affiliated counselor practicing as a peer counselor if (1) at least one year has passed since the most recent conviction and the date of application, (2) the offense was committed as a result of the applicant's substance use, and (3) the applicant has been in recovery from a substance use disorder for at least one year, whether through abstinence or stability on medication-assisted therapy.

**Appropriation:** None.

**Fiscal Note:** Requested on February 6, 2019.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.