

# SENATE BILL REPORT

## SB 5638

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As Reported by Senate Committee On:  
Health & Long Term Care, January 12, 2022  
Behavioral Health Subcommittee to Health & Long Term Care, January 21, 2022

**Title:** An act relating to expediting approval for applicants for an associate license as a social worker, mental health counselor, or marriage and family therapist.

**Brief Description:** Concerning expediting approval for applicants for an associate license as a social worker, mental health counselor, or marriage and family therapist.

**Sponsors:** Senators Wagoner and Dhingra.

**Brief History:**

**Committee Activity:** Health & Long Term Care: 1/12/22 [w/oRec-BH].  
Behavioral Health Subcommittee to Health & Long Term Care: 1/14/22, 1/21/22 [DPS].

**Brief Summary of First Substitute Bill**

- Allows an applicant for associate licensure as a social worker, mental health counselor, or marriage and family therapist to work while their application for associate licensure is pending.
- Requires the applicant to provide required documentation to the Department of Health within reasonable time limits.

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### SENATE COMMITTEE ON BEHAVIORAL HEALTH SUBCOMMITTEE TO HEALTH & LONG TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5638 be substituted therefor, and the substitute bill do pass.

Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra, Nobles and Warnick.

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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 part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Kevin Black (786-7747)

**Background:** A licensed associate social worker, licensed associate mental health counselor, or licensed associate marriage and family therapist is a person who has completed the educational requirements for licensure as a social worker, mental health counselor, or marriage and family therapist, including graduation from a master's degree or doctoral degree program, who is in training to accumulate the supervised experience hours necessary to obtain full licensure. An associate must work under the supervision of an approved supervisor. A licensed associate must also pass a competency exam to obtain full licensure. Social workers include the classifications of licensed advanced social worker and independent clinical social worker.

The Department of Health (DOH) oversees licensure for mental health counselors, marriage and family therapists, and social workers. The Revised Code of Washington allows a separate classification of behavioral health professional, registered agency affiliated counselors, to work in their professional role while their application for registration is pending, provided that they provide required documentation to DOH within reasonable time limits established by DOH, and that they must not provide counseling unless their supervisor is physically present at the location where the counseling occurs prior to completion of a background check by the employer or DOH.

**Summary of Bill (First Substitute):** An applicant for an associate license as a social worker, mental health counselor, or marriage and family therapist may work while their application for licensure is being processed. The applicant must provide required documentation to DOH within reasonable time limits established by DOH, which may be extended if the applicant provides evidence of a good faith effort to obtain documentation. If the applicant does not provide documentation or evidence of a good faith effort to obtain documentation, the applicant must stop working. The applicant's approved supervisor must be physically present onsite when the applicant is performing clinical counseling until the completion of a criminal background check by or DOH.

An approved supervisor is defined as a licensed marriage and family therapist, licensed mental health counselor, licensed clinical social worker, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner. If the supervisor's license does not match the discipline for which the applicant has applied to be an associate, DOH may establish additional requirements by rule.

**EFFECT OF CHANGES MADE BY BEHAVIORAL HEALTH SUBCOMMITTEE TO HEALTH & LONG TERM CARE COMMITTEE (First Substitute):**

- Requires a criminal background check to be completed by DOH before an applicant may provide counseling without their approved supervisor being physically present on-site.
- Allows reasonable time limits for providing documentation to DOH to be extended if

the applicant provides evidence of a good-faith effort to obtain the documentation.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Over the interim I heard from workers about long times to get their applications approved by DOH. Eighty-five percent of the applications go right through, but other applicants are victims of the institutions they have graduated from, and their information takes months and months to go through. I want to let DOH know they have a problem but also give them a tool to allow people to start working while their documentation is waiting. Patients are waiting for care because a lack of available behavioral health workers. The need is accentuated for members of minority communities. This bill is a first step for addressing this problem.

OTHER: We don't think this bill is really necessary. We oppose the section where it allows a mixture of different professions to provide supervision. There should be funding for a task force to look more broadly at larger issues related to supervised training.

**Persons Testifying:** PRO: Senator Keith Wagoner, Prime Sponsor; Celestine West, Quaker Voices.

OTHER: Bob Cooper, National Association of Social Workers.

**Persons Signed In To Testify But Not Testifying:** No one.