

2SHB 1724 - S COMM AMD

By Committee on Health & Long Term Care

ADOPTED 04/12/2023

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

3 **"Sec. 1.** RCW 18.83.170 and 2019 c 351 s 1 are each amended to
4 read as follows:

5 (1) Upon compliance with administrative procedures,
6 administrative requirements, and fees determined under RCW 43.70.250
7 and 43.70.280, the board may grant a license, without oral
8 examination, to any applicant who has not previously failed any
9 examination held by the board of psychology of the state of
10 Washington and furnishes evidence satisfactory to the board that the
11 applicant:

12 (a) Holds a doctoral degree with primary emphasis on psychology
13 from an accredited college or university; and

14 (b) (i) Is licensed or certified to practice psychology in another
15 state or country in which the requirements for such licensing or
16 certification are, in the judgment of the board, essentially
17 equivalent to those required by this chapter and the rules and
18 regulations of the board. Such individuals must have been licensed or
19 certified in another state for a period of at least two years; or

20 (ii) Is a diplomate in good standing of the American Board of
21 Examiners in Professional Psychology; or

22 (iii) Is a member of a professional organization and holds a
23 certificate deemed by the board to meet standards equivalent to this
24 chapter.

25 (2) (a) (i) The department shall establish a reciprocity program
26 for applicants for licensure as a psychologist in Washington.

27 (ii) The reciprocity program applies to applicants for a license
28 as a psychologist who:

29 (A) Hold or have held within the past twelve months a credential
30 in good standing from another state or territory of the United States
31 which has a scope of practice that is substantially equivalent to or

1 greater than the scope of practice for licensed psychologists as
2 established under this chapter; and

3 (B) Have no disciplinary record or disqualifying criminal
4 history.

5 (b) The department shall issue a probationary license to an
6 applicant who meets the requirements of (a)(ii) of this subsection.
7 The department must determine what deficiencies, if any, exist
8 between the education and experience requirements of the other
9 state's credential and, after consideration of the experience and
10 capabilities of the applicant, determine whether it is appropriate to
11 require the applicant to complete additional education or experience
12 requirements to maintain the probationary license and, within a
13 reasonable time period, transition to a full license. (~~A person who~~
14 ~~holds a probationary license may only practice as a psychologist in a~~
15 ~~licensed or certified service provider, as defined in RCW~~
16 ~~71.24.025.~~) The department may place a reasonable time limit on a
17 probationary license and may, if appropriate, require the applicant
18 to pass a jurisprudential examination.

19 (c) The department must maintain and publish a list of
20 credentials in other states and territories that the department has
21 determined to have a scope of practice that is substantially
22 equivalent to or greater than the scope of practice for licensed
23 psychologists as established under this chapter. The department shall
24 prioritize identifying and publishing the department's determination
25 for the five states or territories that have historically had the
26 most applicants for reciprocity under subsection (1) of this section
27 with a scope of practice that is substantially equivalent to or
28 greater than the scope of practice for licensed psychologists as
29 established under this chapter.

30 **Sec. 2.** RCW 18.205.140 and 2019 c 351 s 2 are each amended to
31 read as follows:

32 (1) An applicant holding a credential in another state may be
33 certified to practice in this state without examination if the
34 secretary determines that the other state's credentialing standards
35 are substantially equivalent to the standards in this state.

36 (2)(a)(i) The department shall establish a reciprocity program
37 for applicants for certification as a (~~chemical dependency~~)
38 substance use disorder professional in Washington.

1 (ii) The reciprocity program applies to applicants for
2 certification as a ~~((chemical dependency))~~ substance use disorder
3 professional who:

4 (A) Hold or have held within the past twelve months a credential
5 in good standing from another state or territory of the United States
6 which has a scope of practice that is substantially equivalent to or
7 greater than the scope of practice for certified ~~((chemical~~
8 ~~dependency))~~ substance use disorder professionals as established
9 under this chapter; and

10 (B) Have no disciplinary record or disqualifying criminal
11 history.

12 (b) The department shall issue a probationary certificate to an
13 applicant who meets the requirements of (a)(ii) of this subsection.
14 The department must determine what deficiencies, if any, exist
15 between the education and experience requirements of the other
16 state's credential and, after consideration of the experience and
17 capabilities of the applicant, determine whether it is appropriate to
18 require the applicant to complete additional education or experience
19 requirements to maintain the probationary certificate and, within a
20 reasonable time period, transition to a full certificate. ~~((A person~~
21 ~~who holds a probationary certificate may only practice as a chemical~~
22 ~~dependency professional in a licensed or certified service provider,~~
23 ~~as defined in RCW 71.24.025.))~~ The department may place a reasonable
24 time limit on a probationary certificate and may, if appropriate,
25 require the applicant to pass a jurisprudential examination.

26 (c) The department must maintain and publish a list of
27 credentials in other states and territories that the department has
28 determined to have a scope of practice that is substantially
29 equivalent to or greater than the scope of practice for certified
30 ~~((chemical dependency))~~ substance use disorder professionals as
31 established under this chapter. The department shall prioritize
32 identifying and publishing the department's determination for the
33 five states or territories that have historically had the most
34 applicants for reciprocity under subsection (1) of this section with
35 a scope of practice that is substantially equivalent to or greater
36 than the scope of practice for certified ~~((chemical dependency))~~
37 substance use disorder professionals as established under this
38 chapter.

1 **Sec. 3.** RCW 18.225.090 and 2021 c 21 s 1 are each amended to
2 read as follows:

3 (1) The secretary shall issue a license to any applicant who
4 demonstrates to the satisfaction of the secretary that the applicant
5 meets the following education and experience requirements for the
6 applicant's practice area.

7 (a) Licensed social work classifications:

8 (i) Licensed advanced social worker:

9 (A) Graduation from a master's (~~or doctorate~~) social work
10 educational program accredited by the council on social work
11 education or a social work doctorate program at a university
12 accredited by a recognized accrediting organization, and approved by
13 the secretary based upon nationally recognized standards;

14 (B) Successful completion of an approved examination;

15 (C) Successful completion of a supervised experience requirement.
16 The supervised experience requirement consists of a minimum of
17 (~~three thousand two hundred~~) 3,000 hours with supervision by an
18 approved supervisor who has been licensed for at least two years. Of
19 those supervised hours:

20 (I) At least (~~ninety~~) 90 hours must include direct supervision
21 as specified in this subsection by a licensed independent clinical
22 social worker, a licensed advanced social worker, or an equally
23 qualified licensed mental health professional. Of those hours of
24 directly supervised experience (÷

25 ~~(1) At least fifty hours must include supervision by a licensed~~
26 ~~advanced social worker or licensed independent clinical social~~
27 ~~worker; the other forty hours may be supervised by an equally~~
28 ~~qualified licensed mental health practitioner; and~~

29 ~~(2) At) at least ((forty))~~ 40 hours must be in one-to-one
30 supervision and fifty hours may be in one-to-one supervision or group
31 supervision; and

32 (II) (~~Eight hundred~~) 800 hours must be in direct client
33 contact; and

34 (D) Successful completion of continuing education requirements of
35 (~~thirty-six~~) 36 hours, with six in professional ethics.

36 (ii) Licensed independent clinical social worker:

37 (A) Graduation from a master's (~~or doctorate~~) level social work
38 educational program accredited by the council on social work
39 education or a social work doctorate program at a university

1 accredited by a recognized accrediting organization, and approved by
2 the secretary based upon nationally recognized standards;

3 (B) Successful completion of an approved examination;

4 (C) Successful completion of a supervised experience requirement.

5 The supervised experience requirement consists of a minimum of (~~four~~
6 ~~thousand~~) 3,000 hours of experience, over a period of not less than
7 (~~three~~) two years, with supervision by an approved supervisor who
8 has been licensed for at least two years and, as specified in this
9 subsection, may be either a licensed independent clinical social
10 worker who has had at least one year of experience in supervising the
11 clinical social work of others or an equally qualified licensed
12 mental health practitioner. Of those supervised hours:

13 (I) At least (~~one thousand~~) 1,000 hours must be direct client
14 contact; and

15 (II) Hours of direct supervision must include:

16 (1) At least (~~one hundred thirty~~) 100 hours by a licensed
17 mental health practitioner;

18 (2) At least (~~seventy~~) 70 hours of supervision with a licensed
19 independent clinical social worker meeting the qualifications under
20 this subsection (1)(a)(ii)(C); the (~~other sixty~~) remaining hours
21 may be supervised by an equally qualified licensed mental health
22 practitioner; and

23 (3) At least (~~sixty~~) 60 hours must be in one-to-one supervision
24 and (~~seventy~~) the remaining hours may be in one-to-one supervision
25 or group supervision; and

26 (D) Successful completion of continuing education requirements of
27 (~~thirty-six~~) 36 hours, with six in professional ethics.

28 (b) Licensed mental health counselor:

29 (i) Graduation from a master's or doctoral level educational
30 program in mental health counseling or a related discipline from a
31 college or university approved by the secretary based upon nationally
32 recognized standards;

33 (ii) Successful completion of an approved examination;

34 (iii) Successful completion of a supervised experience
35 requirement. The experience requirement consists of a minimum of
36 (~~thirty-six~~) 36 months full-time counseling or (~~three thousand~~)
37 3,000 hours of postgraduate mental health counseling under the
38 supervision of a qualified licensed mental health counselor or
39 equally qualified licensed mental health practitioner, in an approved
40 setting. The three thousand hours of required experience includes a

1 minimum of (~~one hundred~~) 100 hours spent in immediate supervision
2 with the qualified licensed mental health counselor, and includes a
3 minimum of (~~one thousand two hundred~~) 1,200 hours of direct
4 counseling with individuals, couples, families, or groups; and

5 (iv) Successful completion of continuing education requirements
6 of (~~thirty-six~~) 36 hours, with six in professional ethics.

7 (c) Licensed marriage and family therapist:

8 (i) Graduation from a master's degree or doctoral degree
9 educational program in marriage and family therapy or graduation from
10 an educational program in an allied field equivalent to a master's
11 degree or doctoral degree in marriage and family therapy approved by
12 the secretary based upon nationally recognized standards;

13 (ii) Successful passage of an approved examination;

14 (iii) Successful completion of a supervised experience
15 requirement. The experience requirement consists of a minimum of
16 (~~two calendar years of full-time~~) 3,000 hours of marriage and
17 family therapy. Of the total supervision, (~~one hundred~~) 100 hours
18 must be with a licensed marriage and family therapist with at least
19 five years' clinical experience; the other (~~one hundred~~) 100 hours
20 may be with an equally qualified licensed mental health practitioner.
21 Total experience requirements include:

22 (A) (~~A minimum of three thousand hours of experience, one~~
23 ~~thousand~~) 1,000 hours of (~~which must be~~) direct client contact; at
24 least (~~five hundred~~) 500 hours must be gained in diagnosing and
25 treating couples and families; plus

26 (B) At least (~~two hundred~~) 200 hours of qualified supervision
27 with a supervisor. At least (~~one hundred~~) 100 of the (~~two~~
28 ~~hundred~~) 200 hours must be one-on-one supervision, and the remaining
29 hours may be in one-on-one or group supervision.

30 Applicants who have completed a master's program accredited by
31 the commission on accreditation for marriage and family therapy
32 education of the American association for marriage and family therapy
33 may be credited with (~~five hundred~~) 500 hours of direct client
34 contact and (~~one hundred~~) 100 hours of formal meetings with an
35 approved supervisor; and

36 (iv) Successful completion of continuing education requirements
37 of (~~thirty-six~~) 36 hours, with six in professional ethics.

38 (2) The department shall establish by rule what constitutes
39 adequate proof of meeting the criteria. Only rules in effect on the
40 date of submission of a completed application of an associate for her

1 or his license shall apply. If the rules change after a completed
2 application is submitted but before a license is issued, the new
3 rules shall not be reason to deny the application.

4 (3) In addition, applicants shall be subject to the grounds for
5 denial of a license or issuance of a conditional license under
6 chapter 18.130 RCW.

7 **Sec. 4.** RCW 18.225.140 and 2019 c 351 s 3 are each amended to
8 read as follows:

9 (1) An applicant holding a credential in another state may be
10 licensed to practice in this state without examination if the
11 secretary determines that the other state's credentialing standards
12 are substantially equivalent to the licensing standards in this
13 state.

14 (2)(a)(i) The department shall establish a reciprocity program
15 for applicants for licensure as an advanced social worker, an
16 independent clinical social worker, a mental health counselor, or a
17 marriage and family therapist in Washington.

18 (ii) The reciprocity program applies to applicants for a license
19 as an advanced social worker, an independent clinical social worker,
20 a mental health counselor, or a marriage and family therapist who:

21 (A) Hold or have held within the past (~~twelve~~) 12 months a
22 credential in good standing from another state or territory of the
23 United States which has a scope of practice that is substantially
24 equivalent to or greater than the scope of practice for the
25 corresponding license as established under this chapter; and

26 (B) Have no disciplinary record or disqualifying criminal
27 history.

28 (b) The department shall issue a probationary license to an
29 applicant who meets the requirements of (a)(ii) of this subsection.
30 The department must determine what deficiencies, if any, exist
31 between the education and experience requirements of the other
32 state's credential and, after consideration of the experience and
33 capabilities of the applicant, determine whether it is appropriate to
34 require the applicant to complete additional education or experience
35 requirements to maintain the probationary license and, within a
36 reasonable time period, transition to a full license. (~~A person who
37 holds a probationary license may only practice in the relevant
38 profession in a licensed or certified service provider, as defined in
39 RCW 71.24.025.~~) The department may place a reasonable time limit on

1 a probationary license and may, if appropriate, require the applicant
2 to pass a jurisprudential examination.

3 (c) The department must maintain and publish a list of
4 credentials in other states and territories that the department has
5 determined to have a scope of practice that is substantially
6 equivalent to or greater than the scope of practice for licensed
7 advanced social workers, independent clinical social workers, mental
8 health counselors, or marriage and family therapists as established
9 under this chapter. The department shall prioritize identifying and
10 publishing the department's determination for the five states or
11 territories that have historically had the most applicants for
12 reciprocity under subsection (1) of this section with a scope of
13 practice that is substantially equivalent to or greater than the
14 scope of practice for licensed advanced social workers, independent
15 clinical social workers, mental health counselors, and marriage and
16 family therapists under this chapter.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70
18 RCW to read as follows:

19 (1) The department, in consultation with the workforce training
20 and education coordinating board and the examining board of
21 psychology, shall examine licensure requirements for the following
22 professions to identify changes to statutes and rules that would
23 remove barriers to entering and remaining in the health care
24 workforce and to streamline and shorten the credentialing process:

25 (a) Advanced social workers and independent clinical social
26 workers licensed under chapter 18.225 RCW;

27 (b) Marriage and family therapists licensed under chapter 18.225
28 RCW;

29 (c) Mental health counselors licensed under chapter 18.225 RCW;

30 (d) Substance use disorder professionals certified under chapter
31 18.205 RCW; and

32 (e) Psychologists licensed under chapter 18.83 RCW.

33 (2) The licensure requirements to be examined by the department
34 shall include examinations, continuing education requirements,
35 administrative requirements for license application and renewal,
36 English language proficiency requirements, and supervised experience
37 requirements, including supervisor requirements and costs associated
38 with completing supervised experience requirements.

1 (3) When conducting the review required in subsection (1) of this
2 section, the department shall at a minimum consider the following:

3 (a) The availability of peer-reviewed research and other
4 evidence, including requirements in other states, indicating the
5 necessity of specific licensure requirements for ensuring that
6 behavioral health professionals are prepared to practice with
7 reasonable skill and safety;

8 (b) Changes that would facilitate licensure of qualified, out-of-
9 state and international applicants to promote reciprocity, including
10 the adoption of applicable interstate compacts;

11 (c) Changes that would promote greater consistency across
12 licensure requirements for professions licensed under chapter 18.225
13 RCW and allow for applicants' prior professional experience within
14 relevant fields to be counted towards supervised experience
15 requirements established under chapter 18.225 RCW, including the
16 extent to which an applicant may use prior professional experience
17 gained before graduation from a master's or doctoral level
18 educational program to satisfy the applicant's supervised experience
19 requirement;

20 (d) Technical assistance programs, such as navigators or
21 dedicated customer service lines, to facilitate the completion of
22 licensing applications;

23 (e) In consultation with the examining board of psychology and a
24 statewide organization representing licensed psychologists, the
25 creation of an associate-level license for psychologists;

26 (f) Whether agency affiliated counselors should be allowed to
27 practice in federally qualified health centers; and

28 (g) Any rules that pose excessive administrative requirements for
29 application or renewal or that place a disproportionate burden on
30 applicants from disadvantaged communities.

31 (4) By November 1, 2023, the department shall provide a progress
32 report and initial findings to the appropriate committees of the
33 legislature on actions and recommendations to remove licensing
34 barriers and improve credentialing time frames.

35 (5) By November 1, 2024, the department shall provide a final
36 report to the appropriate committees of the legislature on actions
37 and recommendations to remove licensing barriers and improve
38 credentialing time frames.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.130
2 RCW to read as follows:

3 (1) By July 1, 2024, the department and the examining board of
4 psychology shall adopt emergency rules to implement changes to
5 licensing requirements to remove barriers to entering and remaining
6 in the health care workforce and to streamline and shorten the
7 credentialing process. Pursuant to RCW 34.05.350, the legislature
8 finds that the rules adopted under this section are necessary for the
9 preservation of the public health, safety, or general welfare and
10 observing the time requirements of notice and opportunity to comment
11 upon adoption of a permanent rule would be contrary to the public
12 interest. The disciplining authorities shall, therefore, adopt the
13 rules required under this section as emergency rules.

14 (2) By July 1, 2025, the department and the examining board of
15 psychology shall adopt permanent rules to implement changes to
16 licensing requirements to remove barriers to entering and remaining
17 in the health care workforce and to streamline and shorten the
18 credentialing process.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.225
20 RCW to read as follows:

21 (1)(a) Subject to the availability of amounts appropriated for
22 this specific purpose, by October 1, 2023, the department shall
23 develop a program to facilitate placement of associates with clinical
24 supervision services. The program must include a database of license
25 holders with the required qualifications who are willing to serve as
26 approved supervisors and agencies or facilities that offer
27 supervision services through their facilities to associates seeking
28 to satisfy supervised experience requirements under RCW 18.225.090.

29 (b) The department shall adopt, by rule, minimum qualifications
30 for supervisors or facilities to be included in the database and
31 minimum standards for adequate supervision of associates. The
32 department may not include in the database any person who, or
33 facility that, does not meet the minimum qualifications. The
34 department shall periodically audit the list to remove persons who,
35 or facilities that, no longer meet the minimum qualifications or fail
36 to meet the minimum standards.

37 (2) Subject to the availability of amounts appropriated for this
38 specific purpose, the department shall establish a stipend program to

1 defray the out-of-pocket expenses incurred by associates completing
2 supervised experience requirements under RCW 18.225.090.

3 (a) Out-of-pocket expenses eligible for defrayment under this
4 section include costs incurred in order to obtain supervised
5 experience, such as fees or charges imposed by the individual or
6 entity providing supervision, and any other expenses deemed
7 appropriate by the department.

8 (b) Associates participating in the stipend program established
9 in this section shall document their out-of-pocket expenses in a
10 manner specified by the department.

11 (c) When adopting the stipend program, the department shall
12 consider defraying out-of-pocket expenses associated with unpaid
13 internships that are part of an applicant's educational program.

14 (d) The department shall establish the stipend program no later
15 than July 1, 2024.

16 (e) The department may adopt any rules necessary to implement
17 this section.

18 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.130
19 RCW to read as follows:

20 (1) Disciplining authorities shall waive education, training,
21 experience, and exam requirements for applicants who have been
22 credentialed in another state or states with substantially equivalent
23 standards for at least two years immediately preceding their
24 application with no interruption in licensure last longer than 90
25 days.

26 (2) Disciplining authorities may waive education, training,
27 experience, or exam requirements for applicants who have achieved a
28 national certification for the profession as determined by the
29 disciplining authority in rule.

30 (3) Disciplining authorities may only issue credentials under
31 this section to applicants who:

32 (a) Are not subject to denial of a license or issuance of a
33 conditional license under this chapter;

34 (b) Have not been subject to disciplinary action for
35 unprofessional conduct or impairment in any state, federal, or
36 foreign jurisdiction in the two years preceding their application or
37 during the pendency of their application; and

1 (c) Are not under investigation or subject to charges in any
2 state, federal, or foreign jurisdiction during the pendency of their
3 application.

4 **Sec. 9.** RCW 18.122.100 and 1989 1st ex.s. c 9 s 310 are each
5 amended to read as follows:

6 (1) The date and location of examinations shall be established by
7 the secretary. Applicants (~~who have been found by the secretary to~~
8 ~~meet the other requirements for licensure or certification~~) shall be
9 scheduled for the next examination following the filing of the
10 application. The secretary shall establish by rule the examination
11 application deadline.

12 (2) The secretary or the secretary's designees shall examine each
13 applicant, by means determined most effective, on subjects
14 appropriate to the scope of practice, as applicable. Such
15 examinations shall be limited to the purpose of determining whether
16 the applicant possesses the minimum skill and knowledge necessary to
17 practice competently.

18 (3) The examination papers, all grading of the papers, and the
19 grading of any practical work shall be preserved for a period of not
20 less than one year after the secretary has made and published the
21 decisions. All examinations shall be conducted under fair and wholly
22 impartial methods.

23 (4) Any applicant failing to make the required grade in the first
24 examination may take up to three subsequent examinations as the
25 applicant desires upon prepaying a fee determined by the secretary
26 under RCW 43.70.250 for each subsequent examination. Upon failing
27 four examinations, the secretary may invalidate the original
28 application and require such remedial education before the person may
29 take future examinations.

30 (5) The secretary may approve an examination prepared or
31 administered by a private testing agency or association of licensing
32 agencies for use by an applicant in meeting the credentialing
33 requirements.

34 **Sec. 10.** RCW 18.205.110 and 1998 c 243 s 11 are each amended to
35 read as follows:

36 (1) The date and location of examinations shall be established by
37 the secretary. Applicants (~~who have been found by the secretary to~~
38 ~~meet the other requirements for certification~~) shall be scheduled

1 for the next examination following the filing of the application. The
2 secretary shall establish by rule the examination application
3 deadline.

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

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

15 (4) Any applicant failing to make the required grade in the first
16 examination may take up to three subsequent examinations as the
17 applicant desires upon prepaying a fee determined by the secretary
18 under RCW 43.70.250 for each subsequent examination. Upon failing
19 four examinations, the secretary may invalidate the original
20 application and require such remedial education before the person may
21 take future examinations.

22 (5) The secretary may approve an examination prepared or
23 administered by a private testing agency or association of licensing
24 agencies for use by an applicant in meeting the certification
25 requirements.

26 **Sec. 11.** RCW 18.225.110 and 2001 c 251 s 11 are each amended to
27 read as follows:

28 (1) The date and location of examinations shall be established by
29 the secretary. Applicants (~~who have been found by the secretary to~~
30 ~~meet the other requirements for licensure~~) shall be scheduled for
31 the next examination following the filing of the application. The
32 secretary shall establish by rule the examination application
33 deadline.

34 (2) The secretary or the secretary's designees shall examine each
35 applicant, by means determined most effective, on subjects
36 appropriate to the scope of practice, as applicable. Such
37 examinations shall be limited to the purpose of determining whether
38 the applicant possesses the minimum skill and knowledge necessary to
39 practice competently.

1 (3) The examination papers, all grading of the papers, and the
2 grading of any practical work shall be preserved for a period of not
3 less than one year after the secretary has made and published the
4 decisions. All examinations shall be conducted under fair and wholly
5 impartial methods.

6 (4) The secretary may approve an examination prepared or
7 administered by a private testing agency or association of licensing
8 agencies for use by an applicant in meeting the licensing
9 requirements.

10 **Sec. 12.** RCW 18.130.050 and 2016 c 81 s 13 are each amended to
11 read as follows:

12 Except as provided in RCW 18.130.062, the disciplining authority
13 has the following authority:

14 (1) To adopt, amend, and rescind such rules as are deemed
15 necessary to carry out this chapter;

16 (2) To investigate all complaints or reports of unprofessional
17 conduct as defined in this chapter;

18 (3) To hold hearings as provided in this chapter;

19 (4) To issue subpoenas and administer oaths in connection with
20 any investigation, consideration of an application for license,
21 hearing, or proceeding held under this chapter;

22 (5) To take or cause depositions to be taken and use other
23 discovery procedures as needed in any investigation, hearing, or
24 proceeding held under this chapter;

25 (6) To compel attendance of witnesses at hearings;

26 (7) In the course of investigating a complaint or report of
27 unprofessional conduct, to conduct practice reviews and to issue
28 citations and assess fines for failure to produce documents, records,
29 or other items in accordance with RCW 18.130.230;

30 (8) To take emergency action ordering summary suspension of a
31 license, or restriction or limitation of the license holder's
32 practice pending proceedings by the disciplining authority. Within
33 fourteen days of a request by the affected license holder, the
34 disciplining authority must provide a show cause hearing in
35 accordance with the requirements of RCW 18.130.135. In addition to
36 the authority in this subsection, a disciplining authority shall,
37 except as provided in RCW 9.97.020:

38 (a) Consistent with RCW 18.130.370, issue a summary suspension of
39 the license or temporary practice permit of a license holder

1 prohibited from practicing a health care profession in another state,
2 federal, or foreign jurisdiction because of an act of unprofessional
3 conduct that is substantially equivalent to an act of unprofessional
4 conduct prohibited by this chapter or any of the chapters specified
5 in RCW 18.130.040. The summary suspension remains in effect until
6 proceedings by the Washington disciplining authority have been
7 completed;

8 (b) Consistent with RCW 18.130.400, issue a summary suspension of
9 the license or temporary practice permit if, under RCW 74.39A.051,
10 the license holder is prohibited from employment in the care of
11 vulnerable adults based upon a department of social and health
12 services' final finding of abuse or neglect of a minor or abuse,
13 abandonment, neglect, or financial exploitation of a vulnerable
14 adult. The summary suspension remains in effect until proceedings by
15 the disciplining authority have been completed;

16 (9) To conduct show cause hearings in accordance with RCW
17 18.130.062 or 18.130.135 to review an action taken by the
18 disciplining authority to suspend a license or restrict or limit a
19 license holder's practice pending proceedings by the disciplining
20 authority;

21 (10) To use a presiding officer as authorized in RCW
22 18.130.095(3) or the office of administrative hearings as authorized
23 in chapter 34.12 RCW to conduct hearings. Disciplining authorities
24 identified in RCW 18.130.040(2) shall make the final decision
25 regarding disposition of the license unless the disciplining
26 authority elects to delegate in writing the final decision to the
27 presiding officer. Disciplining authorities identified in RCW
28 18.130.040(2)(b) may not delegate the final decision regarding
29 disposition of the license or imposition of sanctions to a presiding
30 officer in any case pertaining to standards of practice or where
31 clinical expertise is necessary, including deciding any motion that
32 results in dismissal of any allegation contained in the statement of
33 charges. Presiding officers acting on behalf of the secretary shall
34 enter initial orders. The secretary may, by rule, provide that
35 initial orders in specified classes of cases may become final without
36 further agency action unless, within a specified time period:

37 (a) The secretary upon his or her own motion determines that the
38 initial order should be reviewed; or

39 (b) A party to the proceedings files a petition for
40 administrative review of the initial order;

1 (11) To use individual members of the boards to direct
2 investigations and to authorize the issuance of a citation under
3 subsection (7) of this section. However, the member of the board
4 shall not subsequently participate in the hearing of the case;

5 (12) To enter into contracts for professional services determined
6 to be necessary for adequate enforcement of this chapter;

7 (13) To contract with license holders or other persons or
8 organizations to provide services necessary for the monitoring and
9 supervision of license holders who are placed on probation, whose
10 professional activities are restricted, or who are for any authorized
11 purpose subject to monitoring by the disciplining authority;

12 (14) To adopt standards of professional conduct or practice;

13 (15) To grant or deny license applications, and in the event of a
14 finding of unprofessional conduct by an applicant or license holder,
15 to impose any sanction against a license applicant or license holder
16 provided by this chapter. After January 1, 2009, all sanctions must
17 be issued in accordance with RCW 18.130.390;

18 (16) To restrict or place conditions on the practice of new
19 licensees in order to protect the public and promote the safety of
20 and confidence in the health care system;

21 (17) To designate individuals authorized to sign subpoenas and
22 statements of charges;

23 (18) To establish panels consisting of three or more members of
24 the board to perform any duty or authority within the board's
25 jurisdiction under this chapter;

26 (19) To review and audit the records of licensed health
27 facilities' or services' quality assurance committee decisions in
28 which a license holder's practice privilege or employment is
29 terminated or restricted. Each health facility or service shall
30 produce and make accessible to the disciplining authority the
31 appropriate records and otherwise facilitate the review and audit.
32 Information so gained shall not be subject to discovery or
33 introduction into evidence in any civil action pursuant to RCW
34 70.41.200(3);

35 (20) To enter into contracts with persons or entities to review
36 applications for licensure or temporary practice permits, provided
37 that the disciplining authority shall make the final decision as to
38 whether to deny, grant with conditions, or grant a license or
39 temporary practice permit.

1 **Sec. 13.** RCW 18.19.020 and 2021 c 170 s 4 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Agency" means (a) an agency or facility operated, licensed,
6 or certified by the state of Washington; (b) a federally recognized
7 Indian tribe located within the state; or (c) a county.

8 (2) "Agency affiliated counselor" means a person registered,
9 certified, or licensed under this chapter who is (~~engaged in~~
10 ~~counseling and~~) employed by an agency or is a student intern, as
11 defined by the department (~~, who is supervised by agency staff.~~
12 ~~"Agency affiliated counselor" includes juvenile probation counselors~~
13 ~~who are employees of the juvenile court under RCW 13.04.035 and~~
14 ~~13.04.040 and juvenile court employees providing functional family~~
15 ~~therapy, aggression replacement training, or other evidence-based~~
16 ~~programs approved by the department of children, youth, and~~
17 ~~families~~)).

18 (3) "Certified adviser" means a person certified under this
19 chapter who is engaged in private practice counseling to the extent
20 authorized in RCW 18.19.200.

21 (4) "Certified agency affiliated counselor" means a person
22 certified under this chapter who is engaging in counseling to the
23 extent authorized in section 18 of this act.

24 (5) "Certified counselor" means a person certified under this
25 chapter who is engaged in private practice counseling to the extent
26 authorized in RCW 18.19.200.

27 ~~((5))~~ (6) "Client" means an individual who receives or
28 participates in counseling or group counseling.

29 ~~((6))~~ (7) "Counseling" means employing any therapeutic
30 techniques, including but not limited to social work, mental health
31 counseling, marriage and family therapy, and hypnotherapy, for a fee
32 that offer, assist or attempt to assist an individual or individuals
33 in the amelioration or adjustment of mental, emotional, or behavioral
34 problems, and includes therapeutic techniques to achieve sensitivity
35 and awareness of self and others and the development of human
36 potential. For the purposes of this chapter, nothing may be construed
37 to imply that the practice of hypnotherapy is necessarily limited to
38 counseling.

39 ~~((7))~~ (8) "Counselor" means an individual, practitioner,
40 therapist, or analyst who engages in the practice of counseling to

1 the public for a fee, including for the purposes of this chapter,
2 hypnotherapists.

3 ~~((8))~~ (9) "Department" means the department of health.

4 ~~((9))~~ (10) "Hypnotherapist" means a person registered under
5 this chapter who is practicing hypnosis as a modality.

6 ~~((10))~~ (11) "Licensed agency affiliated counselor" means a
7 person licensed under this chapter who is engaged in counseling to
8 the extent authorized in section 18 of this act.

9 (12) "Mental health professional" has the same definition as
10 under RCW 71.05.020.

11 (13) "Private practice counseling" means the practice of
12 counseling by a certified counselor or certified adviser as specified
13 in RCW 18.19.200.

14 ~~((11))~~ (14) "Psychotherapy" means the practice of counseling
15 using diagnosis of mental disorders according to the fourth edition
16 of the diagnostic and statistical manual of mental disorders,
17 published in 1994, and the development of treatment plans for
18 counseling based on diagnosis of mental disorders in accordance with
19 established practice standards.

20 ~~((12))~~ (15) "Registered agency affiliated counselor" means a
21 person registered under this chapter who is engaged in counseling to
22 the extent authorized in section 18 of this act. This includes
23 juvenile probation counselors who are employees of the juvenile court
24 under RCW 13.04.035 and 13.04.040 and juvenile court employees
25 providing functional family therapy, aggression replacement training,
26 or other evidence-based programs approved by the department of
27 children, youth, and families. A student intern as defined by the
28 department may be a registered agency affiliated counselor.

29 (16) "Secretary" means the secretary of the department or the
30 secretary's designee.

31 **Sec. 14.** RCW 18.19.030 and 2008 c 135 s 2 are each amended to
32 read as follows:

33 A person may not, as a part of his or her position as an employee
34 of a state agency, practice counseling without being registered,
35 certified, or licensed to practice as an agency affiliated counselor
36 by the department under this chapter unless exempt under RCW
37 18.19.040.

1 **Sec. 15.** RCW 18.19.090 and 2008 c 135 s 8 are each amended to
2 read as follows:

3 (1) Application for agency affiliated counselor, certified
4 counselor, certified adviser, or hypnotherapist must be made on forms
5 approved by the secretary. The secretary may require information
6 necessary to determine whether applicants meet the qualifications for
7 the credential and whether there are any grounds for denial of the
8 credential, or for issuance of a conditional credential, under this
9 chapter or chapter 18.130 RCW. The application for agency affiliated
10 counselor, certified counselor, or certified adviser must include a
11 description of the applicant's orientation, discipline, theory, or
12 technique. Each applicant shall pay a fee determined by the secretary
13 as provided in RCW 43.70.250, which shall accompany the application.

14 (2) Applicants for agency affiliated counselor must provide
15 satisfactory documentation that they are employed by an agency
16 ~~((or)),~~ have an offer of employment from an agency, or are a student
17 intern as defined by the department.

18 (3) Applicants for certified agency affiliated counselor must
19 complete the following:

20 (a) A bachelor's degree in counseling or one of the social
21 sciences from an accredited college or university which includes
22 coursework specified in subsection (5) of this section; and

23 (b) At least five years of experience in direct treatment of
24 persons with a mental disorder that was gained under the supervision
25 of a mental health professional who is able to independently provide
26 mental health assessments and diagnoses according to the scope of
27 practice of the mental health professional's credential.

28 (4) Applicants for licensed agency affiliated counselor must
29 complete the following:

30 (a) An advanced degree in counseling or one of the social
31 sciences from an accredited college or university which includes
32 coursework specified in subsection (5) of this section; and

33 (b) At least two years of experience in direct treatment of
34 persons with a mental disorder that was gained under the supervision
35 of a mental health professional who is able to independently provide
36 mental health assessments and diagnoses according to the scope of
37 practice of the mental health professional's credential.

38 (5) Applicants for a certified or licensed agency affiliated
39 counselor credential must have counseling-specific coursework as
40 determined by the department in rule.

1 (6)(a) Applicants for licensed agency affiliated counselor are
2 not required to meet the coursework requirements in subsection (5) of
3 this section if, prior to the effective date of the rules adopted
4 under subsection (5) of this section, the applicant held a mental
5 health professional designation based on meeting one of the following
6 criteria:

7 (i) The applicant held an advanced degree in counseling or one of
8 the social sciences from an accredited college or university and had
9 two years of experience in direct treatment of persons with mental
10 illness or emotional disturbance that was gained under the
11 supervision of a mental health professional recognized by the
12 department or attested to by a licensed behavioral health agency;

13 (ii) The applicant met the waiver criteria of RCW 71.24.260, and
14 the waiver was granted prior to 1986; or

15 (iii) The applicant had an approved waiver to perform the duties
16 of a mental health professional, that was requested by the behavioral
17 health organization and granted by the mental health division prior
18 to July 1, 2001.

19 (b) Applicants for certified agency affiliated counselor are not
20 required to meet the coursework requirements in subsection (5) of
21 this section if, prior to the effective date of the rules adopted
22 under subsection (5) of this section, the applicant met the
23 bachelor's degree and experience requirements in subsection (3) of
24 this section.

25 (c) Applicants for licensed or certified agency affiliated
26 counselors eligible for the legacy provision under this subsection
27 must apply to the department before July 1, 2027. After that date all
28 new applicants must meet the requirements in subsections (3) and (4)
29 of this section. "New applicants" does not include those reinstating
30 a previously issued agency affiliated counselor certification.

31 (7) At the time of application for initial certification,
32 applicants for certified counselor prior to July 1, 2010, are
33 required to:

34 (a) Have been registered for no less than five years at the time
35 of application for an initial certification;

36 (b) Have held a valid, active registration that is in good
37 standing and be in compliance with any disciplinary process and
38 orders at the time of application for an initial certification;

1 (c) Show evidence of having completed coursework in risk
2 assessment, ethics, appropriate screening and referral, and
3 Washington state law and other subjects identified by the secretary;

4 (d) Pass an examination in risk assessment, ethics, appropriate
5 screening and referral, and Washington state law, and other subjects
6 as determined by the secretary; and

7 (e) Have a written consultation agreement with a credential
8 holder who meets the qualifications established by the secretary.

9 ~~((4))~~ (8) Unless eligible for certification under subsection
10 ~~((3))~~ (7) of this section, applicants for certified counselor or
11 certified adviser are required to:

12 (a) (i) Have a bachelor's degree in a counseling-related field, if
13 applying for certified counselor; or

14 (ii) Have an associate degree in a counseling-related field and a
15 supervised internship, if applying for certified adviser;

16 (b) Pass an examination in risk assessment, ethics, appropriate
17 screening and referral, and Washington state law, and other subjects
18 as determined by the secretary; and

19 (c) Have a written supervisory agreement with a supervisor who
20 meets the qualifications established by the secretary.

21 ~~((5))~~ (9) Each applicant shall include payment of the fee
22 determined by the secretary as provided in RCW 43.70.250.

23 **Sec. 16.** RCW 18.19.095 and 2019 c 446 s 45 are each amended to
24 read as follows:

25 The department may not automatically deny an applicant for
26 ~~((registration under this chapter for a position as))~~ an agency
27 affiliated counselor credential who is practicing as a peer counselor
28 in an agency or facility based on a conviction history consisting of
29 convictions for simple assault, assault in the fourth degree,
30 prostitution, theft in the third degree, theft in the second degree,
31 or forgery, the same offenses as they may be renamed, or
32 substantially equivalent offenses committed in other states or
33 jurisdictions if:

34 (1) At least one year has passed between the applicant's most
35 recent conviction for an offense set forth in this section and the
36 date of application for employment;

37 (2) The offense was committed as a result of the person's
38 substance use or untreated mental health symptoms; and

1 (3) The applicant is at least one year in recovery from a
2 substance use disorder, whether through abstinence or stability on
3 medication-assisted therapy, or in recovery from mental health
4 challenges.

5 **Sec. 17.** RCW 18.19.180 and 2001 c 251 s 24 are each amended to
6 read as follows:

7 An individual (~~(registered)~~) credentialed under this chapter
8 shall not disclose the written acknowledgment of the disclosure
9 statement pursuant to RCW 18.19.060 nor any information acquired from
10 persons consulting the individual in a professional capacity when
11 that information was necessary to enable the individual to render
12 professional services to those persons except:

13 (1) With the written consent of that person or, in the case of
14 death or disability, the person's personal representative, other
15 person authorized to sue, or the beneficiary of an insurance policy
16 on the person's life, health, or physical condition;

17 (2) That a person (~~(registered)~~) credentialed under this chapter
18 is not required to treat as confidential a communication that reveals
19 the contemplation or commission of a crime or harmful act;

20 (3) If the person is a minor, and the information acquired by the
21 person (~~(registered)~~) credentialed under this chapter indicates that
22 the minor was the victim or subject of a crime, the person
23 (~~(registered)~~) credentialed may testify fully upon any examination,
24 trial, or other proceeding in which the commission of the crime is
25 the subject of the inquiry;

26 (4) If the person waives the privilege by bringing charges
27 against the person (~~(registered)~~) credentialed under this chapter;

28 (5) In response to a subpoena from a court of law or the
29 secretary. The secretary may subpoena only records related to a
30 complaint or report under chapter 18.130 RCW; or

31 (6) As required under chapter 26.44 RCW.

32 NEW SECTION. **Sec. 18.** A new section is added to chapter 18.19
33 RCW to read as follows:

34 The scope of practice of registered, certified, and licensed
35 agency affiliated counselors consists exclusively of the following:

36 (1) Counseling as defined under RCW 18.19.020;

37 (2) A certified agency affiliated counselor may conduct mental
38 health assessments and make mental health diagnoses which shall be

1 reviewed by a clinical supervisor who is a mental health professional
2 able to independently provide mental health assessments and diagnoses
3 according to the scope of practice of the mental health
4 professional's credential. A certified agency affiliated counselor
5 may not provide clinical supervision; and

6 (3) A licensed agency affiliated counselor may independently
7 conduct mental health assessments and make mental health diagnoses.

8 **Sec. 19.** RCW 18.19.210 and 2019 c 446 s 47 are each amended to
9 read as follows:

10 (1) (a) An applicant for (~~registration as~~) an agency affiliated
11 counselor credential who applies to the department within thirty days
12 of employment by an agency may work as an agency affiliated counselor
13 while the application is processed. The applicant must provide
14 required documentation within reasonable time limits established by
15 the department, and if the applicant does not do so, the applicant
16 must stop working.

17 (b) The applicant may not provide unsupervised (~~counseling~~)
18 services prior to completion of a criminal background check performed
19 by either the employer or the secretary. For purposes of this
20 subsection, "unsupervised" means the supervisor is not physically
21 present at the location where the counseling occurs.

22 (2) Agency affiliated counselors shall notify the department if
23 they are either no longer employed by the agency identified on their
24 application or are now employed with another agency, or both. Agency
25 affiliated counselors may not engage in the practice of counseling or
26 other services described under section 18 of this act unless they are
27 currently affiliated with an agency.

28 **Sec. 20.** RCW 71.05.020 and 2022 c 210 s 1 are each amended to
29 read as follows:

30 The definitions in this section apply throughout this chapter
31 unless the context clearly requires otherwise.

32 (1) "Admission" or "admit" means a decision by a physician,
33 physician assistant, or psychiatric advanced registered nurse
34 practitioner that a person should be examined or treated as a patient
35 in a hospital;

36 (2) "Alcoholism" means a disease, characterized by a dependency
37 on alcoholic beverages, loss of control over the amount and
38 circumstances of use, symptoms of tolerance, physiological or

1 psychological withdrawal, or both, if use is reduced or discontinued,
2 and impairment of health or disruption of social or economic
3 functioning;

4 (3) "Antipsychotic medications" means that class of drugs
5 primarily used to treat serious manifestations of mental illness
6 associated with thought disorders, which includes, but is not limited
7 to atypical antipsychotic medications;

8 (4) "Approved substance use disorder treatment program" means a
9 program for persons with a substance use disorder provided by a
10 treatment program certified by the department as meeting standards
11 adopted under chapter 71.24 RCW;

12 (5) "Attending staff" means any person on the staff of a public
13 or private agency having responsibility for the care and treatment of
14 a patient;

15 (6) "Authority" means the Washington state health care authority;

16 (7) "Behavioral health disorder" means either a mental disorder
17 as defined in this section, a substance use disorder as defined in
18 this section, or a co-occurring mental disorder and substance use
19 disorder;

20 (8) "Behavioral health service provider" means a public or
21 private agency that provides mental health, substance use disorder,
22 or co-occurring disorder services to persons with behavioral health
23 disorders as defined under this section and receives funding from
24 public sources. This includes, but is not limited to: Hospitals
25 licensed under chapter 70.41 RCW; evaluation and treatment facilities
26 as defined in this section; community mental health service delivery
27 systems or community behavioral health programs as defined in RCW
28 71.24.025; licensed or certified behavioral health agencies under RCW
29 71.24.037; facilities conducting competency evaluations and
30 restoration under chapter 10.77 RCW; approved substance use disorder
31 treatment programs as defined in this section; secure withdrawal
32 management and stabilization facilities as defined in this section;
33 and correctional facilities operated by state and local governments;

34 (9) "Co-occurring disorder specialist" means an individual
35 possessing an enhancement granted by the department of health under
36 chapter 18.205 RCW that certifies the individual to provide substance
37 use disorder counseling subject to the practice limitations under RCW
38 18.205.105;

1 (10) "Commitment" means the determination by a court that a
2 person should be detained for a period of either evaluation or
3 treatment, or both, in an inpatient or a less restrictive setting;

4 (11) "Community behavioral health agency" has the same meaning as
5 "licensed or certified behavioral health agency" defined in RCW
6 71.24.025;

7 (12) "Conditional release" means a revocable modification of a
8 commitment, which may be revoked upon violation of any of its terms;

9 (13) "Crisis stabilization unit" means a short-term facility or a
10 portion of a facility licensed or certified by the department, such
11 as an evaluation and treatment facility or a hospital, which has been
12 designed to assess, diagnose, and treat individuals experiencing an
13 acute crisis without the use of long-term hospitalization;

14 (14) "Custody" means involuntary detention under the provisions
15 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
16 unconditional release from commitment from a facility providing
17 involuntary care and treatment;

18 (15) "Department" means the department of health;

19 (16) "Designated crisis responder" means a mental health
20 professional appointed by the county, by an entity appointed by the
21 county, or by the authority in consultation with a federally
22 recognized Indian tribe or after meeting and conferring with an
23 Indian health care provider, to perform the duties specified in this
24 chapter;

25 (17) "Detention" or "detain" means the lawful confinement of a
26 person, under the provisions of this chapter;

27 (18) "Developmental disabilities professional" means a person who
28 has specialized training and three years of experience in directly
29 treating or working with persons with developmental disabilities and
30 is a psychiatrist, physician assistant working with a supervising
31 psychiatrist, psychologist, psychiatric advanced registered nurse
32 practitioner, or social worker, and such other developmental
33 disabilities professionals as may be defined by rules adopted by the
34 secretary of the department of social and health services;

35 (19) "Developmental disability" means that condition defined in
36 RCW 71A.10.020(~~(+5)~~) (6);

37 (20) "Director" means the director of the authority;

38 (21) "Discharge" means the termination of hospital medical
39 authority. The commitment may remain in place, be terminated, or be
40 amended by court order;

1 (22) "Drug addiction" means a disease, characterized by a
2 dependency on psychoactive chemicals, loss of control over the amount
3 and circumstances of use, symptoms of tolerance, physiological or
4 psychological withdrawal, or both, if use is reduced or discontinued,
5 and impairment of health or disruption of social or economic
6 functioning;

7 (23) "Evaluation and treatment facility" means any facility which
8 can provide directly, or by direct arrangement with other public or
9 private agencies, emergency evaluation and treatment, outpatient
10 care, and timely and appropriate inpatient care to persons suffering
11 from a mental disorder, and which is licensed or certified as such by
12 the department. The authority may certify single beds as temporary
13 evaluation and treatment beds under RCW 71.05.745. A physically
14 separate and separately operated portion of a state hospital may be
15 designated as an evaluation and treatment facility. A facility which
16 is part of, or operated by, the department of social and health
17 services or any federal agency will not require certification. No
18 correctional institution or facility, or jail, shall be an evaluation
19 and treatment facility within the meaning of this chapter;

20 (24) "Gravely disabled" means a condition in which a person, as a
21 result of a behavioral health disorder: (a) Is in danger of serious
22 physical harm resulting from a failure to provide for his or her
23 essential human needs of health or safety; or (b) manifests severe
24 deterioration in routine functioning evidenced by repeated and
25 escalating loss of cognitive or volitional control over his or her
26 actions and is not receiving such care as is essential for his or her
27 health or safety;

28 (25) "Habilitative services" means those services provided by
29 program personnel to assist persons in acquiring and maintaining life
30 skills and in raising their levels of physical, mental, social, and
31 vocational functioning. Habilitative services include education,
32 training for employment, and therapy. The habilitative process shall
33 be undertaken with recognition of the risk to the public safety
34 presented by the person being assisted as manifested by prior charged
35 criminal conduct;

36 (26) "Hearing" means any proceeding conducted in open court that
37 conforms to the requirements of RCW 71.05.820;

38 (27) "History of one or more violent acts" refers to the period
39 of time ten years prior to the filing of a petition under this
40 chapter, excluding any time spent, but not any violent acts

1 committed, in a behavioral health facility, or in confinement as a
2 result of a criminal conviction;

3 (28) "Imminent" means the state or condition of being likely to
4 occur at any moment or near at hand, rather than distant or remote;

5 (29) "In need of assisted outpatient treatment" refers to a
6 person who meets the criteria for assisted outpatient treatment
7 established under RCW 71.05.148;

8 (30) "Individualized service plan" means a plan prepared by a
9 developmental disabilities professional with other professionals as a
10 team, for a person with developmental disabilities, which shall
11 state:

12 (a) The nature of the person's specific problems, prior charged
13 criminal behavior, and habilitation needs;

14 (b) The conditions and strategies necessary to achieve the
15 purposes of habilitation;

16 (c) The intermediate and long-range goals of the habilitation
17 program, with a projected timetable for the attainment;

18 (d) The rationale for using this plan of habilitation to achieve
19 those intermediate and long-range goals;

20 (e) The staff responsible for carrying out the plan;

21 (f) Where relevant in light of past criminal behavior and due
22 consideration for public safety, the criteria for proposed movement
23 to less-restrictive settings, criteria for proposed eventual
24 discharge or release, and a projected possible date for discharge or
25 release; and

26 (g) The type of residence immediately anticipated for the person
27 and possible future types of residences;

28 (31) "Intoxicated person" means a person whose mental or physical
29 functioning is substantially impaired as a result of the use of
30 alcohol or other psychoactive chemicals;

31 (32) "Judicial commitment" means a commitment by a court pursuant
32 to the provisions of this chapter;

33 (33) "Legal counsel" means attorneys and staff employed by county
34 prosecutor offices or the state attorney general acting in their
35 capacity as legal representatives of public behavioral health service
36 providers under RCW 71.05.130;

37 (34) "Less restrictive alternative treatment" means a program of
38 individualized treatment in a less restrictive setting than inpatient
39 treatment that includes the services described in RCW 71.05.585. This
40 term includes: Treatment pursuant to a less restrictive alternative

1 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
2 to a conditional release under RCW 71.05.340; and treatment pursuant
3 to an assisted outpatient treatment order under RCW 71.05.148;

4 (35) "Licensed physician" means a person licensed to practice
5 medicine or osteopathic medicine and surgery in the state of
6 Washington;

7 (36) "Likelihood of serious harm" means:

8 (a) A substantial risk that: (i) Physical harm will be inflicted
9 by a person upon his or her own person, as evidenced by threats or
10 attempts to commit suicide or inflict physical harm on oneself; (ii)
11 physical harm will be inflicted by a person upon another, as
12 evidenced by behavior which has caused such harm or which places
13 another person or persons in reasonable fear of sustaining such harm;
14 or (iii) physical harm will be inflicted by a person upon the
15 property of others, as evidenced by behavior which has caused
16 substantial loss or damage to the property of others; or

17 (b) The person has threatened the physical safety of another and
18 has a history of one or more violent acts;

19 (37) "Medical clearance" means a physician or other health care
20 provider has determined that a person is medically stable and ready
21 for referral to the designated crisis responder;

22 (38) "Mental disorder" means any organic, mental, or emotional
23 impairment which has substantial adverse effects on a person's
24 cognitive or volitional functions;

25 (39) "Mental health professional" means ((a)) an individual
26 practicing within the mental health professional's statutory scope of
27 practice who is:

28 (a) A psychiatrist, psychologist, physician assistant working
29 with a supervising psychiatrist, psychiatric advanced registered
30 nurse practitioner, psychiatric nurse, or social worker, ((and such
31 other mental health professionals as may be defined by rules adopted
32 by the secretary pursuant to the provisions of this chapter)) as
33 defined in this chapter and chapter 71.34 RCW;

34 (b) A mental health counselor, mental health counselor associate,
35 marriage and family therapist, or marriage and family therapist
36 associate, as defined in chapter 18.225 RCW; or

37 (c) A certified or licensed agency affiliated counselor, as
38 defined in chapter 18.19 RCW;

39 (40) "Peace officer" means a law enforcement official of a public
40 agency or governmental unit, and includes persons specifically given

1 peace officer powers by any state law, local ordinance, or judicial
2 order of appointment;

3 (41) "Physician assistant" means a person licensed as a physician
4 assistant under chapter 18.71A RCW;

5 (42) "Private agency" means any person, partnership, corporation,
6 or association that is not a public agency, whether or not financed
7 in whole or in part by public funds, which constitutes an evaluation
8 and treatment facility or private institution, or hospital, or
9 approved substance use disorder treatment program, which is conducted
10 for, or includes a department or ward conducted for, the care and
11 treatment of persons with behavioral health disorders;

12 (43) "Professional person" means a mental health professional,
13 substance use disorder professional, or designated crisis responder
14 and shall also mean a physician, physician assistant, psychiatric
15 advanced registered nurse practitioner, registered nurse, and such
16 others as may be defined by rules adopted by the secretary pursuant
17 to the provisions of this chapter;

18 (44) "Psychiatric advanced registered nurse practitioner" means a
19 person who is licensed as an advanced registered nurse practitioner
20 pursuant to chapter 18.79 RCW; and who is board certified in advanced
21 practice psychiatric and mental health nursing;

22 (45) "Psychiatrist" means a person having a license as a
23 physician and surgeon in this state who has in addition completed
24 three years of graduate training in psychiatry in a program approved
25 by the American medical association or the American osteopathic
26 association and is certified or eligible to be certified by the
27 American board of psychiatry and neurology;

28 (46) "Psychologist" means a person who has been licensed as a
29 psychologist pursuant to chapter 18.83 RCW;

30 (47) "Public agency" means any evaluation and treatment facility
31 or institution, secure withdrawal management and stabilization
32 facility, approved substance use disorder treatment program, or
33 hospital which is conducted for, or includes a department or ward
34 conducted for, the care and treatment of persons with behavioral
35 health disorders, if the agency is operated directly by federal,
36 state, county, or municipal government, or a combination of such
37 governments;

38 (48) "Release" means legal termination of the commitment under
39 the provisions of this chapter;

1 (49) "Resource management services" has the meaning given in
2 chapter 71.24 RCW;

3 (50) "Secretary" means the secretary of the department of health,
4 or his or her designee;

5 (51) "Secure withdrawal management and stabilization facility"
6 means a facility operated by either a public or private agency or by
7 the program of an agency which provides care to voluntary individuals
8 and individuals involuntarily detained and committed under this
9 chapter for whom there is a likelihood of serious harm or who are
10 gravely disabled due to the presence of a substance use disorder.
11 Secure withdrawal management and stabilization facilities must:

12 (a) Provide the following services:

13 (i) Assessment and treatment, provided by certified substance use
14 disorder professionals or co-occurring disorder specialists;

15 (ii) Clinical stabilization services;

16 (iii) Acute or subacute detoxification services for intoxicated
17 individuals; and

18 (iv) Discharge assistance provided by certified substance use
19 disorder professionals or co-occurring disorder specialists,
20 including facilitating transitions to appropriate voluntary or
21 involuntary inpatient services or to less restrictive alternatives as
22 appropriate for the individual;

23 (b) Include security measures sufficient to protect the patients,
24 staff, and community; and

25 (c) Be licensed or certified as such by the department of health;

26 (52) "Social worker" means a person with a master's or further
27 advanced degree from a social work educational program accredited and
28 approved as provided in RCW 18.320.010;

29 (53) "Substance use disorder" means a cluster of cognitive,
30 behavioral, and physiological symptoms indicating that an individual
31 continues using the substance despite significant substance-related
32 problems. The diagnosis of a substance use disorder is based on a
33 pathological pattern of behaviors related to the use of the
34 substances;

35 (54) "Substance use disorder professional" means a person
36 certified as a substance use disorder professional by the department
37 of health under chapter 18.205 RCW;

38 (55) "Therapeutic court personnel" means the staff of a mental
39 health court or other therapeutic court which has jurisdiction over
40 defendants who are dually diagnosed with mental disorders, including

1 court personnel, probation officers, a court monitor, prosecuting
2 attorney, or defense counsel acting within the scope of therapeutic
3 court duties;

4 (56) "Treatment records" include registration and all other
5 records concerning persons who are receiving or who at any time have
6 received services for behavioral health disorders, which are
7 maintained by the department of social and health services, the
8 department, the authority, behavioral health administrative services
9 organizations and their staffs, managed care organizations and their
10 staffs, and by treatment facilities. Treatment records include mental
11 health information contained in a medical bill including but not
12 limited to mental health drugs, a mental health diagnosis, provider
13 name, and dates of service stemming from a medical service. Treatment
14 records do not include notes or records maintained for personal use
15 by a person providing treatment services for the department of social
16 and health services, the department, the authority, behavioral health
17 administrative services organizations, managed care organizations, or
18 a treatment facility if the notes or records are not available to
19 others;

20 (57) "Triage facility" means a short-term facility or a portion
21 of a facility licensed or certified by the department, which is
22 designed as a facility to assess and stabilize an individual or
23 determine the need for involuntary commitment of an individual, and
24 must meet department residential treatment facility standards. A
25 triage facility may be structured as a voluntary or involuntary
26 placement facility;

27 (58) "Video," unless the context clearly indicates otherwise,
28 means the delivery of behavioral health services through the use of
29 interactive audio and video technology, permitting real-time
30 communication between a person and a designated crisis responder, for
31 the purpose of evaluation. "Video" does not include the use of audio-
32 only telephone, facsimile, email, or store and forward technology.
33 "Store and forward technology" means use of an asynchronous
34 transmission of a person's medical information from a mental health
35 service provider to the designated crisis responder which results in
36 medical diagnosis, consultation, or treatment;

37 (59) "Violent act" means behavior that resulted in homicide,
38 attempted suicide, injury, or substantial loss or damage to property.

1 **Sec. 21.** RCW 71.05.020 and 2022 c 210 s 2 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Admission" or "admit" means a decision by a physician,
6 physician assistant, or psychiatric advanced registered nurse
7 practitioner that a person should be examined or treated as a patient
8 in a hospital;

9 (2) "Alcoholism" means a disease, characterized by a dependency
10 on alcoholic beverages, loss of control over the amount and
11 circumstances of use, symptoms of tolerance, physiological or
12 psychological withdrawal, or both, if use is reduced or discontinued,
13 and impairment of health or disruption of social or economic
14 functioning;

15 (3) "Antipsychotic medications" means that class of drugs
16 primarily used to treat serious manifestations of mental illness
17 associated with thought disorders, which includes, but is not limited
18 to atypical antipsychotic medications;

19 (4) "Approved substance use disorder treatment program" means a
20 program for persons with a substance use disorder provided by a
21 treatment program certified by the department as meeting standards
22 adopted under chapter 71.24 RCW;

23 (5) "Attending staff" means any person on the staff of a public
24 or private agency having responsibility for the care and treatment of
25 a patient;

26 (6) "Authority" means the Washington state health care authority;

27 (7) "Behavioral health disorder" means either a mental disorder
28 as defined in this section, a substance use disorder as defined in
29 this section, or a co-occurring mental disorder and substance use
30 disorder;

31 (8) "Behavioral health service provider" means a public or
32 private agency that provides mental health, substance use disorder,
33 or co-occurring disorder services to persons with behavioral health
34 disorders as defined under this section and receives funding from
35 public sources. This includes, but is not limited to: Hospitals
36 licensed under chapter 70.41 RCW; evaluation and treatment facilities
37 as defined in this section; community mental health service delivery
38 systems or community behavioral health programs as defined in RCW
39 71.24.025; licensed or certified behavioral health agencies under RCW
40 71.24.037; facilities conducting competency evaluations and

1 restoration under chapter 10.77 RCW; approved substance use disorder
2 treatment programs as defined in this section; secure withdrawal
3 management and stabilization facilities as defined in this section;
4 and correctional facilities operated by state and local governments;

5 (9) "Co-occurring disorder specialist" means an individual
6 possessing an enhancement granted by the department of health under
7 chapter 18.205 RCW that certifies the individual to provide substance
8 use disorder counseling subject to the practice limitations under RCW
9 18.205.105;

10 (10) "Commitment" means the determination by a court that a
11 person should be detained for a period of either evaluation or
12 treatment, or both, in an inpatient or a less restrictive setting;

13 (11) "Community behavioral health agency" has the same meaning as
14 "licensed or certified behavioral health agency" defined in RCW
15 71.24.025;

16 (12) "Conditional release" means a revocable modification of a
17 commitment, which may be revoked upon violation of any of its terms;

18 (13) "Crisis stabilization unit" means a short-term facility or a
19 portion of a facility licensed or certified by the department, such
20 as an evaluation and treatment facility or a hospital, which has been
21 designed to assess, diagnose, and treat individuals experiencing an
22 acute crisis without the use of long-term hospitalization;

23 (14) "Custody" means involuntary detention under the provisions
24 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
25 unconditional release from commitment from a facility providing
26 involuntary care and treatment;

27 (15) "Department" means the department of health;

28 (16) "Designated crisis responder" means a mental health
29 professional appointed by the county, by an entity appointed by the
30 county, or by the authority in consultation with a federally
31 recognized Indian tribe or after meeting and conferring with an
32 Indian health care provider, to perform the duties specified in this
33 chapter;

34 (17) "Detention" or "detain" means the lawful confinement of a
35 person, under the provisions of this chapter;

36 (18) "Developmental disabilities professional" means a person who
37 has specialized training and three years of experience in directly
38 treating or working with persons with developmental disabilities and
39 is a psychiatrist, physician assistant working with a supervising
40 psychiatrist, psychologist, psychiatric advanced registered nurse

1 practitioner, or social worker, and such other developmental
2 disabilities professionals as may be defined by rules adopted by the
3 secretary of the department of social and health services;

4 (19) "Developmental disability" means that condition defined in
5 RCW 71A.10.020(~~(+5)~~) (6);

6 (20) "Director" means the director of the authority;

7 (21) "Discharge" means the termination of hospital medical
8 authority. The commitment may remain in place, be terminated, or be
9 amended by court order;

10 (22) "Drug addiction" means a disease, characterized by a
11 dependency on psychoactive chemicals, loss of control over the amount
12 and circumstances of use, symptoms of tolerance, physiological or
13 psychological withdrawal, or both, if use is reduced or discontinued,
14 and impairment of health or disruption of social or economic
15 functioning;

16 (23) "Evaluation and treatment facility" means any facility which
17 can provide directly, or by direct arrangement with other public or
18 private agencies, emergency evaluation and treatment, outpatient
19 care, and timely and appropriate inpatient care to persons suffering
20 from a mental disorder, and which is licensed or certified as such by
21 the department. The authority may certify single beds as temporary
22 evaluation and treatment beds under RCW 71.05.745. A physically
23 separate and separately operated portion of a state hospital may be
24 designated as an evaluation and treatment facility. A facility which
25 is part of, or operated by, the department of social and health
26 services or any federal agency will not require certification. No
27 correctional institution or facility, or jail, shall be an evaluation
28 and treatment facility within the meaning of this chapter;

29 (24) "Gravely disabled" means a condition in which a person, as a
30 result of a behavioral health disorder: (a) Is in danger of serious
31 physical harm resulting from a failure to provide for his or her
32 essential human needs of health or safety; or (b) manifests severe
33 deterioration from safe behavior evidenced by repeated and escalating
34 loss of cognitive or volitional control over his or her actions and
35 is not receiving such care as is essential for his or her health or
36 safety;

37 (25) "Habilitative services" means those services provided by
38 program personnel to assist persons in acquiring and maintaining life
39 skills and in raising their levels of physical, mental, social, and
40 vocational functioning. Habilitative services include education,

1 training for employment, and therapy. The habilitative process shall
2 be undertaken with recognition of the risk to the public safety
3 presented by the person being assisted as manifested by prior charged
4 criminal conduct;

5 (26) "Hearing" means any proceeding conducted in open court that
6 conforms to the requirements of RCW 71.05.820;

7 (27) "History of one or more violent acts" refers to the period
8 of time ten years prior to the filing of a petition under this
9 chapter, excluding any time spent, but not any violent acts
10 committed, in a behavioral health facility, or in confinement as a
11 result of a criminal conviction;

12 (28) "Imminent" means the state or condition of being likely to
13 occur at any moment or near at hand, rather than distant or remote;

14 (29) "In need of assisted outpatient treatment" refers to a
15 person who meets the criteria for assisted outpatient treatment
16 established under RCW 71.05.148;

17 (30) "Individualized service plan" means a plan prepared by a
18 developmental disabilities professional with other professionals as a
19 team, for a person with developmental disabilities, which shall
20 state:

21 (a) The nature of the person's specific problems, prior charged
22 criminal behavior, and habilitation needs;

23 (b) The conditions and strategies necessary to achieve the
24 purposes of habilitation;

25 (c) The intermediate and long-range goals of the habilitation
26 program, with a projected timetable for the attainment;

27 (d) The rationale for using this plan of habilitation to achieve
28 those intermediate and long-range goals;

29 (e) The staff responsible for carrying out the plan;

30 (f) Where relevant in light of past criminal behavior and due
31 consideration for public safety, the criteria for proposed movement
32 to less-restrictive settings, criteria for proposed eventual
33 discharge or release, and a projected possible date for discharge or
34 release; and

35 (g) The type of residence immediately anticipated for the person
36 and possible future types of residences;

37 (31) "Intoxicated person" means a person whose mental or physical
38 functioning is substantially impaired as a result of the use of
39 alcohol or other psychoactive chemicals;

1 (32) "Judicial commitment" means a commitment by a court pursuant
2 to the provisions of this chapter;

3 (33) "Legal counsel" means attorneys and staff employed by county
4 prosecutor offices or the state attorney general acting in their
5 capacity as legal representatives of public behavioral health service
6 providers under RCW 71.05.130;

7 (34) "Less restrictive alternative treatment" means a program of
8 individualized treatment in a less restrictive setting than inpatient
9 treatment that includes the services described in RCW 71.05.585. This
10 term includes: Treatment pursuant to a less restrictive alternative
11 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
12 to a conditional release under RCW 71.05.340; and treatment pursuant
13 to an assisted outpatient treatment order under RCW 71.05.148;

14 (35) "Licensed physician" means a person licensed to practice
15 medicine or osteopathic medicine and surgery in the state of
16 Washington;

17 (36) "Likelihood of serious harm" means:

18 (a) A substantial risk that: (i) Physical harm will be inflicted
19 by a person upon his or her own person, as evidenced by threats or
20 attempts to commit suicide or inflict physical harm on oneself; (ii)
21 physical harm will be inflicted by a person upon another, as
22 evidenced by behavior which has caused harm, substantial pain, or
23 which places another person or persons in reasonable fear of harm to
24 themselves or others; or (iii) physical harm will be inflicted by a
25 person upon the property of others, as evidenced by behavior which
26 has caused substantial loss or damage to the property of others; or

27 (b) The person has threatened the physical safety of another and
28 has a history of one or more violent acts;

29 (37) "Medical clearance" means a physician or other health care
30 provider has determined that a person is medically stable and ready
31 for referral to the designated crisis responder;

32 (38) "Mental disorder" means any organic, mental, or emotional
33 impairment which has substantial adverse effects on a person's
34 cognitive or volitional functions;

35 (39) "Mental health professional" means ~~((a))~~ an individual
36 practicing within the mental health professional's statutory scope of
37 practice who is:

38 (a) A psychiatrist, psychologist, physician assistant working
39 with a supervising psychiatrist, psychiatric advanced registered
40 nurse practitioner, psychiatric nurse, or social worker, ~~((and such~~

1 ~~other mental health professionals as may be defined by rules adopted~~
2 ~~by the secretary pursuant to the provisions of this chapter))~~ as
3 defined in this chapter and chapter 71.34 RCW;

4 (b) A mental health counselor, mental health counselor associate,
5 marriage and family therapist, or marriage and family therapist
6 associate, as defined in chapter 18.225 RCW; or

7 (c) A certified or licensed agency affiliated counselor, as
8 defined in chapter 18.19 RCW;

9 (40) "Peace officer" means a law enforcement official of a public
10 agency or governmental unit, and includes persons specifically given
11 peace officer powers by any state law, local ordinance, or judicial
12 order of appointment;

13 (41) "Physician assistant" means a person licensed as a physician
14 assistant under chapter 18.71A RCW;

15 (42) "Private agency" means any person, partnership, corporation,
16 or association that is not a public agency, whether or not financed
17 in whole or in part by public funds, which constitutes an evaluation
18 and treatment facility or private institution, or hospital, or
19 approved substance use disorder treatment program, which is conducted
20 for, or includes a department or ward conducted for, the care and
21 treatment of persons with behavioral health disorders;

22 (43) "Professional person" means a mental health professional,
23 substance use disorder professional, or designated crisis responder
24 and shall also mean a physician, physician assistant, psychiatric
25 advanced registered nurse practitioner, registered nurse, and such
26 others as may be defined by rules adopted by the secretary pursuant
27 to the provisions of this chapter;

28 (44) "Psychiatric advanced registered nurse practitioner" means a
29 person who is licensed as an advanced registered nurse practitioner
30 pursuant to chapter 18.79 RCW; and who is board certified in advanced
31 practice psychiatric and mental health nursing;

32 (45) "Psychiatrist" means a person having a license as a
33 physician and surgeon in this state who has in addition completed
34 three years of graduate training in psychiatry in a program approved
35 by the American medical association or the American osteopathic
36 association and is certified or eligible to be certified by the
37 American board of psychiatry and neurology;

38 (46) "Psychologist" means a person who has been licensed as a
39 psychologist pursuant to chapter 18.83 RCW;

1 (47) "Public agency" means any evaluation and treatment facility
2 or institution, secure withdrawal management and stabilization
3 facility, approved substance use disorder treatment program, or
4 hospital which is conducted for, or includes a department or ward
5 conducted for, the care and treatment of persons with behavioral
6 health disorders, if the agency is operated directly by federal,
7 state, county, or municipal government, or a combination of such
8 governments;

9 (48) "Release" means legal termination of the commitment under
10 the provisions of this chapter;

11 (49) "Resource management services" has the meaning given in
12 chapter 71.24 RCW;

13 (50) "Secretary" means the secretary of the department of health,
14 or his or her designee;

15 (51) "Secure withdrawal management and stabilization facility"
16 means a facility operated by either a public or private agency or by
17 the program of an agency which provides care to voluntary individuals
18 and individuals involuntarily detained and committed under this
19 chapter for whom there is a likelihood of serious harm or who are
20 gravely disabled due to the presence of a substance use disorder.
21 Secure withdrawal management and stabilization facilities must:

22 (a) Provide the following services:

23 (i) Assessment and treatment, provided by certified substance use
24 disorder professionals or co-occurring disorder specialists;

25 (ii) Clinical stabilization services;

26 (iii) Acute or subacute detoxification services for intoxicated
27 individuals; and

28 (iv) Discharge assistance provided by certified substance use
29 disorder professionals or co-occurring disorder specialists,
30 including facilitating transitions to appropriate voluntary or
31 involuntary inpatient services or to less restrictive alternatives as
32 appropriate for the individual;

33 (b) Include security measures sufficient to protect the patients,
34 staff, and community; and

35 (c) Be licensed or certified as such by the department of health;

36 (52) "Severe deterioration from safe behavior" means that a
37 person will, if not treated, suffer or continue to suffer severe and
38 abnormal mental, emotional, or physical distress, and this distress
39 is associated with significant impairment of judgment, reason, or
40 behavior;

1 (53) "Social worker" means a person with a master's or further
2 advanced degree from a social work educational program accredited and
3 approved as provided in RCW 18.320.010;

4 (54) "Substance use disorder" means a cluster of cognitive,
5 behavioral, and physiological symptoms indicating that an individual
6 continues using the substance despite significant substance-related
7 problems. The diagnosis of a substance use disorder is based on a
8 pathological pattern of behaviors related to the use of the
9 substances;

10 (55) "Substance use disorder professional" means a person
11 certified as a substance use disorder professional by the department
12 of health under chapter 18.205 RCW;

13 (56) "Therapeutic court personnel" means the staff of a mental
14 health court or other therapeutic court which has jurisdiction over
15 defendants who are dually diagnosed with mental disorders, including
16 court personnel, probation officers, a court monitor, prosecuting
17 attorney, or defense counsel acting within the scope of therapeutic
18 court duties;

19 (57) "Treatment records" include registration and all other
20 records concerning persons who are receiving or who at any time have
21 received services for behavioral health disorders, which are
22 maintained by the department of social and health services, the
23 department, the authority, behavioral health administrative services
24 organizations and their staffs, managed care organizations and their
25 staffs, and by treatment facilities. Treatment records include mental
26 health information contained in a medical bill including but not
27 limited to mental health drugs, a mental health diagnosis, provider
28 name, and dates of service stemming from a medical service. Treatment
29 records do not include notes or records maintained for personal use
30 by a person providing treatment services for the department of social
31 and health services, the department, the authority, behavioral health
32 administrative services organizations, managed care organizations, or
33 a treatment facility if the notes or records are not available to
34 others;

35 (58) "Triage facility" means a short-term facility or a portion
36 of a facility licensed or certified by the department, which is
37 designed as a facility to assess and stabilize an individual or
38 determine the need for involuntary commitment of an individual, and
39 must meet department residential treatment facility standards. A

1 triage facility may be structured as a voluntary or involuntary
2 placement facility;

3 (59) "Video," unless the context clearly indicates otherwise,
4 means the delivery of behavioral health services through the use of
5 interactive audio and video technology, permitting real-time
6 communication between a person and a designated crisis responder, for
7 the purpose of evaluation. "Video" does not include the use of audio-
8 only telephone, facsimile, email, or store and forward technology.
9 "Store and forward technology" means use of an asynchronous
10 transmission of a person's medical information from a mental health
11 service provider to the designated crisis responder which results in
12 medical diagnosis, consultation, or treatment;

13 (60) "Violent act" means behavior that resulted in homicide,
14 attempted suicide, injury, or substantial loss or damage to property.

15 **Sec. 22.** RCW 71.05.760 and 2019 c 446 s 16 and 2019 c 325 s 3015
16 are each reenacted and amended to read as follows:

17 (1)(a) The authority or its designee shall provide training to
18 the designated crisis responders.

19 (b)(i) To qualify as a designated crisis responder, a person must
20 have received substance use disorder training as determined by the
21 authority and be a:

22 (A) ~~((Psychiatrist, psychologist, physician assistant working~~
23 ~~with a supervising psychiatrist, psychiatric advanced registered~~
24 ~~nurse practitioner, or social worker;~~

25 ~~(B) Person who is licensed by the department as a mental health~~
26 ~~counselor or mental health counselor associate, or marriage and~~
27 ~~family therapist or marriage and family therapist associate;~~

28 ~~(C) Person with a master's degree or further advanced degree in~~
29 ~~counseling or one of the social sciences from an accredited college~~
30 ~~or university and who have, in addition, at least two years of~~
31 ~~experience in direct treatment of persons with mental illness or~~
32 ~~emotional disturbance, such experience gained under the direction of~~
33 ~~a mental health professional;~~

34 ~~(D))~~ Mental health professional with an advanced degree;

35 (B) Person who meets the waiver criteria of RCW 71.24.260, which
36 waiver was granted before 1986; or

37 ~~((E))~~ (C) Person who had an approved waiver to perform the
38 duties of a mental health professional that was requested by the

1 regional support network and granted by the department of social and
2 health services before July 1, 2001 (~~or~~

3 ~~(F) Person who has been granted an exception of the minimum~~
4 ~~requirements of a mental health professional by the department~~
5 ~~consistent with rules adopted by the secretary)).~~

6 (ii) Training must include training specific to the duties of a
7 designated crisis responder, including diagnosis of substance abuse
8 and dependence and assessment of risk associated with substance use.

9 (2) (a) The authority must ensure that at least one sixteen-bed
10 secure withdrawal management and stabilization facility is
11 operational by April 1, 2018, and that at least two sixteen-bed
12 secure withdrawal management and stabilization facilities are
13 operational by April 1, 2019.

14 (b) If, at any time during the implementation of secure
15 withdrawal management and stabilization facility capacity, federal
16 funding becomes unavailable for federal match for services provided
17 in secure withdrawal management and stabilization facilities, then
18 the authority must cease any expansion of secure withdrawal
19 management and stabilization facilities until further direction is
20 provided by the legislature.

21 **Sec. 23.** RCW 43.43.842 and 2021 c 215 s 150 are each amended to
22 read as follows:

23 (1) (a) The secretary of social and health services and the
24 secretary of health shall adopt additional requirements for the
25 licensure or relicensure of agencies, facilities, and licensed
26 individuals who provide care and treatment to vulnerable adults,
27 including nursing pools registered under chapter 18.52C RCW. These
28 additional requirements shall ensure that any person associated with
29 a licensed agency or facility having unsupervised access with a
30 vulnerable adult shall not be the respondent in an active vulnerable
31 adult protection order under chapter 7.105 RCW, nor have been: (i)
32 Convicted of a crime against children or other persons as defined in
33 RCW 43.43.830, except as provided in this section; (ii) convicted of
34 crimes relating to financial exploitation as defined in RCW
35 43.43.830, except as provided in this section; or (iii) found in any
36 disciplinary board final decision to have abused a vulnerable adult
37 as defined in RCW 43.43.830.

38 (b) A person associated with a licensed agency or facility who
39 has unsupervised access with a vulnerable adult shall make the

1 disclosures specified in RCW 43.43.834(2). The person shall make the
2 disclosures in writing, sign, and swear to the contents under penalty
3 of perjury. The person shall, in the disclosures, specify all crimes
4 against children or other persons, all crimes relating to financial
5 exploitation, and all crimes relating to drugs as defined in RCW
6 43.43.830, committed by the person.

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

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

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

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

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

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

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

34 (g) The otherwise disqualifying conviction or disposition has
35 been the subject of a pardon, annulment, or other equivalent
36 procedure.

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

1 (3) The rules adopted pursuant to subsection (2) of this section
2 may not allow a licensee to automatically deny an applicant with a
3 conviction for an offense set forth in subsection (2) of this section
4 for a position as a substance use disorder professional or substance
5 use disorder professional trainee certified under chapter 18.205 RCW
6 if:

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

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

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

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

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

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

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

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

1 eligibility for licensure or relicensure. Criminal justice agencies
2 shall provide the secretaries such information as they may have and
3 that the secretaries may require for such purpose.

4 **Sec. 24.** RCW 18.205.105 and 2019 c 444 s 25 are each amended to
5 read as follows:

6 (1) The department shall develop training standards for the
7 creation of a co-occurring disorder specialist enhancement which may
8 be added to the license or registration held by one of the following:

9 (a) Psychologists licensed under chapter 18.83 RCW;

10 (b) Independent clinical social workers licensed under chapter
11 18.225 RCW;

12 (c) Marriage and family therapists licensed under chapter 18.225
13 RCW;

14 (d) Mental health counselors licensed under chapter 18.225 RCW;
15 and

16 (e) An agency affiliated counselor licensed under chapter 18.19
17 RCW (~~(with a master's degree or further advanced degree in counseling
18 or one of the social sciences from an accredited college or
19 university who has at least two years of experience, experience
20 gained under the supervision of a mental health professional
21 recognized by the department or attested to by the licensed
22 behavioral health agency, in direct treatment of persons with mental
23 illness or emotional disturbance)~~).

24 (2) To obtain the co-occurring disorder specialist enhancement,
25 the applicant must meet training standards and experience
26 requirements. The training standards must be designed with
27 consideration of the practices of the health professions listed in
28 subsection (1) of this section and consisting of sixty hours of
29 instruction consisting of (a) thirty hours in understanding the
30 disease pattern of addiction and the pharmacology of alcohol and
31 other drugs; and (b) thirty hours in understanding addiction
32 placement, continuing care, and discharge criteria, including the
33 American society of addiction medicine criteria; treatment planning
34 specific to substance abuse; relapse prevention; and confidentiality
35 issues specific to substance use disorder treatment.

36 (3) In developing the training standards, the department shall
37 consult with the examining board of psychology established in chapter
38 18.83 RCW, the Washington state mental health counselors, marriage
39 and family therapists, and social workers advisory committee

1 established in chapter 18.225 RCW, the substance use disorder
2 certification advisory committee established in chapter 18.205 RCW,
3 and educational institutions in Washington state that train
4 psychologists, marriage and family therapists, mental health
5 counselors, independent clinical social workers, and substance use
6 disorder professionals.

7 (4) The department shall approve educational programs that meet
8 the training standards, and must not limit its approval to
9 university-based courses.

10 (5) The secretary shall issue a co-occurring disorder specialist
11 enhancement to any applicant who demonstrates to the secretary's
12 satisfaction that the following requirements have been met:

13 (a) Completion of the training standards;

14 (b) Successful completion of an approved examination based on
15 core competencies of substance use disorder counseling;

16 (c) Successful completion of an experience requirement of:

17 (i) Eighty hours of supervised experience for an applicant listed
18 under subsection (1) of this section with fewer than five years of
19 experience; or

20 (ii) Forty hours of supervised experience for an applicant listed
21 under subsection (1) of this section with five or more years of
22 experience; and

23 (d) Payment of any fees that may be established by the
24 department.

25 (6) An applicant for the co-occurring disorder specialist
26 enhancement may receive supervised experience from any person who
27 meets or exceeds the requirements of a certified substance use
28 disorder professional in the state of Washington and who would be
29 eligible to take the examination required for substance use disorder
30 professional certification.

31 (7) A person who has obtained a co-occurring disorder specialist
32 enhancement may provide substance use disorder counseling services
33 which are equal in scope with those provided by substance use
34 disorder professionals under this chapter, subject to the following
35 limitations:

36 (a) A co-occurring disorder specialist may only provide substance
37 use disorder counseling services if the co-occurring disorder
38 specialist is employed by:

39 (i) An agency that provides counseling services;

40 (ii) A federally qualified health center; or

1 (iii) A hospital;

2 (b) Following an initial intake or assessment, a co-occurring
3 disorder specialist may provide substance use disorder treatment only
4 to clients diagnosed with a substance use disorder and a mental
5 health disorder;

6 (c) Prior to providing substance use disorder treatment to a
7 client assessed to be in need of 2.1 or higher level of care
8 according to American society of addiction medicine criteria, a co-
9 occurring disorder specialist must make a reasonable effort to refer
10 and connect the client to the appropriate care setting, as indicated
11 by the client's American society of addiction medicine level of care;
12 and

13 (d) A co-occurring disorder specialist must comply with rules
14 promulgated by the department under subsection (11) of this section.

15 (8) The secretary shall establish by rule what constitutes
16 adequate proof of meeting the criteria.

17 (9) Applicants are subject to the grounds for denial of a
18 certificate or issuance of a conditional certificate under chapter
19 18.130 RCW.

20 (10) The department may adopt a fee to defray the cost of
21 regulatory activities related to the issuance of co-occurring
22 disorder specialist enhancements and any related disciplinary
23 activities.

24 (11) The department shall adopt rules regarding the role of co-
25 occurring disorder specialists across the American society of
26 addiction medicine continuum of care.

27 (12) Any increase in fees necessary to cover the cost of
28 regulating co-occurring disorder (~~professionals—[specialists]~~)
29 specialists who receive an enhancement under this section must be
30 borne by persons licensed as psychologists under chapter 18.83 RCW,
31 independent clinical social workers under chapter 18.225 RCW,
32 marriage and family therapists under chapter 18.225 RCW, or mental
33 health counselors under chapter 18.225 RCW. The cost of regulating
34 co-occurring disorder specialists who receive an enhancement under
35 this section may not be borne by substance use disorder professionals
36 or substance use disorder professional trainees certified under this
37 chapter and may not be included in the calculation of fees for
38 substance use disorder professionals or substance use disorder
39 professional trainees certified under this chapter.

1 **Sec. 25.** RCW 18.130.175 and 2022 c 43 s 10 are each amended to
2 read as follows:

3 (1) In lieu of disciplinary action under RCW 18.130.160 and if
4 the disciplining authority determines that the unprofessional conduct
5 may be the result of an applicable impairing or potentially impairing
6 health condition, the disciplining authority may refer the license
7 holder to a physician health program or a voluntary substance use
8 disorder monitoring program approved by the disciplining authority.

9 The cost of evaluation and treatment shall be the responsibility
10 of the license holder, but the responsibility does not preclude
11 payment by an employer, existing insurance coverage, or other
12 sources. Evaluation and treatment shall be provided by providers
13 approved by the entity or the commission. The disciplining authority
14 may also approve the use of out-of-state programs. Referral of the
15 license holder to the physician health program or voluntary substance
16 use disorder monitoring program shall be done only with the consent
17 of the license holder. Referral to the physician health program or
18 voluntary substance use disorder monitoring program may also include
19 probationary conditions for a designated period of time. If the
20 license holder does not consent to be referred to the program or does
21 not successfully complete the program, the disciplining authority may
22 take appropriate action under RCW 18.130.160 which includes
23 suspension of the license unless or until the disciplining authority,
24 in consultation with the director of the applicable program,
25 determines the license holder is able to practice safely. The
26 secretary shall adopt uniform rules for the evaluation by the
27 disciplining authority of return to substance use or program
28 violation on the part of a license holder in the program. The
29 evaluation shall encourage program participation with additional
30 conditions, in lieu of disciplinary action, when the disciplining
31 authority determines that the license holder is able to continue to
32 practice with reasonable skill and safety.

33 (2) In addition to approving the physician health program or the
34 voluntary substance use disorder monitoring program that may receive
35 referrals from the disciplining authority, the disciplining authority
36 may establish by rule requirements for participation of license
37 holders who are not being investigated or monitored by the
38 disciplining authority. License holders voluntarily participating in
39 the approved programs without being referred by the disciplining
40 authority shall not be subject to disciplinary action under RCW

1 18.130.160 for their impairing or potentially impairing health
2 condition, and shall not have their participation made known to the
3 disciplining authority, if they meet the requirements of this section
4 and the program in which they are participating.

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

18 (4) Program records including, but not limited to, case notes,
19 progress notes, laboratory reports, evaluation and treatment records,
20 electronic and written correspondence within the program, and between
21 the program and the participant or other involved entities including,
22 but not limited to, employers, credentialing bodies, referents, or
23 other collateral sources, relating to license holders referred to or
24 voluntarily participating in approved programs are confidential and
25 exempt from disclosure under chapter 42.56 RCW and shall not be
26 subject to discovery by subpoena or admissible as evidence except:

27 (a) To defend any civil action by a license holder regarding the
28 restriction or revocation of that individual's clinical or staff
29 privileges, or termination of a license holder's employment. In such
30 an action, the program will, upon subpoena issued by either party to
31 the action, and upon the requesting party seeking a protective order
32 for the requested disclosure, provide to both parties of the action
33 written disclosure that includes the following information:

34 (i) Verification of a health care professional's participation in
35 the physician health program or voluntary substance use disorder
36 monitoring program as it relates to aspects of program involvement at
37 issue in the civil action;

38 (ii) The dates of participation;

39 (iii) Whether or not the program identified an impairing or
40 potentially impairing health condition;

1 (iv) Whether the health care professional was compliant with the
2 requirements of the physician health program or voluntary substance
3 use disorder monitoring program; and

4 (v) Whether the health care professional successfully completed
5 the physician health program or voluntary substance use disorder
6 monitoring program; and

7 (b) Records provided to the disciplining authority for cause as
8 described in subsection (3) of this section. Program records relating
9 to license holders mandated to the program, through order or by
10 stipulation, by the disciplining authority or relating to license
11 holders reported to the disciplining authority by the program for
12 cause, must be released to the disciplining authority at the request
13 of the disciplining authority. Records held by the disciplining
14 authority under this section are exempt from chapter 42.56 RCW and
15 are not subject to discovery by subpoena except by the license
16 holder.

17 (5) This section does not affect an employer's right or ability
18 to make employment-related decisions regarding a license holder. This
19 section does not restrict the authority of the disciplining authority
20 to take disciplinary action for any other unprofessional conduct.

21 (6) A person who, in good faith, reports information or takes
22 action in connection with this section is immune from civil liability
23 for reporting information or taking the action.

24 (a) The immunity from civil liability provided by this section
25 shall be liberally construed to accomplish the purposes of this
26 section, and applies to both license holders and students and
27 trainees when students and trainees of the applicable professions are
28 served by the program. The persons entitled to immunity shall
29 include:

30 (i) An approved physician health program or voluntary substance
31 use disorder monitoring program;

32 (ii) The professional association affiliated with the program;

33 (iii) Members, employees, or agents of the program or
34 associations;

35 (iv) Persons reporting a license holder as being possibly
36 impaired or providing information about the license holder's
37 impairment; and

38 (v) Professionals supervising or monitoring the course of the
39 program participant's treatment or rehabilitation.

1 (b) The courts are strongly encouraged to impose sanctions on
2 program participants and their attorneys whose allegations under this
3 subsection are not made in good faith and are without either
4 reasonable objective, substantive grounds, or both.

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

7 (7) In the case of a person who is applying to be a substance use
8 disorder professional or substance use disorder professional trainee
9 certified under chapter 18.205 RCW, if the person is:

10 (a) Less than one year in recovery from a substance use disorder,
11 the duration of time that the person may be required to participate
12 in an approved substance use disorder monitoring program may not
13 exceed the amount of time necessary for the person to achieve one
14 year in recovery; or

15 (b) At least one year in recovery from a substance use disorder,
16 the person may not be required to participate in the approved
17 substance use disorder monitoring program.

18 (8) In the case of a person who is applying to be an agency
19 affiliated counselor (~~(registered)~~) credentialed under chapter 18.19
20 RCW and practices or intends to practice as a peer counselor in an
21 agency, as defined in RCW 18.19.020, if the person is:

22 (a) Less than one year in recovery from a substance use disorder,
23 the duration of time that the person may be required to participate
24 in the approved substance use disorder monitoring program may not
25 exceed the amount of time necessary for the person to achieve one
26 year in recovery; or

27 (b) At least one year in recovery from a substance use disorder,
28 the person may not be required to participate in the approved
29 substance use disorder monitoring program.

30 **Sec. 26.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to
31 read as follows:

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

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

- 1 (i) Dispensing opticians licensed and designated apprentices
2 under chapter 18.34 RCW;
- 3 (ii) Midwives licensed under chapter 18.50 RCW;
- 4 (iii) Ocularists licensed under chapter 18.55 RCW;
- 5 (iv) Massage therapists and businesses licensed under chapter
6 18.108 RCW;
- 7 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 8 (vi) Acupuncturists or acupuncture and Eastern medicine
9 practitioners licensed under chapter 18.06 RCW;
- 10 (vii) Radiologic technologists certified and X-ray technicians
11 registered under chapter 18.84 RCW;
- 12 (viii) Respiratory care practitioners licensed under chapter
13 18.89 RCW;
- 14 (ix) Hypnotherapists (~~and~~) registered, agency affiliated
15 counselors registered, certified, or licensed, and advisors and
16 counselors certified under chapter 18.19 RCW;
- 17 (x) Persons licensed as mental health counselors, mental health
18 counselor associates, marriage and family therapists, marriage and
19 family therapist associates, social workers, social work associates—
20 advanced, and social work associates—independent clinical under
21 chapter 18.225 RCW;
- 22 (xi) Persons registered as nursing pool operators under chapter
23 18.52C RCW;
- 24 (xii) Nursing assistants registered or certified or medication
25 assistants endorsed under chapter 18.88A RCW;
- 26 (xiii) Dietitians and nutritionists certified under chapter
27 18.138 RCW;
- 28 (xiv) Substance use disorder professionals, substance use
29 disorder professional trainees, or co-occurring disorder specialists
30 certified under chapter 18.205 RCW;
- 31 (xv) Sex offender treatment providers and certified affiliate sex
32 offender treatment providers certified under chapter 18.155 RCW;
- 33 (xvi) Persons licensed and certified under chapter 18.73 RCW or
34 RCW 18.71.205;
- 35 (xvii) Orthotists and prosthetists licensed under chapter 18.200
36 RCW;
- 37 (xviii) Surgical technologists registered under chapter 18.215
38 RCW;
- 39 (xix) Recreational therapists under chapter 18.230 RCW;

1 (xx) Animal massage therapists certified under chapter 18.240
2 RCW;

3 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
4 (xxii) Home care aides certified under chapter 18.88B RCW;
5 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
6 (xxiv) Reflexologists certified under chapter 18.108 RCW;
7 (xxv) Medical assistants-certified, medical assistants-
8 hemodialysis technician, medical assistants-phlebotomist, forensic
9 phlebotomist, and medical assistants-registered certified and
10 registered under chapter 18.360 RCW; and

11 (xxvi) Behavior analysts, assistant behavior analysts, and
12 behavior technicians under chapter 18.380 RCW.

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

15 (i) The podiatric medical board as established in chapter 18.22
16 RCW;

17 (ii) The chiropractic quality assurance commission as established
18 in chapter 18.25 RCW;

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

23 (iv) The board of hearing and speech as established in chapter
24 18.35 RCW;

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

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

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

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

35 (ix) The Washington medical commission as established in chapter
36 18.71 RCW governing licenses and registrations issued under chapters
37 18.71 and 18.71A RCW;

38 (x) The board of physical therapy as established in chapter 18.74
39 RCW;

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

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

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

8 (xiv) The veterinary board of governors as established in chapter
9 18.92 RCW;

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

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

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

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

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

23 (1) This chapter applies only to the secretary and the boards and
24 commissions having jurisdiction in relation to the professions
25 licensed under the chapters specified in this section. This chapter
26 does not apply to any business or profession not licensed under the
27 chapters specified in this section.

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

30 (i) Dispensing opticians licensed and designated apprentices
31 under chapter 18.34 RCW;

32 (ii) Midwives licensed under chapter 18.50 RCW;

33 (iii) Ocularists licensed under chapter 18.55 RCW;

34 (iv) Massage therapists and businesses licensed under chapter
35 18.108 RCW;

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

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

- 1 (vii) Radiologic technologists certified and X-ray technicians
2 registered under chapter 18.84 RCW;
- 3 (viii) Respiratory care practitioners licensed under chapter
4 18.89 RCW;
- 5 (ix) Hypnotherapists (~~and~~) registered, agency affiliated
6 counselors registered, certified, or licensed, and advisors and
7 counselors certified under chapter 18.19 RCW;
- 8 (x) Persons licensed as mental health counselors, mental health
9 counselor associates, marriage and family therapists, marriage and
10 family therapist associates, social workers, social work associates—
11 advanced, and social work associates—independent clinical under
12 chapter 18.225 RCW;
- 13 (xi) Persons registered as nursing pool operators under chapter
14 18.52C RCW;
- 15 (xii) Nursing assistants registered or certified or medication
16 assistants endorsed under chapter 18.88A RCW;
- 17 (xiii) Dietitians and nutritionists certified under chapter
18 18.138 RCW;
- 19 (xiv) Substance use disorder professionals, substance use
20 disorder professional trainees, or co-occurring disorder specialists
21 certified under chapter 18.205 RCW;
- 22 (xv) Sex offender treatment providers and certified affiliate sex
23 offender treatment providers certified under chapter 18.155 RCW;
- 24 (xvi) Persons licensed and certified under chapter 18.73 RCW or
25 RCW 18.71.205;
- 26 (xvii) Orthotists and prosthetists licensed under chapter 18.200
27 RCW;
- 28 (xviii) Surgical technologists registered under chapter 18.215
29 RCW;
- 30 (xix) Recreational therapists under chapter 18.230 RCW;
- 31 (xx) Animal massage therapists certified under chapter 18.240
32 RCW;
- 33 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 34 (xxii) Home care aides certified under chapter 18.88B RCW;
- 35 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
- 36 (xxiv) Reflexologists certified under chapter 18.108 RCW;
- 37 (xxv) Medical assistants-certified, medical assistants-
38 hemodialysis technician, medical assistants-phlebotomist, forensic
39 phlebotomist, and medical assistants-registered certified and
40 registered under chapter 18.360 RCW;

1 (xxvi) Behavior analysts, assistant behavior analysts, and
2 behavior technicians under chapter 18.380 RCW; and

3 (xxvii) Birth doulas certified under chapter 18.47 RCW.

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

6 (i) The podiatric medical board as established in chapter 18.22
7 RCW;

8 (ii) The chiropractic quality assurance commission as established
9 in chapter 18.25 RCW;

10 (iii) The dental quality assurance commission as established in
11 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
12 licenses and registrations issued under chapter 18.260 RCW, and
13 certifications issued under chapter 18.350 RCW;

14 (iv) The board of hearing and speech as established in chapter
15 18.35 RCW;

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

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

20 (vii) The board of osteopathic medicine and surgery as
21 established in chapter 18.57 RCW governing licenses issued under
22 chapter 18.57 RCW;

23 (viii) The pharmacy quality assurance commission as established
24 in chapter 18.64 RCW governing licenses issued under chapters 18.64
25 and 18.64A RCW;

26 (ix) The Washington medical commission as established in chapter
27 18.71 RCW governing licenses and registrations issued under chapters
28 18.71 and 18.71A RCW;

29 (x) The board of physical therapy as established in chapter 18.74
30 RCW;

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

33 (xii) The nursing care quality assurance commission as
34 established in chapter 18.79 RCW governing licenses and registrations
35 issued under that chapter;

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

38 (xiv) The veterinary board of governors as established in chapter
39 18.92 RCW;

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

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

4 (3) In addition to the authority to discipline license holders,
5 the disciplining authority has the authority to grant or deny
6 licenses. The disciplining authority may also grant a license subject
7 to conditions.

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

12 NEW SECTION. **Sec. 28.** Section 20 of this act expires when
13 section 21 of this act takes effect.

14 NEW SECTION. **Sec. 29.** Section 26 of this act expires October 1,
15 2023.

16 NEW SECTION. **Sec. 30.** Section 21 of this act takes effect when
17 section 2, chapter 210, Laws of 2022 takes effect.

18 NEW SECTION. **Sec. 31.** Section 27 of this act takes effect
19 October 1, 2023.

20 NEW SECTION. **Sec. 32.** If specific funding for the purposes of
21 this act, referencing this act by bill or chapter number, is not
22 provided by June 30, 2023, in the omnibus appropriations act, this
23 act is null and void.

24 NEW SECTION. **Sec. 33.** Sections 1 through 7, 13 through 20, and
25 22 through 26 of this act are necessary for the immediate
26 preservation of the public peace, health, or safety, or support of
27 the state government and its existing public institutions, and take
28 effect immediately."

2SHB 1724 - S COMM AMD

By Committee on Health & Long Term Care

ADOPTED 04/12/2023

1 On page 1, line 2 of the title, after "workforce;" strike the
2 remainder of the title and insert "amending RCW 18.83.170,
3 18.205.140, 18.225.090, 18.225.140, 18.122.100, 18.205.110,
4 18.225.110, 18.130.050, 18.19.020, 18.19.030, 18.19.090, 18.19.095,
5 18.19.180, 18.19.210, 71.05.020, 71.05.020, 43.43.842, 18.205.105,
6 18.130.175, 18.130.040, and 18.130.040; reenacting and amending RCW
7 71.05.760; adding a new section to chapter 43.70 RCW; adding new
8 sections to chapter 18.130 RCW; adding a new section to chapter
9 18.225 RCW; adding a new section to chapter 18.19 RCW; creating a new
10 section; providing an effective date; providing a contingent
11 effective date; providing an expiration date; providing a contingent
12 expiration date; and declaring an emergency."

EFFECT: Allows disciplining authorities to waive education, training, experience, and exam requirements for applicants for licensure who have been credentialed in good standing in another state with substantially equivalent standards for at least two years.

Allows disciplining authorities to waive education, training, experience, or exam requirements for applicants for licensure who have achieved a national certification for their profession as determined by the disciplining authority.

Allows applicants for licensure as a social worker, mental health counselor, marriage and family therapist, or substance use disorder professional to take required examinations for licensure while their application is pending and before the disciplining authority issues a finding that they meet the other requirements for licensure or certification.

Allows disciplining authorities to contract with persons or entities to review applications for licensure or temporary practice permits, provided that the final decision is retained by the disciplining authority.

Creates an agency affiliated counselor (AAC) certification, establishing a certification pathway for a person who has a bachelor's degree, has counseling-specific coursework as determined by the Department of Health (DOH), and has at least five years of experience in direct treatment of persons with a mental disorder gained under the supervision of a licensed clinical supervisor.

Allows a certified AAC to act as a mental health professional in providing assessment and diagnosis of mental health disorders within the context of employment by an agency and under the supervision of a licensed clinical supervisor, but excludes them from providing clinical supervision or practicing as a designated crisis responder or co-occurring disorder specialist.

Creates an AAC license available to applicants who have an advanced degree, counseling-specific coursework as determined by DOH, and at least two years of experience in direct treatment of persons with a mental disorder gained under the supervision of a licensed clinical supervisor.

Allows a licensed AAC to practice independently as a mental health professional, including practice as a designated crisis

responder or co-occurring disorder specialist if other requirements are met.

--- END ---