

SSB 5189 - H COMM AMD
By Committee on Appropriations

ADOPTED 04/06/2023

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that a behavioral
4 health support specialist is a new member of the workforce in
5 Washington state trained in the competencies developed by the
6 University of Washington behavioral health support specialist
7 clinical training program. The behavioral health support specialist
8 clinical training program is characterized by brief, evidence-based
9 interventions delivered to the intensity and expected duration of the
10 behavioral health problem. The approach features routine outcome
11 monitoring and regular, outcome-focused supervision. Use of
12 behavioral health support specialists in Washington is expected to
13 improve access to behavioral health services and ease workforce
14 shortages while helping behavioral health professionals work at the
15 top of their scope of practice.

16 NEW SECTION. **Sec. 2.** The definitions in this section apply
17 throughout this chapter unless the context clearly requires
18 otherwise.

19 (1) "Adult" means a person 18 years of age or older.

20 (2) "Applicant" means a person who completes the required
21 application, pays the required fee, is at least 18 years of age, and
22 meets any background check requirements and uniform disciplinary act
23 requirements.

24 (3) "Behavioral health" is a term that encompasses mental health,
25 substance use, and co-occurring disorders.

26 (4) "Behavioral health support specialist" means a person
27 certified to deliver brief, evidence-based interventions with a scope
28 of practice that includes behavioral health under the supervision of
29 a Washington state credentialed provider who has the ability to
30 assess, diagnose, and treat identifiable mental and behavioral health
31 conditions as part of their scope of practice. A behavioral health

1 support specialist does not have within their scope of practice the
2 ability to make diagnoses but does track and monitor treatment
3 response and outcomes using measurement-based care.

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

5 (6) "Registered apprenticeship" means an apprenticeship program
6 approved by the Washington state apprenticeship and training council
7 according to chapter 49.04 RCW.

8 (7) "Secretary" means the secretary of health or the secretary's
9 designee.

10 NEW SECTION. **Sec. 3.** The department shall collaborate with the
11 University of Washington department of psychiatry and behavioral
12 sciences and consult with other stakeholders to develop rules to
13 implement this chapter by January 1, 2025, which shall be consistent
14 with the University of Washington behavioral health support
15 specialist clinical training program guidelines, and shall include
16 appropriate standards for approval of educational programs for
17 behavioral health support specialists, which shall include a
18 practicum component and may be integrated into a bachelor's degree
19 program or structured as a postbaccalaureate continuing education
20 program or registered apprenticeship in combination with an approved
21 bachelor's degree or postbaccalaureate certificate.

22 NEW SECTION. **Sec. 4.** A person may not represent themselves as a
23 behavioral health support specialist without being certified by the
24 department.

25 NEW SECTION. **Sec. 5.** Nothing in this chapter shall be construed
26 to prohibit or restrict delivery of behavioral health interventions
27 by an individual otherwise regulated under this title and performing
28 services within their authorized scope of practice.

29 NEW SECTION. **Sec. 6.** In addition to any other authority
30 provided by law, the secretary has the authority to:

31 (1) Adopt rules under chapter 34.05 RCW necessary to implement
32 this chapter. Any rules adopted shall be in consultation with the
33 University of Washington;

34 (2) Establish all certification, examination, and renewal fees in
35 accordance with RCW 43.70.250;

1 (3) Establish forms and procedures necessary to administer this
2 chapter;

3 (4) Issue certifications to applicants who have met the
4 education, which may include registered apprenticeships, practicum,
5 and examination requirements for certification and to deny a
6 certification to applicants who do not meet the requirements;

7 (5) Develop, administer, and supervise the grading and taking of
8 an examination for applicants for certification;

9 (6) Adopt rules requiring completion of 20 hours of continuing
10 education every two years after initial certification for
11 certification renewal;

12 (7) Maintain the official record of all applicants and
13 certification holders; and

14 (8) Establish by rule the procedures for an appeal of an
15 examination failure.

16 NEW SECTION. **Sec. 7.** The uniform disciplinary act, chapter
17 18.130 RCW, governs uncertified practice, the issuance and denial of
18 certification, and the discipline of persons certified under this
19 chapter. The secretary shall be the disciplinary authority under this
20 chapter.

21 NEW SECTION. **Sec. 8.** The secretary shall issue a certification
22 to any applicant who demonstrates to the satisfaction of the
23 secretary that the applicant meets the following requirements:

24 (1) Graduation from a bachelor's degree program;

25 (2) Successful completion of a behavioral health support
26 specialist program that is approved to meet standards consistent with
27 the University of Washington behavioral health support specialist
28 clinical training program guidelines, including a supervised clinical
29 practicum with demonstrated clinical skills in core competencies; and

30 (3) Successful completion of an approved jurisprudential
31 examination.

32 NEW SECTION. **Sec. 9.** (1) The date and location of examinations
33 shall be established by the secretary. Applicants who have been found
34 by the secretary to meet the other requirements for certification
35 shall be scheduled for the next examination following the filing of
36 the application. The secretary shall establish by rule the
37 examination application deadline.

1 (2) The secretary or the secretary's designee shall examine each
2 applicant, by means determined to be most effective, on subjects
3 appropriate to the scope of practice, as applicable. Such
4 examinations shall be limited to the purpose of determining whether
5 the applicant possesses the minimum skill and knowledge necessary to
6 practice competently.

7 (3) The examination papers, all grading of the papers, and the
8 grading of any practical work shall be preserved for a period of not
9 less than one year after the secretary has made and published the
10 decisions. All examinations shall be conducted using fair and wholly
11 impartial methods.

12 (4) The secretary may approve an examination prepared or
13 administered by a private testing agency or association of licensing
14 agencies for use by an applicant in meeting the certification
15 requirements.

16 NEW SECTION. **Sec. 10.** Applications for certification shall be
17 submitted on forms provided by the secretary. The secretary may
18 require any information and documentation which reasonably relates to
19 the need to determine whether the applicant meets the criteria for
20 certification provided for in this chapter and chapter 18.130 RCW.
21 Each applicant shall pay a fee determined by the secretary under RCW
22 43.70.250. The fee shall accompany the application.

23 NEW SECTION. **Sec. 11.** The health care authority shall take any
24 steps which are necessary and proper to ensure that the services of
25 behavioral health support specialists are covered under the state
26 medicaid program by January 1, 2025.

27 NEW SECTION. **Sec. 12.** A new section is added to chapter 48.43
28 RCW to read as follows:

29 By July 1, 2025, every carrier shall provide access to services
30 provided by behavioral health support specialists in a manner
31 sufficient to meet the network access standards set forth in rules
32 established by the office of the insurance commissioner.

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

35 (1) This chapter applies only to the secretary and the boards and
36 commissions having jurisdiction in relation to the professions

1 licensed under the chapters specified in this section. This chapter
2 does not apply to any business or profession not licensed under the
3 chapters specified in this section.

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

6 (i) Dispensing opticians licensed and designated apprentices
7 under chapter 18.34 RCW;

8 (ii) Midwives licensed under chapter 18.50 RCW;

9 (iii) Ocularists licensed under chapter 18.55 RCW;

10 (iv) Massage therapists and businesses licensed under chapter
11 18.108 RCW;

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

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

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

17 (viii) Respiratory care practitioners licensed under chapter
18 18.89 RCW;

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

21 (x) Persons licensed as mental health counselors, mental health
22 counselor associates, marriage and family therapists, marriage and
23 family therapist associates, social workers, social work associates—
24 advanced, and social work associates—independent clinical under
25 chapter 18.225 RCW;

26 (xi) Persons registered as nursing pool operators under chapter
27 18.52C RCW;

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

30 (xiii) Dietitians and nutritionists certified under chapter
31 18.138 RCW;

32 (xiv) Substance use disorder professionals, substance use
33 disorder professional trainees, or co-occurring disorder specialists
34 certified under chapter 18.205 RCW;

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

37 (xvi) Persons licensed and certified under chapter 18.73 RCW or
38 RCW 18.71.205;

39 (xvii) Orthotists and prosthetists licensed under chapter 18.200
40 RCW;

1 (xviii) Surgical technologists registered under chapter 18.215
2 RCW;

3 (xix) Recreational therapists under chapter 18.230 RCW;

4 (xx) Animal massage therapists certified under chapter 18.240
5 RCW;

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

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

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

9 (xxiv) Reflexologists certified under chapter 18.108 RCW;

10 (xxv) Medical assistants-certified, medical assistants-
11 hemodialysis technician, medical assistants-phlebotomist, forensic
12 phlebotomist, and medical assistants-registered certified and
13 registered under chapter 18.360 RCW; (~~and~~)

14 (xxvi) Behavior analysts, assistant behavior analysts, and
15 behavior technicians under chapter 18.380 RCW; and

16 (xxvii) Behavioral health support specialists certified under
17 chapter 18.--- RCW (the new chapter created in section 15 of this
18 act).

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

21 (i) The podiatric medical board as established in chapter 18.22
22 RCW;

23 (ii) The chiropractic quality assurance commission as established
24 in chapter 18.25 RCW;

25 (iii) The dental quality assurance commission as established in
26 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
27 licenses and registrations issued under chapter 18.260 RCW, and
28 certifications issued under chapter 18.350 RCW;

29 (iv) The board of hearing and speech as established in chapter
30 18.35 RCW;

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

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

35 (vii) The board of osteopathic medicine and surgery as
36 established in chapter 18.57 RCW governing licenses issued under
37 chapter 18.57 RCW;

38 (viii) The pharmacy quality assurance commission as established
39 in chapter 18.64 RCW governing licenses issued under chapters 18.64
40 and 18.64A RCW;

1 (ix) The Washington medical commission as established in chapter
2 18.71 RCW governing licenses and registrations issued under chapters
3 18.71 and 18.71A RCW;

4 (x) The board of physical therapy as established in chapter 18.74
5 RCW;

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

8 (xii) The nursing care quality assurance commission as
9 established in chapter 18.79 RCW governing licenses and registrations
10 issued under that chapter;

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

13 (xiv) The veterinary board of governors as established in chapter
14 18.92 RCW;

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

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

18 (3) In addition to the authority to discipline license holders,
19 the disciplining authority has the authority to grant or deny
20 licenses. The disciplining authority may also grant a license subject
21 to conditions.

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

26 **Sec. 14.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to
27 read as follows:

28 (1) This chapter applies only to the secretary and the boards and
29 commissions having jurisdiction in relation to the professions
30 licensed under the chapters specified in this section. This chapter
31 does not apply to any business or profession not licensed under the
32 chapters specified in this section.

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

35 (i) Dispensing opticians licensed and designated apprentices
36 under chapter 18.34 RCW;

37 (ii) Midwives licensed under chapter 18.50 RCW;

38 (iii) Ocularists licensed under chapter 18.55 RCW;

- 1 (iv) Massage therapists and businesses licensed under chapter
2 18.108 RCW;
- 3 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 4 (vi) Acupuncturists or acupuncture and Eastern medicine
5 practitioners licensed under chapter 18.06 RCW;
- 6 (vii) Radiologic technologists certified and X-ray technicians
7 registered under chapter 18.84 RCW;
- 8 (viii) Respiratory care practitioners licensed under chapter
9 18.89 RCW;
- 10 (ix) Hypnotherapists and agency affiliated counselors registered
11 and advisors and counselors certified under chapter 18.19 RCW;
- 12 (x) Persons licensed as mental health counselors, mental health
13 counselor associates, marriage and family therapists, marriage and
14 family therapist associates, social workers, social work associates—
15 advanced, and social work associates—independent clinical under
16 chapter 18.225 RCW;
- 17 (xi) Persons registered as nursing pool operators under chapter
18 18.52C RCW;
- 19 (xii) Nursing assistants registered or certified or medication
20 assistants endorsed under chapter 18.88A RCW;
- 21 (xiii) Dietitians and nutritionists certified under chapter
22 18.138 RCW;
- 23 (xiv) Substance use disorder professionals, substance use
24 disorder professional trainees, or co-occurring disorder specialists
25 certified under chapter 18.205 RCW;
- 26 (xv) Sex offender treatment providers and certified affiliate sex
27 offender treatment providers certified under chapter 18.155 RCW;
- 28 (xvi) Persons licensed and certified under chapter 18.73 RCW or
29 RCW 18.71.205;
- 30 (xvii) Orthotists and prosthetists licensed under chapter 18.200
31 RCW;
- 32 (xviii) Surgical technologists registered under chapter 18.215
33 RCW;
- 34 (xix) Recreational therapists under chapter 18.230 RCW;
- 35 (xx) Animal massage therapists certified under chapter 18.240
36 RCW;
- 37 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 38 (xxii) Home care aides certified under chapter 18.88B RCW;
- 39 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
- 40 (xxiv) Reflexologists certified under chapter 18.108 RCW;

1 (xxv) Medical assistants-certified, medical assistants-
2 hemodialysis technician, medical assistants-phlebotomist, forensic
3 phlebotomist, and medical assistants-registered certified and
4 registered under chapter 18.360 RCW;

5 (xxvi) Behavior analysts, assistant behavior analysts, and
6 behavior technicians under chapter 18.380 RCW; (~~and~~)

7 (xxvii) Birth doulas certified under chapter 18.47 RCW; and

8 (xxviii) Behavioral health support specialists certified under
9 chapter 18.--- RCW (the new chapter created in section 15 of this
10 act).

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

13 (i) The podiatric medical board as established in chapter 18.22
14 RCW;

15 (ii) The chiropractic quality assurance commission as established
16 in chapter 18.25 RCW;

17 (iii) The dental quality assurance commission as established in
18 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
19 licenses and registrations issued under chapter 18.260 RCW, and
20 certifications issued under chapter 18.350 RCW;

21 (iv) The board of hearing and speech as established in chapter
22 18.35 RCW;

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

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

27 (vii) The board of osteopathic medicine and surgery as
28 established in chapter 18.57 RCW governing licenses issued under
29 chapter 18.57 RCW;

30 (viii) The pharmacy quality assurance commission as established
31 in chapter 18.64 RCW governing licenses issued under chapters 18.64
32 and 18.64A RCW;

33 (ix) The Washington medical commission as established in chapter
34 18.71 RCW governing licenses and registrations issued under chapters
35 18.71 and 18.71A RCW;

36 (x) The board of physical therapy as established in chapter 18.74
37 RCW;

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

1 (xii) The nursing care quality assurance commission as
2 established in chapter 18.79 RCW governing licenses and registrations
3 issued under that chapter;

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

6 (xiv) The veterinary board of governors as established in chapter
7 18.92 RCW;

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

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

11 (3) In addition to the authority to discipline license holders,
12 the disciplining authority has the authority to grant or deny
13 licenses. The disciplining authority may also grant a license subject
14 to conditions.

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

19 NEW SECTION. **Sec. 15.** Sections 1 through 11 of this act
20 constitute a new chapter in Title 18 RCW.

21 NEW SECTION. **Sec. 16.** Section 13 of this act expires October 1,
22 2023.

23 NEW SECTION. **Sec. 17.** Section 14 of this act takes effect
24 October 1, 2023."

25 Correct the title.

EFFECT: Specifies that carriers must provide access to services
provided by behavioral health support specialists, rather than access
to behavioral health support specialists.

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