
SUBSTITUTE HOUSE BILL 1865

State of Washington

67th Legislature

2022 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Davis, Caldier, Callan, Dent, Duerr, Goodman, Macri, Senn, Wylie, Paul, Sullivan, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Ormsby, Graham, and Frame)

READ FIRST TIME 02/02/22.

1 AN ACT Relating to addressing the behavioral health workforce
2 shortage and expanding access to peer services by creating the
3 profession of certified peer specialists; amending RCW 43.70.110,
4 18.130.040, and 43.43.842; reenacting and amending RCW 18.130.175;
5 adding new sections to chapter 71.24 RCW; adding a new chapter to
6 Title 18 RCW; creating a new section; and providing an effective
7 date.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that peers play
10 a critical role along the behavioral health continuum of care, from
11 outreach to treatment to recovery support. Peers deal in the currency
12 of hope and motivation and are incredibly adept at supporting people
13 with behavioral health challenges on their recovery journeys. Peers
14 represent the only segment of the behavioral health workforce where
15 there is not a shortage, but a surplus of willing workers. Peers,
16 however, are presently limited to serving only medicaid recipients
17 and working only in community behavioral health agencies. As a
18 result, youth and adults with commercial insurance have no access to
19 peer services. Furthermore, peers who work in other settings, such as
20 emergency departments and behavioral health urgent care, cannot bill
21 insurance for their services.

1 (2) Therefore, it is the intent of the legislature to address the
2 behavioral health workforce crisis, expand access to peer services,
3 and honor the contributions of the peer profession by creating the
4 profession of certified peer specialists.

5 NEW SECTION. **Sec. 2.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Advisory committee" means the Washington state certified
9 peer specialist advisory committee established under section 4 of
10 this act.

11 (2) "Approved supervisor" means:

12 (a) Until July 1, 2026, a behavioral health provider, as defined
13 in RCW 71.24.025 with at least two years of experience working in a
14 behavioral health practice that employs peer specialists as part of
15 treatment teams; or

16 (b) A certified peer specialist who has completed:

17 (i) At least 1,500 hours of work as a fully certified peer
18 specialist engaged in the practice of peer support services, with at
19 least 500 hours attained through the joint supervision of peers in
20 conjunction with another approved supervisor; and

21 (ii) The training developed by the health care authority under
22 section 11 of this act.

23 (3) "Certified peer specialist" means a person certified under
24 this chapter to engage in the practice of peer support services.

25 (4) "Certified peer specialist trainee" means an individual
26 working toward the supervised experience and written examination
27 requirements to become a certified peer specialist under this
28 chapter.

29 (5) "Department" means the department of health.

30 (6) "Practice of peer support services" means the provision of
31 interventions by either a person in recovery from a mental health
32 condition or substance use disorder, or both, or the parent or legal
33 guardian of a youth who is receiving or has received behavioral
34 health services. The client receiving the interventions receives them
35 from a person with a similar lived experience as either a person in
36 recovery from a mental health condition or substance use disorder, or
37 both, or the parent or legal guardian of a youth who is receiving or
38 has received behavioral health services. The person provides the
39 interventions through the use of shared experiences to assist a

1 client in the acquisition and exercise of skills needed to support
2 the client's recovery. Interventions may include activities that
3 assist clients in accessing or engaging in treatment and in symptom
4 management; promote social connection, recovery, and self-advocacy;
5 provide guidance in the development of natural community supports and
6 basic daily living skills; and support clients in engagement,
7 motivation, and maintenance related to achieving and maintaining
8 health and wellness goals.

9 (7) "Secretary" means the secretary of health.

10 NEW SECTION. **Sec. 3.** In addition to any other authority, the
11 secretary has the authority to:

12 (1) Adopt rules under chapter 34.05 RCW necessary to implement
13 this chapter;

14 (2) Establish all certification, examination, and renewal fees in
15 accordance with RCW 43.70.110 and 43.70.250;

16 (3) Establish forms and procedures necessary to administer this
17 chapter;

18 (4) Issue certificates to applicants who have met the education,
19 training, and examination requirements for obtaining a certificate
20 and to deny a certificate to applicants who do not meet the
21 requirements;

22 (5) Coordinate with the health care authority to confirm an
23 applicants' successful completion of the certified peer specialist
24 education course offered by the health care authority under section
25 11 of this act and successful passage of the associated oral
26 examination as proof of eligibility to take a qualifying written
27 examination for applicants for obtaining a certificate;

28 (6) Establish practice parameters consistent with the definition
29 of the practice of peer support services;

30 (7) Provide staffing and administrative support to the advisory
31 committee. Beginning October 1, 2023, the lead staff person
32 supporting and communicating with the advisory committee must be a
33 certified peer counselor;

34 (8) Determine which states have credentialing requirements
35 equivalent to those of this state, and issue certificates to
36 applicants credentialed in those states without examination;

37 (9) Define and approve any supervised experience requirements for
38 certification;

1 (10) Assist the advisory committee with the review of peer
2 counselor apprenticeship program applications in the process of being
3 approved and registered under chapter 49.04 RCW;

4 (11) Adopt rules implementing a continuing competency program;
5 and

6 (12) Establish by rule the procedures for an appeal of an
7 examination failure.

8 NEW SECTION. **Sec. 4.** (1) The Washington state certified peer
9 specialist advisory committee is established.

10 (2)(a) The advisory committee shall consist of 11 members. Nine
11 members must be certified peer specialists. Those nine members shall
12 be inclusive of mental health peers, substance use disorder peers,
13 community-based peers, peers who work in clinical settings, youth
14 peers, adult peers, and peer supervisors. One member must represent
15 community behavioral health agencies. One member must represent the
16 public at large and may not be a credentialed behavioral health
17 provider. The advisory committee shall be reflective of the community
18 who receives peer services, including people who are Black,
19 indigenous, people of color, and individuals who identify as LGBTQ.
20 All members of the advisory committee must be residents of Washington
21 state. Members may not hold an office in a professional association
22 for peer specialists or be employed by the state.

23 (b) The members shall be appointed by the secretary to serve
24 three-year terms which may be renewed. Initial members shall be
25 appointed to staggered terms which may be less than three years.
26 Initial membership may vary from the requirements in (a) of this
27 subsection to account for the lack of an available credential for
28 certified peer specialists at the time the advisory committee is
29 established. The advisory committee shall select a chair and vice
30 chair.

31 (3) The department and the health care authority, as appropriate,
32 must adopt recommendations as submitted by the advisory committee on
33 topics related to the administration of this chapter, including:

34 (a) Advice and recommendations regarding the establishment or
35 implementation of rules related to this chapter;

36 (b) Advice, recommendations, and consultation regarding case
37 disposition guidelines and priorities related to unprofessional
38 conduct cases regarding certified peer specialists;

1 (c) Assistance, recommendations, and consultation of individual
2 committee members as needed in the review, analysis, and disposition
3 of reports of unprofessional conduct and service recipient
4 complaints;

5 (d) Assistance and recommendations to enhance patient and client
6 education;

7 (e) Assistance and recommendations regarding the written and oral
8 examination to become a certified peer specialist and the examiners
9 conducting the examinations, including recommendations to assure that
10 the examinations, and the manner in which the examinations are
11 administered, are culturally appropriate;

12 (f) Assistance and recommendations regarding any continuing
13 education and continuing competency programs administered under the
14 provisions of this chapter;

15 (g) Advice and guidance regarding criteria for certification
16 based on prior experience as a peer specialist attained before July
17 1, 2024, as described in section 6(2) of this act;

18 (h) Recommendations for additional supports that may help those
19 practicing as peer counselors as of the effective date of this
20 section to become certified peer specialists;

21 (i) Review of existing health care authority policies and
22 procedures related to peer counselors;

23 (j) Advice on approving additional education and training
24 entities, other than the health care authority, to conduct the course
25 of instruction in section 11(1)(a) of this act to expand availability
26 of the course, particularly among black, indigenous, people of color,
27 and individuals who identify as LGBTQ;

28 (k) Advice on approving additional testing entities, other than
29 the health care authority to administer the written and oral
30 examination, including entities owned by black, indigenous, and
31 people of color;

32 (l) Advice on long-term planning and growth for the future
33 advancement of the peer specialist profession; and

34 (m) Recommendations on recruitment and retention in the peer
35 specialist profession, including among black, indigenous, people of
36 color, and individuals who identify as LGBTQ.

37 (4) Committee members are immune from suit in an action, civil or
38 criminal, based on the department's disciplinary proceedings or other
39 official acts performed in good faith.

1 (5) Committee members shall be compensated in accordance with RCW
2 43.03.240, including travel expenses in carrying out his or her
3 authorized duties in accordance with RCW 43.03.050 and 43.03.060.

4 NEW SECTION. **Sec. 5.** Nothing in this chapter may be construed
5 to prohibit or restrict:

6 (1) An individual who holds a credential issued by this state,
7 other than as a certified peer specialist or certified peer
8 specialist trainee, to engage in the practice of an occupation or
9 profession without obtaining an additional credential from the state.
10 The individual may not use the title certified peer specialist unless
11 the individual holds a credential under this chapter; or

12 (2) The practice of peer support services by a person who is
13 employed by the government of the United States while engaged in the
14 performance of duties prescribed by the laws of the United States.

15 NEW SECTION. **Sec. 6.** (1) Beginning July 1, 2024, except as
16 provided in subsections (2) and (3) of this section, the secretary
17 shall issue a certificate to engage in the practice of peer support
18 services to any applicant who demonstrates to the satisfaction of the
19 secretary that the applicant meets the following requirements:

20 (a) Submission of an attestation to the department that the
21 applicant self-identifies as:

22 (i) A person with one or more years of recovery from a mental
23 health condition, substance use disorder, or both; or

24 (ii) The parent or legal guardian of a youth who is receiving or
25 has received behavioral health services;

26 (b) Successful completion of the education course developed and
27 offered by the health care authority under section 11 of this act;

28 (c) Successful passage of an oral examination administered by the
29 health care authority upon completion of the education course offered
30 by the health care authority under section 11 of this act;

31 (d) Successful passage of a written examination administered by
32 the health care authority upon completion of the education course
33 offered by the health care authority under section 11 of this act;

34 (e) Successful completion of an experience requirement of at
35 least 1,000 supervised hours as a certified peer specialist trainee
36 engaged in the volunteer or paid practice of peer support services,
37 in accordance with the standards in section 7 of this act; and

38 (f) Payment of the appropriate fee required under this chapter.

1 (2) The secretary, with the recommendation of the advisory
2 committee, shall establish criteria for the issuance of a certificate
3 to engage in the practice of peer support services based on prior
4 experience as a peer specialist attained before July 1, 2024. The
5 criteria shall establish equivalency standards necessary to be deemed
6 to have met the requirements of subsection (1) of this section. An
7 applicant under this subsection shall have until July 1, 2025, to
8 complete any standards in which the applicant is determined to be
9 deficient.

10 (3) The secretary, with the recommendation of the advisory
11 committee, shall issue a certificate to engage in the practice of
12 peer support services based on completion of an apprenticeship
13 program registered and approved under chapter 49.04 RCW and reviewed
14 by the advisory committee under section 3 of this act.

15 (4) A certificate to engage in the practice of peer support
16 services is valid for two years. A certificate may be renewed upon
17 demonstrating to the department that the certified peer specialist
18 has successfully completed 30 hours of continuing education approved
19 by the department. As part of the continuing education requirement,
20 every six years the applicant must submit proof of successful
21 completion of at least three hours of suicide prevention training and
22 at least six hours of coursework in professional ethics and law,
23 which may include topics under RCW 18.130.180.

24 NEW SECTION. **Sec. 7.** (1) The secretary shall issue a
25 certificate to engage in the practice of peer support services as a
26 certified peer specialist trainee to any applicant who demonstrates
27 to the satisfaction of the secretary that:

28 (a) The applicant meets the requirements of section 6 (1)(a),
29 (b), (c), (d), and (4) of this act and is working toward the
30 supervised experience requirements to become a certified peer
31 specialist under this chapter; or

32 (b) The applicant is enrolled in an apprenticeship program
33 registered and approved under chapter 49.04 RCW and approved by the
34 secretary under section 3 of this act.

35 (2) An applicant seeking to become a certified peer specialist
36 trainee under this section shall submit to the secretary for approval
37 a declaration, in accordance with rules adopted by the department,
38 that the certified peer specialist trainee is actively pursuing the

1 supervised experience requirements of section 6(1)(d) of this act.
2 This declaration must be updated with the trainee's annual renewal.

3 (3) A certified peer specialist trainee certified under this
4 section may practice only under the supervision of an approved
5 supervisor. Supervision may be provided through distance supervision.
6 Supervision may be provided by an approved supervisor who is employed
7 by the same employer that employs the certified peer specialist
8 trainee or by an arrangement made with a third-party approved
9 supervisor to provide supervision, or a combination of both types of
10 approved supervisors.

11 (4) A certified peer specialist trainee certificate is valid for
12 one year and may only be renewed four times.

13 NEW SECTION. **Sec. 8.** (1) The date and location of written
14 examinations must be established by the secretary. Applicants who
15 have been found by the secretary to meet other requirements for
16 obtaining a certificate must be scheduled for the next examination
17 following the filing of the application. The secretary shall
18 establish by rule the examination application deadline.

19 (2) The secretary or the secretary's designees shall administer
20 written examinations to each applicant, by means determined most
21 effective, on subjects appropriate to the scope of practice, as
22 applicable. The examinations must be limited to the purpose of
23 determining whether the applicant possesses the minimum skill and
24 knowledge necessary to practice competently.

25 (3) The examination materials, all grading of the materials, and
26 the grading of any practical work must be preserved for a period of
27 not less than one year after the secretary has made and published the
28 decisions. All examinations must be conducted under fair and wholly
29 impartial methods.

30 (4) Any applicant failing to make the required grade in the first
31 written examination may take up to two subsequent written
32 examinations as the applicant desires upon prepaying a fee determined
33 by the secretary under RCW 43.70.250 for each subsequent written
34 examination. Upon failing four written examinations, the secretary
35 may invalidate the original application and require remedial
36 education before the person may take future written examinations.

37 (5) The secretary may approve a written examination prepared or
38 administered by a private organization that credentials and renews
39 credentials for peer counselors, or an association of credentialing

1 agencies, for use by an applicant in meeting the credentialing
2 requirements.

3 NEW SECTION. **Sec. 9.** The secretary shall establish, by rule,
4 the requirements and fees for renewal of a certificate issued
5 pursuant to this chapter. Fees must be established in accordance with
6 RCW 43.70.110 and 43.70.250, except that fees for an initial
7 certificate and any renewal of the certificate may not exceed \$100.
8 Failure to renew the certificate invalidates the certificate and all
9 privileges granted by the certificate. If a certificate has lapsed
10 for a period longer than three years, the person shall demonstrate
11 competence to the satisfaction of the secretary by completing
12 continuing competency requirements or meeting other standards
13 determined by the secretary.

14 NEW SECTION. **Sec. 10.** The uniform disciplinary act, chapter
15 18.130 RCW, governs uncertified practice of peer support services,
16 the issuance and denial of certificates, and the discipline of
17 certified peer specialists and certified peer specialist trainees
18 under this chapter.

19 NEW SECTION. **Sec. 11.** A new section is added to chapter 71.24
20 RCW to read as follows:

21 (1) (a) By January 1, 2024, the authority must develop a course of
22 instruction to become a certified peer specialist under chapter
23 18.--- RCW (the new chapter created in section 19 of this act). The
24 course must be approximately 80 hours in duration and based upon the
25 curriculum offered by the authority in its peer counselor training as
26 of the effective date of this section, as well as additional
27 instruction in the principles of recovery coaching and suicide
28 prevention. The authority shall establish a peer engagement process
29 to receive suggestions regarding subjects to be covered in the 80-
30 hour curriculum beyond those addressed in the peer counselor training
31 curriculum and recovery coaching and suicide prevention curricula,
32 including the cultural appropriateness of the 80-hour training. The
33 education course must be taught by certified peer specialists. The
34 education course must be offered by the authority with sufficient
35 frequency to accommodate the demand for training and the needs of the
36 workforce. The authority must establish multiple configurations for
37 offering the education course, including offering the course as an

1 uninterrupted course with longer class hours held on consecutive days
2 for students seeking accelerated completion of the course and as an
3 extended course with reduced daily class hours, possibly with
4 multiple days between classes, to accommodate students with other
5 commitments. Upon completion of the education course, the student
6 must pass an oral examination administered by the course trainer.

7 (b) The authority shall develop an expedited course of
8 instruction that consists of only those portions of the curriculum
9 required under (a) of this subsection that exceed the authority's
10 certified peer counselor training curriculum as it exists on the
11 effective date of this section. The expedited training shall focus on
12 assisting persons who completed the authority's certified peer
13 counselor training as it exists on the effective date of this section
14 to meet the education requirements for certification under section 6
15 of this act.

16 (c) The authority shall coordinate with the department to develop
17 a process for the authority to confirm to the department that a
18 student has successfully completed the certified peer specialist
19 education course offered under this subsection and successfully
20 passed the associated oral examination and is eligible to take a
21 qualifying written examination for applicants to become certified
22 peer specialists under chapter 18.--- RCW (the new chapter created in
23 section 19 of this act);

24 (2) By January 1, 2024, the authority must develop a training
25 course for certified peer specialists providing supervision to
26 certified peer specialist trainees under section 7 of this act.

27 (3)(a) By July 1, 2024, the authority shall offer a 40-hour
28 specialized training course in peer crisis response services for peer
29 specialists certified under chapter 18.--- RCW (the new chapter
30 created in section 19 of this act) who are working as peer crisis
31 responders. The training shall incorporate best practices for
32 responding to 988 behavioral health crisis line calls, as well as
33 processes for co-response with law enforcement when necessary.

34 (b) Beginning July 1, 2025, any entity that uses certified peer
35 specialists as peer crisis responders, may only use certified peer
36 specialists who have completed the training course established by (a)
37 of this subsection. A behavioral health agency that uses certified
38 peer specialists to work as peer crisis responders must maintain the
39 records of the completion of the training course for those certified

1 peer specialists who provide these services and make the records
2 available to the state agency for auditing or certification purposes.

3 (4) By July 1, 2024, the authority shall offer a course designed
4 to inform licensed or certified behavioral health agencies of the
5 benefits of incorporating certified peer specialists and certified
6 peer specialist trainees into their clinical staff and best practices
7 for incorporating their services. The authority shall encourage
8 entities that hire certified peer specialists and certified peer
9 specialist trainees, including licensed or certified behavioral
10 health agencies, hospitals, primary care offices, and other entities,
11 to have appropriate staff attend the training by making it available
12 in multiple formats.

13 (5) The authority shall:

14 (a) Hire clerical, administrative, investigative, and other staff
15 as needed to implement this section to serve as examiners for any
16 practical oral or written examination and assure that the examiners
17 are trained to administer examinations in a culturally appropriate
18 manner and represent the diversity of applicants being tested. The
19 authority shall adopt procedures to allow for appropriate
20 accommodations for persons with a learning disability, other
21 disabilities, and other needs and assure that staff involved in the
22 administration of examinations are trained on those procedures;

23 (b) Develop oral and written examinations required under this
24 section. The initial examinations shall be adapted from those used by
25 the authority as of the effective date of this section and modified
26 pursuant to input and comments from the Washington state peer
27 specialist advisory committee. The authority shall assure that the
28 examinations are culturally appropriate;

29 (c) Prepare, grade, and administer, or supervise the grading and
30 administration of written examinations for obtaining a certificate;

31 (d) Approve entities to provide the educational courses required
32 by this section and approve entities to prepare, grade, and
33 administer written examinations for the educational courses required
34 by this section. In establishing approval criteria, the authority
35 shall consider the recommendations of the Washington state peer
36 specialist advisory committee; and

37 (e) Develop examination preparation materials and make them
38 available to students enrolled in the courses established under this
39 section in multiple formats, including specialized examination

1 preparation support for students with higher barriers to passing the
2 written examination.

3 (6) For the purposes of this section, the term "peer crisis
4 responder" means a peer specialist certified under chapter 18.--- RCW
5 (the new chapter created in section 19 of this act) who has completed
6 the training under subsection (3) of this section whose job involves
7 responding to behavioral health emergencies, including those
8 dispatched through a 988 crisis hotline or the 911 system.

9 NEW SECTION. **Sec. 12.** A new section is added to chapter 71.24
10 RCW to read as follows:

11 Behavioral health agencies must reduce the caseload for approved
12 supervisors who are providing supervision to certified peer
13 specialist trainees seeking certification under chapter 18.--- RCW
14 (the new chapter created in section 19 of this act), in accordance
15 with standards established by the Washington state certified peer
16 specialist advisory committee.

17 NEW SECTION. **Sec. 13.** A new section is added to chapter 71.24
18 RCW to read as follows:

19 A person who is registered as an agency-affiliated counselor
20 under chapter 18.19 RCW who engages in the practice of peer support
21 services and whose agency, as defined in RCW 18.19.020, bills medical
22 assistance for those services must hold a certificate as a certified
23 peer specialist or certified peer specialist trainee under chapter
24 18.--- RCW (the new chapter created in section 19 of this act) no
25 later than January 1, 2026.

26 NEW SECTION. **Sec. 14.** By January 1, 2024, the office of the
27 insurance commissioner shall make recommendations to health carriers
28 regarding appropriate use of certified peer specialists and certified
29 peer specialist trainees, network adequacy for certified peer
30 specialists and certified peer specialist trainees, and steps to
31 incorporate certified peer specialists and certified peer specialist
32 trainees into commercial provider networks.

33 **Sec. 15.** RCW 43.70.110 and 2020 c 80 s 28 are each amended to
34 read as follows:

35 (1) The secretary shall charge fees to the licensee for obtaining
36 a license. Physicians regulated pursuant to chapter 18.71 RCW who

1 reside and practice in Washington and obtain or renew a retired
2 active license are exempt from such fees. Municipal corporations
3 providing emergency medical care and transportation services pursuant
4 to chapter 18.73 RCW shall be exempt from such fees, provided that
5 such other emergency services shall only be charged for their pro
6 rata share of the cost of licensure and inspection, if appropriate.
7 Peer specialists and peer specialist trainees certified under chapter
8 18.--- RCW (the new chapter created in section 19 of this act) may
9 not be required to pay more than \$100 for their initial certificate
10 and any renewal of the certificate. The secretary may waive the fees
11 when, in the discretion of the secretary, the fees would not be in
12 the best interest of public health and safety, or when the fees would
13 be to the financial disadvantage of the state.

14 (2) Except as provided in subsection (3) of this section, fees
15 charged shall be based on, but shall not exceed, the cost to the
16 department for the licensure of the activity or class of activities
17 and may include costs of necessary inspection.

18 (3) License fees shall include amounts in addition to the cost of
19 licensure activities in the following circumstances:

20 (a) For registered nurses and licensed practical nurses licensed
21 under chapter 18.79 RCW, support of a central nursing resource center
22 as provided in RCW 18.79.202;

23 (b) For all health care providers licensed under RCW 18.130.040,
24 the cost of regulatory activities for retired volunteer medical
25 worker licensees as provided in RCW 18.130.360; and

26 (c) For physicians licensed under chapter 18.71 RCW, physician
27 assistants licensed under chapter 18.71A RCW, osteopathic physicians
28 licensed under chapter 18.57 RCW, naturopaths licensed under chapter
29 18.36A RCW, podiatrists licensed under chapter 18.22 RCW,
30 chiropractors licensed under chapter 18.25 RCW, psychologists
31 licensed under chapter 18.83 RCW, registered nurses and licensed
32 practical nurses licensed under chapter 18.79 RCW, optometrists
33 licensed under chapter 18.53 RCW, mental health counselors licensed
34 under chapter 18.225 RCW, massage therapists licensed under chapter
35 18.108 RCW, advanced social workers licensed under chapter 18.225
36 RCW, independent clinical social workers and independent clinical
37 social worker associates licensed under chapter 18.225 RCW, midwives
38 licensed under chapter 18.50 RCW, marriage and family therapists and
39 marriage and family therapist associates licensed under chapter
40 18.225 RCW, occupational therapists and occupational therapy

1 assistants licensed under chapter 18.59 RCW, dietitians and
2 nutritionists certified under chapter 18.138 RCW, speech-language
3 pathologists licensed under chapter 18.35 RCW, acupuncturists or
4 acupuncture and Eastern medicine practitioners licensed under chapter
5 18.06 RCW, and veterinarians and veterinary technicians licensed
6 under chapter 18.92 RCW, the license fees shall include up to an
7 additional twenty-five dollars to be transferred by the department to
8 the University of Washington for the purposes of RCW 43.70.112.

9 (4) Department of health advisory committees may review fees
10 established by the secretary for licenses and comment upon the
11 appropriateness of the level of such fees.

12 **Sec. 16.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to
13 read as follows:

14 (1) This chapter applies only to the secretary and the boards and
15 commissions having jurisdiction in relation to the professions
16 licensed under the chapters specified in this section. This chapter
17 does not apply to any business or profession not licensed under the
18 chapters specified in this section.

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

21 (i) Dispensing opticians licensed and designated apprentices
22 under chapter 18.34 RCW;

23 (ii) Midwives licensed under chapter 18.50 RCW;

24 (iii) Ocularists licensed under chapter 18.55 RCW;

25 (iv) Massage therapists and businesses licensed under chapter
26 18.108 RCW;

27 (v) Dental hygienists licensed under chapter 18.29 RCW;

28 (vi) Acupuncturists or acupuncture and Eastern medicine
29 practitioners licensed under chapter 18.06 RCW;

30 (vii) Radiologic technologists certified and X-ray technicians
31 registered under chapter 18.84 RCW;

32 (viii) Respiratory care practitioners licensed under chapter
33 18.89 RCW;

34 (ix) Hypnotherapists and agency affiliated counselors registered
35 and advisors and counselors certified under chapter 18.19 RCW;

36 (x) Persons licensed as mental health counselors, mental health
37 counselor associates, marriage and family therapists, marriage and
38 family therapist associates, social workers, social work associates—

1 advanced, and social work associates—independent clinical under
2 chapter 18.225 RCW;

3 (xi) Persons registered as nursing pool operators under chapter
4 18.52C RCW;

5 (xii) Nursing assistants registered or certified or medication
6 assistants endorsed under chapter 18.88A RCW;

7 (xiii) Dietitians and nutritionists certified under chapter
8 18.138 RCW;

9 (xiv) Substance use disorder professionals, substance use
10 disorder professional trainees, or co-occurring disorder specialists
11 certified under chapter 18.205 RCW;

12 (xv) Sex offender treatment providers and certified affiliate sex
13 offender treatment providers certified under chapter 18.155 RCW;

14 (xvi) Persons licensed and certified under chapter 18.73 RCW or
15 RCW 18.71.205;

16 (xvii) Orthotists and prosthetists licensed under chapter 18.200
17 RCW;

18 (xviii) Surgical technologists registered under chapter 18.215
19 RCW;

20 (xix) Recreational therapists under chapter 18.230 RCW;

21 (xx) Animal massage therapists certified under chapter 18.240
22 RCW;

23 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

24 (xxii) Home care aides certified under chapter 18.88B RCW;

25 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

26 (xxiv) Reflexologists certified under chapter 18.108 RCW;

27 (xxv) Medical assistants-certified, medical assistants-
28 hemodialysis technician, medical assistants-phlebotomist, forensic
29 phlebotomist, and medical assistants-registered certified and
30 registered under chapter 18.360 RCW; (~~and~~)

31 (xxvi) Behavior analysts, assistant behavior analysts, and
32 behavior technicians under chapter 18.380 RCW; and

33 (xxvii) Certified peer specialists and certified peer specialist
34 trainees under chapter 18.--- RCW (the new chapter created in section
35 19 of this act).

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

38 (i) The podiatric medical board as established in chapter 18.22
39 RCW;

1 (ii) The chiropractic quality assurance commission as established
2 in chapter 18.25 RCW;

3 (iii) The dental quality assurance commission as established in
4 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
5 licenses and registrations issued under chapter 18.260 RCW, and
6 certifications issued under chapter 18.350 RCW;

7 (iv) The board of hearing and speech as established in chapter
8 18.35 RCW;

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

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

13 (vii) The board of osteopathic medicine and surgery as
14 established in chapter 18.57 RCW governing licenses issued under
15 chapter 18.57 RCW;

16 (viii) The pharmacy quality assurance commission as established
17 in chapter 18.64 RCW governing licenses issued under chapters 18.64
18 and 18.64A RCW;

19 (ix) The Washington medical commission as established in chapter
20 18.71 RCW governing licenses and registrations issued under chapters
21 18.71 and 18.71A RCW;

22 (x) The board of physical therapy as established in chapter 18.74
23 RCW;

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

26 (xii) The nursing care quality assurance commission as
27 established in chapter 18.79 RCW governing licenses and registrations
28 issued under that chapter;

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

31 (xiv) The veterinary board of governors as established in chapter
32 18.92 RCW;

33 (xv) The board of naturopathy established in chapter 18.36A RCW,
34 governing licenses and certifications issued under that chapter; and

35 (xvi) The board of denturists established in chapter 18.30 RCW.

36 (3) In addition to the authority to discipline license holders,
37 the disciplining authority has the authority to grant or deny
38 licenses. The disciplining authority may also grant a license subject
39 to conditions.

1 (4) All disciplining authorities shall adopt procedures to ensure
2 substantially consistent application of this chapter, the uniform
3 disciplinary act, among the disciplining authorities listed in
4 subsection (2) of this section.

5 **Sec. 17.** RCW 18.130.175 and 2019 c 446 s 43 and 2019 c 444 s 21
6 are each reenacted and amended to read as follows:

7 (1) In lieu of disciplinary action under RCW 18.130.160 and if
8 the disciplining authority determines that the unprofessional conduct
9 may be the result of substance abuse, the disciplining authority may
10 refer the license holder to a voluntary substance abuse monitoring
11 program approved by the disciplining authority.

12 The cost of the treatment shall be the responsibility of the
13 license holder, but the responsibility does not preclude payment by
14 an employer, existing insurance coverage, or other sources. Primary
15 alcoholism or other drug addiction treatment shall be provided by
16 approved treatment programs under RCW 70.96A.020 or by any other
17 provider approved by the entity or the commission. However, nothing
18 shall prohibit the disciplining authority from approving additional
19 services and programs as an adjunct to primary alcoholism or other
20 drug addiction treatment. The disciplining authority may also approve
21 the use of out-of-state programs. Referral of the license holder to
22 the program shall be done only with the consent of the license
23 holder. Referral to the program may also include probationary
24 conditions for a designated period of time. If the license holder
25 does not consent to be referred to the program or does not
26 successfully complete the program, the disciplining authority may
27 take appropriate action under RCW 18.130.160 which includes
28 suspension of the license unless or until the disciplining authority,
29 in consultation with the director of the voluntary substance abuse
30 monitoring program, determines the license holder is able to practice
31 safely. The secretary shall adopt uniform rules for the evaluation by
32 the disciplining authority of a relapse or program violation on the
33 part of a license holder in the substance abuse monitoring program.
34 The evaluation shall encourage program participation with additional
35 conditions, in lieu of disciplinary action, when the disciplining
36 authority determines that the license holder is able to continue to
37 practice with reasonable skill and safety.

38 (2) In addition to approving substance abuse monitoring programs
39 that may receive referrals from the disciplining authority, the

1 disciplining authority may establish by rule requirements for
2 participation of license holders who are not being investigated or
3 monitored by the disciplining authority for substance abuse. License
4 holders voluntarily participating in the approved programs without
5 being referred by the disciplining authority shall not be subject to
6 disciplinary action under RCW 18.130.160 for their substance abuse,
7 and shall not have their participation made known to the disciplining
8 authority, if they meet the requirements of this section and the
9 program in which they are participating.

10 (3) The license holder shall sign a waiver allowing the program
11 to release information to the disciplining authority if the licensee
12 does not comply with the requirements of this section or is unable to
13 practice with reasonable skill or safety. The substance abuse program
14 shall report to the disciplining authority any license holder who
15 fails to comply with the requirements of this section or the program
16 or who, in the opinion of the program, is unable to practice with
17 reasonable skill or safety. License holders shall report to the
18 disciplining authority if they fail to comply with this section or do
19 not complete the program's requirements. License holders may, upon
20 the agreement of the program and disciplining authority, reenter the
21 program if they have previously failed to comply with this section.

22 (4) The treatment and pretreatment records of license holders
23 referred to or voluntarily participating in approved programs shall
24 be confidential, shall be exempt from chapter 42.56 RCW, and shall
25 not be subject to discovery by subpoena or admissible as evidence
26 except for monitoring records reported to the disciplining authority
27 for cause as defined in subsection (3) of this section. Monitoring
28 records relating to license holders referred to the program by the
29 disciplining authority or relating to license holders reported to the
30 disciplining authority by the program for cause, shall be released to
31 the disciplining authority at the request of the disciplining
32 authority. Records held by the disciplining authority under this
33 section shall be exempt from chapter 42.56 RCW and shall not be
34 subject to discovery by subpoena except by the license holder.

35 (5) "Substance abuse," as used in this section, means the
36 impairment, as determined by the disciplining authority, of a license
37 holder's professional services by an addiction to, a dependency on,
38 or the use of alcohol, legend drugs, or controlled substances.

39 (6) This section does not affect an employer's right or ability
40 to make employment-related decisions regarding a license holder. This

1 section does not restrict the authority of the disciplining authority
2 to take disciplinary action for any other unprofessional conduct.

3 (7) A person who, in good faith, reports information or takes
4 action in connection with this section is immune from civil liability
5 for reporting information or taking the action.

6 (a) The immunity from civil liability provided by this section
7 shall be liberally construed to accomplish the purposes of this
8 section and the persons entitled to immunity shall include:

9 (i) An approved monitoring treatment program;

10 (ii) The professional association operating the program;

11 (iii) Members, employees, or agents of the program or
12 association;

13 (iv) Persons reporting a license holder as being possibly
14 impaired or providing information about the license holder's
15 impairment; and

16 (v) Professionals supervising or monitoring the course of the
17 impaired license holder's treatment or rehabilitation.

18 (b) The courts are strongly encouraged to impose sanctions on
19 clients and their attorneys whose allegations under this subsection
20 are not made in good faith and are without either reasonable
21 objective, substantive grounds, or both.

22 (c) The immunity provided in this section is in addition to any
23 other immunity provided by law.

24 (8) In the case of a person who is applying to be a substance use
25 disorder professional or substance use disorder professional trainee
26 certified under chapter 18.205 RCW, an agency affiliated counselor
27 registered under chapter 18.19 RCW, or a peer specialist or peer
28 specialist trainee certified under chapter 18.--- RCW (the new
29 chapter created in section 19 of this act), if the person is:

30 (a) Less than one year in recovery from a substance use disorder,
31 the duration of time that the person may be required to participate
32 in the voluntary substance abuse monitoring program may not exceed
33 the amount of time necessary for the person to achieve one year in
34 recovery; or

35 (b) At least one year in recovery from a substance use disorder,
36 the person may not be required to participate in the substance abuse
37 monitoring program.

38 ~~(9) ((In the case of a person who is applying to be an agency~~
39 ~~affiliated counselor registered under chapter 18.19 RCW and practices~~

1 ~~or intends to practice as a peer counselor in an agency, as defined~~
2 ~~in RCW 18.19.020, if the person is:~~

3 ~~(a) Less than one year in recovery from a substance use disorder,~~
4 ~~the duration of time that the person may be required to participate~~
5 ~~in the voluntary substance abuse monitoring program may not exceed~~
6 ~~the amount of time necessary for the person to achieve one year in~~
7 ~~recovery; or~~

8 ~~(b) At least one year in recovery from a substance use disorder,~~
9 ~~the person may not be required to participate in the substance abuse~~
10 ~~monitoring program) The provisions of subsection (8) of this section~~
11 ~~apply to any person employed as a peer specialist as of July 1, 2024,~~
12 ~~participating in a program under this section as of July 1, 2024, and~~
13 ~~applying to become a certified peer specialist under section 6 of~~
14 ~~this act, regardless of when the person's participation in a program~~
15 ~~began. To this extent, subsection (8) of this section applies~~
16 ~~retroactively, but in all other respects it applies prospectively.~~

17 **Sec. 18.** RCW 43.43.842 and 2021 c 215 s 150 are each amended to
18 read as follows:

19 (1)(a) The secretary of social and health services and the
20 secretary of health shall adopt additional requirements for the
21 licensure or relicensure of agencies, facilities, and licensed
22 individuals who provide care and treatment to vulnerable adults,
23 including nursing pools registered under chapter 18.52C RCW. These
24 additional requirements shall ensure that any person associated with
25 a licensed agency or facility having unsupervised access with a
26 vulnerable adult shall not be the respondent in an active vulnerable
27 adult protection order under chapter 7.105 RCW, nor have been: (i)
28 Convicted of a crime against children or other persons as defined in
29 RCW 43.43.830, except as provided in this section; (ii) convicted of
30 crimes relating to financial exploitation as defined in RCW
31 43.43.830, except as provided in this section; or (iii) found in any
32 disciplinary board final decision to have abused a vulnerable adult
33 as defined in RCW 43.43.830.

34 (b) A person associated with a licensed agency or facility who
35 has unsupervised access with a vulnerable adult shall make the
36 disclosures specified in RCW 43.43.834(2). The person shall make the
37 disclosures in writing, sign, and swear to the contents under penalty
38 of perjury. The person shall, in the disclosures, specify all crimes
39 against children or other persons, all crimes relating to financial

1 exploitation, and all crimes relating to drugs as defined in RCW
2 43.43.830, committed by the person.

3 (2) The rules adopted under this section shall permit the
4 licensee to consider the criminal history of an applicant for
5 employment in a licensed facility when the applicant has one or more
6 convictions for a past offense and:

7 (a) The offense was simple assault, assault in the fourth degree,
8 or the same offense as it may be renamed, and three or more years
9 have passed between the most recent conviction and the date of
10 application for employment;

11 (b) The offense was prostitution, or the same offense as it may
12 be renamed, and three or more years have passed between the most
13 recent conviction and the date of application for employment;

14 (c) The offense was theft in the third degree, or the same
15 offense as it may be renamed, and three or more years have passed
16 between the most recent conviction and the date of application for
17 employment;

18 (d) The offense was theft in the second degree, or the same
19 offense as it may be renamed, and five or more years have passed
20 between the most recent conviction and the date of application for
21 employment;

22 (e) The offense was forgery, or the same offense as it may be
23 renamed, and five or more years have passed between the most recent
24 conviction and the date of application for employment;

25 (f) The department of social and health services reviewed the
26 employee's otherwise disqualifying criminal history through the
27 department of social and health services' background assessment
28 review team process conducted in 2002, and determined that such
29 employee could remain in a position covered by this section; or

30 (g) The otherwise disqualifying conviction or disposition has
31 been the subject of a pardon, annulment, or other equivalent
32 procedure.

33 The offenses set forth in (a) through (g) of this subsection do
34 not automatically disqualify an applicant from employment by a
35 licensee. Nothing in this section may be construed to require the
36 employment of any person against a licensee's judgment.

37 (3) The rules adopted pursuant to subsection (2) of this section
38 may not allow a licensee to automatically deny an applicant with a
39 conviction for an offense set forth in subsection (2) of this section
40 for a position as a substance use disorder professional or substance

1 use disorder professional trainee certified under chapter 18.205 RCW,
2 as an agency affiliated counselor registered under chapter 18.19 RCW
3 practicing as a peer counselor in an agency or facility, or as a peer
4 specialist or peer specialist trainee certified under chapter 18.---
5 RCW (the new chapter created in section 19 of this act), if:

6 (a) At least one year has passed between the applicant's most
7 recent conviction for an offense set forth in subsection (2) of this
8 section and the date of application for employment;

9 (b) The offense was committed as a result of the applicant's
10 substance use or untreated mental health symptoms; and

11 (c) The applicant is at least one year in recovery from a
12 substance use disorder, whether through abstinence or stability on
13 medication-assisted therapy, or in recovery from a mental health
14 disorder.

15 ~~(4) ((The rules adopted pursuant to subsection (2) of this~~
16 ~~section may not allow a licensee to automatically deny an applicant~~
17 ~~with a conviction for an offense set forth in subsection (2) of this~~
18 ~~section for a position as an agency affiliated counselor registered~~
19 ~~under chapter 18.19 RCW practicing as a peer counselor in an agency~~
20 ~~or facility if:~~

21 ~~(a) At least one year has passed between the applicant's most~~
22 ~~recent conviction for an offense set forth in subsection (2) of this~~
23 ~~section and the date of application for employment;~~

24 ~~(b) The offense was committed as a result of the person's~~
25 ~~substance use or untreated mental health symptoms; and~~

26 ~~(c) The applicant is at least one year in recovery from a~~
27 ~~substance use disorder, whether through abstinence or stability on~~
28 ~~medication-assisted therapy, or in recovery from mental health~~
29 ~~challenges.~~

30 (5)) In consultation with law enforcement personnel, the
31 secretary of social and health services and the secretary of health
32 shall investigate, or cause to be investigated, the conviction record
33 and the protection proceeding record information under this chapter
34 of the staff of each agency or facility under their respective
35 jurisdictions seeking licensure or relicensure. An individual
36 responding to a criminal background inquiry request from his or her
37 employer or potential employer shall disclose the information about
38 his or her criminal history under penalty of perjury. The secretaries
39 shall use the information solely for the purpose of determining
40 eligibility for licensure or relicensure. Criminal justice agencies

1 shall provide the secretaries such information as they may have and
2 that the secretaries may require for such purpose.

3 NEW SECTION. **Sec. 19.** Sections 1 through 10 of this act
4 constitute a new chapter in Title 18 RCW.

5 NEW SECTION. **Sec. 20.** Sections 15, 16, and 18 of this act take
6 effect July 1, 2022.

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