

E2SHB 2247 - S COMM AMD

By Committee on Health & Long Term Care

ADOPTED 02/29/2024

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

3 **"Sec. 1.** RCW 18.19.020 and 2023 c 425 s 13 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Agency" means (a) an agency or facility operated, licensed,
8 or certified by the state of Washington; (b) a federally recognized
9 Indian tribe located within the state; ~~((c))~~ (c) a county; or (d) a
10 federally qualified health center.

11 (2) "Agency affiliated counselor" means a person registered,
12 certified, or licensed under this chapter who is employed by an
13 agency or is a student intern, as defined by the department.

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

17 (4) "Certified agency affiliated counselor" means a person
18 certified under this chapter who is engaging in counseling to the
19 extent authorized in RCW 18.19.215.

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

23 (6) "Client" means an individual who receives or participates in
24 counseling or group counseling.

25 (7) "Counseling" means employing any therapeutic techniques,
26 including but not limited to social work, mental health counseling,
27 marriage and family therapy, and hypnotherapy, for a fee that offer,
28 assist or attempt to assist an individual or individuals in the
29 amelioration or adjustment of mental, emotional, or behavioral
30 problems, and includes therapeutic techniques to achieve sensitivity
31 and awareness of self and others and the development of human

1 potential. For the purposes of this chapter, nothing may be construed
2 to imply that the practice of hypnotherapy is necessarily limited to
3 counseling.

4 (8) "Counselor" means an individual, practitioner, therapist, or
5 analyst who engages in the practice of counseling to the public for a
6 fee, including for the purposes of this chapter, hypnotherapists.

7 (9) "Department" means the department of health.

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

10 (11) "Licensed agency affiliated counselor" means a person
11 licensed under this chapter who is engaged in counseling to the
12 extent authorized in RCW 18.19.215.

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

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

18 (14) "Psychotherapy" means the practice of counseling using
19 diagnosis of mental disorders according to the fourth edition of the
20 diagnostic and statistical manual of mental disorders, published in
21 1994, and the development of treatment plans for counseling based on
22 diagnosis of mental disorders in accordance with established practice
23 standards.

24 (15) "Registered agency affiliated counselor" means a person
25 registered under this chapter who is engaged in counseling to the
26 extent authorized in RCW 18.19.215. This includes juvenile probation
27 counselors who are employees of the juvenile court under RCW
28 13.04.035 and 13.04.040 and juvenile court employees providing
29 functional family therapy, aggression replacement training, or other
30 evidence-based programs approved by the department of children,
31 youth, and families. A student intern as defined by the department
32 may be a registered agency affiliated counselor.

33 (16) "Secretary" means the secretary of the department or the
34 secretary's designee.

35 **Sec. 2.** RCW 18.83.020 and 1986 c 27 s 1 are each amended to read
36 as follows:

37 (1) To safeguard the people of the state of Washington from the
38 dangers of unqualified and improper practice of psychology, it is
39 unlawful for any person to whom this chapter applies to represent

1 himself or herself to be a psychologist or a licensed psychological
2 associate without first obtaining a license as provided in this
3 chapter.

4 (2) A person represents himself or herself to be a psychologist
5 or a licensed psychological associate when the person adopts or uses
6 any title or any description of services which incorporates one or
7 more of the following terms: "psychology," "psychological,"
8 "psychologist," or any term of like import.

9 (3) A licensed psychological associate shall provide each client
10 or patient, during the first professional contact, with a disclosure
11 form disclosing that the licensed psychological associate is an
12 associate under the supervision of an approved supervisor.

13 **Sec. 3.** RCW 18.83.050 and 2004 c 262 s 8 are each amended to
14 read as follows:

15 (1) The board shall adopt such rules as it deems necessary to
16 carry out its functions.

17 (2) The board shall examine the qualifications of applicants for
18 licensing under this chapter, to determine which applicants are
19 eligible for licensing under this chapter and shall forward to the
20 secretary the names of applicants so eligible.

21 (3) The board shall administer examinations to qualified
22 applicants on at least an annual basis. The board shall determine the
23 subject matter and scope of the examination, except as provided in
24 RCW 18.83.170. The board may allow applicants to take the examination
25 upon the granting of their doctoral degree before completion of their
26 internship for supervised experience.

27 (4) The board shall keep a complete record of its own
28 proceedings, of the questions given in examinations, of the names and
29 qualifications of all applicants, and the names and addresses of all
30 licensed psychologists and licensed psychological associates. The
31 examination paper of such applicant shall be kept on file for a
32 period of at least one year after examination.

33 (5) The board shall, by rule, adopt a code of ethics for
34 psychologists and licensed psychological associates which is designed
35 to protect the public interest.

36 (6) The board may require that persons licensed under this
37 chapter as psychologists or licensed psychological associates obtain
38 and maintain professional liability insurance in amounts determined
39 by the board to be practicable and reasonably available.

1 **Sec. 4.** RCW 18.83.080 and 1996 c 191 s 66 are each amended to
2 read as follows:

3 The board shall forward to the secretary the name of each
4 applicant entitled to a license under this chapter. The secretary
5 shall promptly issue to such applicant a license authorizing such
6 applicant to use the title "psychologist" ~~((→))~~ or "licensed
7 psychological associate." Each licensed psychologist or licensed
8 psychological associate shall keep his or her license displayed in a
9 conspicuous place in his or her principal place of business.

10 **Sec. 5.** RCW 18.83.105 and 1996 c 191 s 69 are each amended to
11 read as follows:

12 ~~(1) The board ((may issue certificates of qualification with~~
13 ~~appropriate title to applicants who meet all the licensing~~
14 ~~requirements except the possession of the degree of Doctor of~~
15 ~~Philosophy or its equivalent in psychology from an accredited~~
16 ~~educational institution. These certificates of qualification certify~~
17 ~~that the holder has been examined by the board and is deemed~~
18 ~~competent to perform certain functions within the practice of~~
19 ~~psychology under the periodic direct supervision of a psychologist~~
20 ~~licensed by the board. Such functions will be specified on the~~
21 ~~certificate issued by the board. Such applicant shall comply with~~
22 ~~administrative procedures, administrative requirements, and fees~~
23 ~~determined under RCW 43.70.250 and 43.70.280. Upon petition by a~~
24 ~~holder the board of examiners may grant authority to function without~~
25 ~~immediate supervision.))~~ shall issue a licensed psychological
26 associate license to an applicant who:

27 (a) Is:

28 (i) Currently enrolled in a doctor of philosophy, doctor of
29 psychology program, or its equivalent in psychology at an accredited
30 educational institution; or

31 (ii) Participating in a postdoctoral residency, postdoctoral
32 fellowship, or another supervised postdoctoral experience;

33 (b) Has been deemed competent by the director of clinical
34 training or postdoctoral supervisor to practice psychology under the
35 supervision of a licensed supervisor subject to rules adopted by the
36 board; and

37 (c) Has complied with administrative procedures, administrative
38 requirements, and fees determined under RCW 43.70.250 and 43.70.280.

1 (2) (a) A holder of a licensed psychological associate license may
2 only practice under the supervision of a licensed supervisor pursuant
3 to rules adopted by the board.

4 (b) An applicant for a licensed psychological associate license
5 under this section may practice without a license under the direct
6 supervision of a licensed supervisor for 120 days after the
7 department receives the applicant's completed application or the
8 applicant's license is issued or denied, whichever is sooner.

9 **Sec. 6.** RCW 18.83.110 and 2020 c 302 s 116 are each amended to
10 read as follows:

11 Confidential communications between a client and a psychologist
12 or licensed psychological associate shall be privileged against
13 compulsory disclosure to the same extent and subject to the same
14 conditions as confidential communications between attorney and
15 client, but this exception is subject to the limitations under RCW
16 71.05.217 (6) and (7).

17 **Sec. 7.** RCW 18.83.115 and 1986 c 27 s 9 are each amended to read
18 as follows:

19 (1) Psychologists and licensed psychological associates licensed
20 under this chapter shall provide clients at the commencement of any
21 program of treatment with accurate disclosure information concerning
22 their practice, in accordance with guidelines developed by the board,
23 which will inform clients of the purposes of and resources available
24 under this chapter, including the right of clients to refuse
25 treatment, the responsibility of clients for choosing the provider
26 and treatment modality which best suits their needs, and the extent
27 of confidentiality provided by this chapter. The disclosure
28 information provided by the psychologist or licensed psychological
29 associate, the receipt of which shall be acknowledged in writing by
30 the psychologist or licensed psychological associate and client,
31 shall include any relevant education and training, the therapeutic
32 orientation of the practice, the proposed course of treatment where
33 known, any financial requirements, and such other information as the
34 board may require by rule.

35 (2) In inpatient settings, the health facility shall provide
36 clients with the disclosure statement at the commencement of any
37 program of treatment, and shall post the statement in a conspicuous
38 location accessible to the client.

1 (3) The board shall provide for modification of the guidelines as
2 appropriate in cases where the client has been referred by the court,
3 a state agency, or other governmental body to a particular provider
4 for specified evaluation or treatment.

5 **Sec. 8.** RCW 18.83.135 and 2000 c 93 s 7 are each amended to read
6 as follows:

7 In addition to the authority prescribed under RCW 18.130.050, the
8 board shall have the following authority:

9 (1) To maintain records of all activities, and to publish and
10 distribute to all psychologists and licensed psychological associates
11 at least once each year abstracts of significant activities of the
12 board;

13 (2) To obtain the written consent of the complaining client or
14 patient or their legal representative, or of any person who may be
15 affected by the complaint, in order to obtain information which
16 otherwise might be confidential or privileged; and

17 (3) To apply the provisions of the uniform disciplinary act,
18 chapter 18.130 RCW, to all persons licensed as psychologists or
19 licensed psychological associates under this chapter.

20 **Sec. 9.** RCW 18.83.170 and 2023 c 425 s 1 are each amended to
21 read as follows:

22 (1) (a) Upon compliance with administrative procedures,
23 administrative requirements, and fees determined under RCW 43.70.250
24 and 43.70.280, the board may grant a license, without oral
25 examination, to any applicant who has not previously failed any
26 examination held by the board of psychology of the state of
27 Washington and furnishes evidence satisfactory to the board that the
28 applicant:

29 ~~((a))~~ (i) Holds a doctoral degree with primary emphasis on
30 psychology from an accredited college or university; and

31 ~~((b)(i))~~ (ii)(A) Is licensed or certified to practice
32 psychology in another state or country in which the requirements for
33 such licensing or certification are, in the judgment of the board,
34 essentially equivalent to those required by this chapter and the
35 rules and regulations of the board. Such individuals must have been
36 licensed or certified in another state for a period of at least two
37 years; or

1 (~~(ii)~~) (B) Is a diplomate in good standing of the American
2 Board of Examiners in Professional Psychology; or

3 (~~(iii)~~) (C) Is a member of a professional organization and
4 holds a certificate deemed by the board to meet standards equivalent
5 to this chapter.

6 (b) The board may adopt rules waiving any of the requirements of
7 this subsection (1) for an applicant who has continuously held a
8 license to practice psychology in good standing in another state,
9 territory, or country for a period of time that, in the judgment of
10 the board, renders the waived requirements duplicative or
11 unnecessary.

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

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

16 (A) Hold or have held within the past twelve months a credential
17 in good standing from another state or territory of the United States
18 which has a scope of practice that is substantially equivalent to or
19 greater than the scope of practice for licensed psychologists as
20 established under this chapter; and

21 (B) Have no disciplinary record or disqualifying criminal
22 history.

23 (b) The department shall issue a probationary license to an
24 applicant who meets the requirements of (a)(ii)(B) of this
25 subsection. The department must determine what deficiencies, if any,
26 exist between the education and experience requirements of the other
27 state's credential and, after consideration of the experience and
28 capabilities of the applicant, determine whether it is appropriate to
29 require the applicant to complete additional education or experience
30 requirements to maintain the probationary license and, within a
31 reasonable time period, transition to a full license. The department
32 may place a reasonable time limit on a probationary license and may,
33 if appropriate, require the applicant to pass a jurisprudential
34 examination.

35 (c) The department must maintain and publish a list of
36 credentials in other states and territories that the department has
37 determined to have a scope of practice that is substantially
38 equivalent to or greater than the scope of practice for licensed
39 psychologists as established under this chapter. The department shall
40 prioritize identifying and publishing the department's determination

1 for the five states or territories that have historically had the
2 most applicants for reciprocity under subsection (1) of this section
3 with a scope of practice that is substantially equivalent to or
4 greater than the scope of practice for licensed psychologists as
5 established under this chapter.

6 **Sec. 10.** RCW 18.83.180 and 1987 c 150 s 55 are each amended to
7 read as follows:

8 It shall be a gross misdemeanor and unlicensed practice for any
9 person to:

10 (1) Use in connection with his or her name any designation
11 tending to imply that he or she is a licensed psychologist or
12 licensed psychological associate unless duly licensed under or
13 specifically excluded from the provisions of this chapter;

14 (2) Practice as a licensed psychologist or licensed psychological
15 associate during the time his or her license issued under the
16 provisions of this chapter is suspended or revoked.

17 **Sec. 11.** RCW 18.83.190 and 1991 c 3 s 203 are each amended to
18 read as follows:

19 If any person represents himself or herself to be a psychologist
20 or licensed psychological associate, unless the person is exempt from
21 the provisions of this chapter, without possessing a valid license,
22 certificated qualification, or a temporary permit to do so, or if he
23 or she violates any of the provisions of this chapter, any
24 prosecuting attorney, the secretary, or any citizen of the same
25 county may maintain an action in the name of the state to enjoin such
26 person from representing himself or herself as a psychologist or
27 licensed psychological associate. The injunction shall not relieve
28 the person from criminal prosecution, but the remedy by injunction
29 shall be in addition to the liability of such offender to criminal
30 prosecution and to suspension or revocation of his or her license.

31 **Sec. 12.** RCW 18.83.210 and 1965 c 70 s 25 are each amended to
32 read as follows:

33 Nothing in this chapter shall be construed as prohibiting any
34 individual from offering counseling or guidance provided that such
35 individuals do not hold themselves forth as psychologists or licensed
36 psychological associates.

1 **Sec. 13.** RCW 18.205.095 and 2021 c 165 s 1 and 2021 c 57 s 1 are
2 each reenacted and amended to read as follows:

3 (1) The secretary shall issue a trainee certificate to any
4 applicant who demonstrates to the satisfaction of the secretary that
5 he or she is working toward the education and experience requirements
6 in RCW 18.205.090.

7 (2) A trainee certified under this section shall submit to the
8 secretary for approval a declaration, in accordance with rules
9 adopted by the department, which shall be updated with the trainee's
10 annual renewal, that he or she is actively pursuing the experience
11 requirements under RCW 18.205.090 and is enrolled in:

12 (a) An approved education program; or

13 (b) An apprenticeship program reviewed by the substance use
14 disorder certification advisory committee, approved by the secretary,
15 and registered and approved under chapter 49.04 RCW.

16 (3) A trainee certified under this section may practice only
17 under the supervision of a certified substance use disorder
18 professional. The first 50 hours of any face-to-face client contact
19 must be under direct observation. All remaining experience must be
20 under supervision in accordance with rules adopted by the department.

21 (4) A certified substance use disorder professional trainee
22 provides substance use disorder assessments, counseling, and case
23 management (~~((with a state regulated agency))~~) and can provide clinical
24 services to patients consistent with his or her education, training,
25 and experience as approved by his or her supervisor.

26 (5) (~~((A trainee certification may only be renewed four times,
27 unless the secretary finds that a waiver to allow additional renewals
28 is justified due to barriers to testing or training resulting from a
29 governor-declared emergency.))~~) A person whose trainee certification
30 was not renewed due to the person exceeding the four-renewal limit in
31 place prior to the effective date of this section shall be treated as
32 if the person's certification expired. The secretary shall allow such
33 a person to return the person's trainee certification to active
34 status pursuant to standard rules and procedures in place for
35 returning an expired credential to active status.

36 (6) Applicants are subject to denial of a certificate or issuance
37 of a conditional certificate for the reasons set forth in chapter
38 18.130 RCW.

39 (7) A person certified under this chapter holding the title of
40 chemical dependency professional trainee is considered to hold the

1 title of substance use disorder professional trainee until such time
2 as the person's present certification expires or is renewed.

3 **Sec. 14.** RCW 18.225.090 and 2023 c 425 s 3 and 2023 c 58 s 16
4 are each reenacted and amended to read as follows:

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

9 (a) Licensed social work classifications:

10 (i) Licensed advanced social worker:

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

16 (B) Successful completion of an approved examination;

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

18 The supervised experience requirement consists of a minimum of 3,200
19 hours with supervision by an approved supervisor who has been
20 licensed for at least two years. Of those supervised hours:

21 (I) At least 90 hours must include direct supervision as
22 specified in this subsection by a licensed independent clinical
23 social worker, a licensed advanced social worker, or an equally
24 qualified licensed mental health professional. Of those hours of
25 directly supervised experience at least 40 hours must be in one-to-
26 one supervision and 50 hours may be in one-to-one supervision or
27 group supervision; and

28 (II) 800 hours must be in direct client contact; and

29 (D) Successful completion of continuing education requirements
30 (~~of 36 hours, with six~~) established in rule by the secretary in
31 consultation with the committee, including a minimum number of hours
32 in professional ethics.

33 (ii) Licensed independent clinical social worker:

34 (A) Graduation from a master's level social work educational
35 program accredited by the council on social work education or a
36 social work doctorate program at a university accredited by a
37 recognized accrediting organization, and approved by the secretary
38 based upon nationally recognized standards;

39 (B) Successful completion of an approved examination;

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

10 (I) At least 1,000 hours must be direct client contact; and

11 (II) Hours of direct supervision must include:

12 (1) At least 100 hours by a licensed mental health practitioner;

13 (2) At least 70 hours of supervision with a licensed independent
14 clinical social worker meeting the qualifications under this
15 subsection (1) (a) (ii) (C); the remaining hours may be supervised by an
16 equally qualified licensed mental health practitioner; and

17 (3) At least 60 hours must be in one-to-one supervision and the
18 remaining hours may be in one-to-one supervision or group
19 supervision; and

20 (D) Successful completion of continuing education requirements
21 ~~((of 36 hours, with six))~~ established in rule by the secretary in
22 consultation with the committee, including a minimum number of hours
23 in professional ethics.

24 (b) Licensed mental health counselor:

25 (i) (A) Graduation from a master's or doctoral level educational
26 program in counseling that consists of at least 60 semester hours or
27 90 quarter hours, or includes at least 60 semester hours or 90
28 quarter hours of graduate coursework that includes the following
29 topic areas:

30 (I) Mental health counseling orientation and ethical practice;

31 (II) Social and cultural diversity;

32 (III) Human growth and development;

33 (IV) Career development;

34 (V) Counseling and helping relationships;

35 (VI) Group counseling and group work;

36 (VII) Diagnosis and treatment;

37 (VIII) Assessment and testing; and

38 (IX) Research and program evaluation; or

39 (B) Graduation from a master's or doctoral level educational
40 program in a related discipline from a college or university approved

1 by the secretary based upon nationally recognized standards. An
2 applicant who satisfies the educational requirements for licensure
3 under this subsection (1)(b)(i)(B) is not qualified to exercise the
4 privilege to practice under the counseling compact established in
5 chapter 18.17 RCW unless the master's or doctoral level educational
6 program in a related discipline consists of at least 60 semester
7 hours or 90 quarter hours, or includes at least 60 semester hours or
8 90 quarter hours of graduate coursework that includes the topic areas
9 specified in ~~((subsection (1))~~ (b) (i) (A) (I) through (IX) of this
10 ~~((section [(b) (i) (A) (I) through (IX) of this subsection])~~)
11 subsection;

12 (ii) Successful completion of an approved examination;

13 (iii) Successful completion of a supervised experience
14 requirement. The experience requirement consists of a minimum of 36
15 months full-time counseling or 3,000 hours of postgraduate mental
16 health counseling under the supervision of a qualified licensed
17 mental health counselor or equally qualified licensed mental health
18 practitioner, in an approved setting. The 3,000 hours of required
19 experience includes a minimum of 100 hours spent in immediate
20 supervision with the qualified licensed mental health counselor, and
21 includes a minimum of 1,200 hours of direct counseling with
22 individuals, couples, families, or groups; and

23 (iv) Successful completion of continuing education requirements
24 ~~((of 36 hours, with six))~~ established in rule by the secretary in
25 consultation with the committee, including a minimum number of hours
26 in professional ethics.

27 (c) Licensed marriage and family therapist:

28 (i) Graduation from a master's degree or doctoral degree
29 educational program in marriage and family therapy or graduation from
30 an educational program in an allied field equivalent to a master's
31 degree or doctoral degree in marriage and family therapy approved by
32 the secretary based upon nationally recognized standards;

33 (ii) Successful passage of an approved examination;

34 (iii) Successful completion of a supervised experience
35 requirement. The experience requirement consists of a minimum of
36 3,000 hours of marriage and family therapy. Of the total supervision,
37 100 hours must be with a licensed marriage and family therapist with
38 at least ~~((five))~~ two years' clinical experience; the other 100 hours
39 may be with an equally qualified licensed mental health practitioner.
40 Total experience requirements include:

1 (A) 1,000 hours of direct client contact; at least 500 hours must
2 be gained in diagnosing and treating couples and families; plus

3 (B) At least 200 hours of qualified supervision with a
4 supervisor. At least 100 of the 200 hours must be one-on-one
5 supervision, and the remaining hours may be in one-on-one or group
6 supervision.

7 Applicants who have completed a master's program accredited by
8 the commission on accreditation for marriage and family therapy
9 education of the American association for marriage and family therapy
10 may be credited with 500 hours of direct client contact and 100 hours
11 of formal meetings with an approved supervisor; and

12 (iv) Successful completion of continuing education requirements
13 (~~of 36 hours, with six~~) established in rule by the secretary in
14 consultation with the committee, including a minimum number of hours
15 in professional ethics.

16 (2) The department shall establish by rule what constitutes
17 adequate proof of meeting the criteria. Only rules in effect on the
18 date of submission of a completed application of an associate for her
19 or his license shall apply. If the rules change after a completed
20 application is submitted but before a license is issued, the new
21 rules shall not be reason to deny the application.

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

25 **Sec. 15.** RCW 18.225.145 and 2021 c 57 s 2 are each amended to
26 read as follows:

27 (1) The secretary shall issue an associate license to any
28 applicant who demonstrates to the satisfaction of the secretary that
29 the applicant meets the following requirements for the applicant's
30 practice area and submits a declaration that the applicant is working
31 toward full licensure in that category:

32 (a) Licensed social worker associate—advanced or licensed social
33 worker associate—~~independent clinical~~: Graduation from a master's
34 degree or doctoral degree educational program in social work
35 accredited by the council on social work education and approved by
36 the secretary based upon nationally recognized standards.

37 (b) Licensed mental health counselor associate: Graduation from a
38 master's degree or doctoral degree educational program in mental
39 health counseling or a related discipline from a college or

1 university approved by the secretary based upon nationally recognized
2 standards.

3 (c) Licensed marriage and family therapist associate: Graduation
4 from a master's degree or doctoral degree educational program in
5 marriage and family therapy or graduation from an educational program
6 in an allied field equivalent to a master's degree or doctoral degree
7 in marriage and family therapy approved by the secretary based upon
8 nationally recognized standards.

9 (2) Associates may not provide independent social work, mental
10 health counseling, or marriage and family therapy for a fee, monetary
11 or otherwise. Associates must work under the supervision of an
12 approved supervisor. Beginning October 1, 2025, an applicant for an
13 associate license under this section may practice without a license
14 under the direct supervision of an approved supervisor for 120 days
15 after the department receives the applicant's completed application
16 or the applicant's license is issued or denied, whichever is sooner.

17 (3) Associates shall provide each client or patient, during the
18 first professional contact, with a disclosure form according to RCW
19 18.225.100, disclosing that he or she is an associate under the
20 supervision of an approved supervisor.

21 (4) The department shall adopt by rule what constitutes adequate
22 proof of compliance with the requirements of this section.

23 (5) Applicants are subject to the denial of a license or issuance
24 of a conditional license for the reasons set forth in chapter 18.130
25 RCW.

26 (6) (a) (~~(Except as provided in (b) of this subsection, an)~~) An
27 associate license may be renewed ((no more than six times, provided
28 that)). Until October 1, 2025, the applicant for renewal ((has)) must
29 have successfully completed eighteen hours of continuing education in
30 the preceding year. After October 1, 2025, the applicant for renewal
31 must have successfully completed, in the preceding year, continuing
32 education requirements established in rule by the secretary in
33 consultation with the committee. Beginning with the second renewal,
34 ((at least six of)) the continuing education requirements established
35 in rule by the secretary in consultation with the committee must
36 require the applicant to complete a minimum number of continuing
37 education hours in the preceding two years ((must be)) in
38 professional ethics.

39 (b) (~~(If the secretary finds that a waiver to allow additional~~
40 ~~renewals is justified due to barriers to testing or training~~

1 ~~resulting from a governor-declared emergency, additional renewals may~~
2 ~~be approved.))~~ A person whose associate license was not renewed due
3 to the person exceeding the six-renewal limit in place prior to the
4 effective date of this section shall be treated as if the person's
5 license expired. The secretary shall allow such a person to return
6 the person's associate license to active status pursuant to standard
7 rules and procedures in place for returning an expired credential to
8 active status.

9 **Sec. 16.** RCW 18.225.180 and 2023 c 425 s 7 are each amended to
10 read as follows:

11 (1)(a) Subject to the availability of amounts appropriated for
12 this specific purpose, by October 1, 2023, the department shall
13 develop a program to facilitate placement of associates with clinical
14 supervision services. The program must include a database of license
15 holders with the required qualifications who are willing to serve as
16 approved supervisors and agencies or facilities that offer
17 supervision services through their facilities to associates seeking
18 to satisfy supervised experience requirements under RCW 18.225.090.

19 (b) The department shall adopt, by rule, minimum qualifications
20 for supervisors or facilities to be included in the database and
21 minimum standards for adequate supervision of associates. The
22 department may not include in the database any person who, or
23 facility that, does not meet the minimum qualifications. The
24 department shall periodically audit the list to remove persons who,
25 or facilities that, no longer meet the minimum qualifications or fail
26 to meet the minimum standards.

27 (2) Subject to the availability of amounts appropriated for this
28 specific purpose, the department shall establish a stipend program to
29 ~~((defray the out-of-pocket expenses incurred by))~~ offset the costs
30 incurred when providing supervision for associates completing
31 supervised experience requirements under RCW 18.225.090.

32 ~~((Out-of-pocket expenses eligible for defrayment under this~~
33 ~~section include costs incurred in order to obtain supervised~~
34 ~~experience, such as fees or charges imposed by the individual or~~
35 ~~entity providing supervision, and any other expenses deemed~~
36 ~~appropriate by the department.))~~ To be eligible for the stipend
37 program under this subsection (2), a supervisor must:

38 (i) Meet all requirements of a qualified supervisor in this
39 chapter and chapter 246-809 WAC; and

1 (ii) Be actively providing supervision to at least one associate
2 completing supervised experience requirements under RCW 18.225.090.

3 (b) (~~(Associates)~~) Supervisors participating in the stipend
4 program established in this section shall document their (~~out-of-~~
5 ~~pocket~~) incurred expenses attributable to each supervised associate
6 and time spent supervising each associate under their supervision in
7 a manner specified by the department.

8 (~~(When adopting the stipend program, the department shall~~
9 ~~consider defraying out-of-pocket expenses associated with unpaid~~
10 ~~internships that are part of an applicant's educational program.)~~)

11 (i) Supervisors receiving a stipend under this section are eligible
12 for up to \$2,000 per year per associate if the supervisor maintains
13 the supervisory relationship for the entire year and subject to the
14 availability of funds. If the supervisor does not provide supervision
15 for an entire year, the department shall prorate the stipend amount
16 accordingly.

17 (ii) If a participating supervisor's documented expenses
18 attributable to a supervised associate exceed the stipend the
19 supervisor receives under (c)(i) of this subsection for supervising
20 that associate, the participating supervisor may charge the associate
21 a fee to recoup the excess expenses attributable to that associate.
22 In no case may a fee charged to an individual associate under this
23 subsection (2)(c)(ii) exceed \$1,600 per year. The supervisor shall
24 report any fees charged to the associate to the department.

25 (d) The department shall establish the stipend program no later
26 than July 1, (~~(2024)~~) 2025.

27 (~~(e)~~) (3) The department may adopt any rules necessary to
28 implement this section.

29 **Sec. 17.** RCW 71.05.020 and 2023 c 433 s 3 and 2023 c 425 s 20
30 are each reenacted and amended to read as follows:

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

33 (1) "23-hour crisis relief center" has the same meaning as under
34 RCW 71.24.025;

35 (2) "Admission" or "admit" means a decision by a physician,
36 physician assistant, or psychiatric advanced registered nurse
37 practitioner that a person should be examined or treated as a patient
38 in a hospital;

1 (3) "Alcoholism" means a disease, characterized by a dependency
2 on alcoholic beverages, loss of control over the amount and
3 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 (4) "Antipsychotic medications" means that class of drugs
8 primarily used to treat serious manifestations of mental illness
9 associated with thought disorders, which includes, but is not limited
10 to atypical antipsychotic medications;

11 (5) "Approved substance use disorder treatment program" means a
12 program for persons with a substance use disorder provided by a
13 treatment program certified by the department as meeting standards
14 adopted under chapter 71.24 RCW;

15 (6) "Attending staff" means any person on the staff of a public
16 or private agency having responsibility for the care and treatment of
17 a patient;

18 (7) "Authority" means the Washington state health care authority;

19 (8) "Behavioral health disorder" means either a mental disorder
20 as defined in this section, a substance use disorder as defined in
21 this section, or a co-occurring mental disorder and substance use
22 disorder;

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

37 (10) "Co-occurring disorder specialist" means an individual
38 possessing an enhancement granted by the department of health under
39 chapter 18.205 RCW that certifies the individual to provide substance

1 use disorder counseling subject to the practice limitations under RCW
2 18.205.105;

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

6 (12) "Community behavioral health agency" has the same meaning as
7 "licensed or certified behavioral health agency" defined in RCW
8 71.24.025;

9 (13) "Conditional release" means a revocable modification of a
10 commitment, which may be revoked upon violation of any of its terms;

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

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

21 (16) "Department" means the department of health;

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

28 (18) "Detention" or "detain" means the lawful confinement of a
29 person, under the provisions of this chapter;

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

38 (20) "Developmental disability" means that condition defined in
39 RCW 71A.10.020(6);

40 (21) "Director" means the director of the authority;

1 (22) "Discharge" means the termination of hospital medical
2 authority. The commitment may remain in place, be terminated, or be
3 amended by court order;

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

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

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

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

39 (27) "Hearing" means any proceeding conducted in open court that
40 conforms to the requirements of RCW 71.05.820;

1 (28) "History of one or more violent acts" refers to the period
2 of time ten years prior to the filing of a petition under this
3 chapter, excluding any time spent, but not any violent acts
4 committed, in a behavioral health facility, or in confinement as a
5 result of a criminal conviction;

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

8 (30) "In need of assisted outpatient treatment" refers to a
9 person who meets the criteria for assisted outpatient treatment
10 established under RCW 71.05.148;

11 (31) "Individualized service plan" means a plan prepared by a
12 developmental disabilities professional with other professionals as a
13 team, for a person with developmental disabilities, which shall
14 state:

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

17 (b) The conditions and strategies necessary to achieve the
18 purposes of habilitation;

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

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

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

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

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

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

34 (33) "Judicial commitment" means a commitment by a court pursuant
35 to the provisions of this chapter;

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

1 (35) "Less restrictive alternative treatment" means a program of
2 individualized treatment in a less restrictive setting than inpatient
3 treatment that includes the services described in RCW 71.05.585. This
4 term includes: Treatment pursuant to a less restrictive alternative
5 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
6 to a conditional release under RCW 71.05.340; and treatment pursuant
7 to an assisted outpatient treatment order under RCW 71.05.148;

8 (36) "Licensed physician" means a person licensed to practice
9 medicine or osteopathic medicine and surgery in the state of
10 Washington;

11 (37) "Likelihood of serious harm" means:

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

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

23 (38) "Medical clearance" means a physician or other health care
24 provider has determined that a person is medically stable and ready
25 for referral to the designated crisis responder;

26 (39) "Mental disorder" means any organic, mental, or emotional
27 impairment which has substantial adverse effects on a person's
28 cognitive or volitional functions;

29 (40) "Mental health professional" means an individual practicing
30 within the mental health professional's statutory scope of practice
31 who is:

32 (a) A psychiatrist, psychologist, physician assistant working
33 with a supervising psychiatrist, psychiatric advanced registered
34 nurse practitioner, psychiatric nurse, or social worker, as defined
35 in this chapter and chapter 71.34 RCW;

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

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

1 (d) A licensed psychological associate as described in chapter
2 18.83 RCW;

3 (41) "Peace officer" means a law enforcement official of a public
4 agency or governmental unit, and includes persons specifically given
5 peace officer powers by any state law, local ordinance, or judicial
6 order of appointment;

7 (42) "Physician assistant" means a person licensed as a physician
8 assistant under chapter 18.71A RCW;

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

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

22 (45) "Psychiatric advanced registered nurse practitioner" means a
23 person who is licensed as an advanced registered nurse practitioner
24 pursuant to chapter 18.79 RCW; and who is board certified in advanced
25 practice psychiatric and mental health nursing;

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

32 (47) "Psychologist" means a person who has been licensed as a
33 psychologist pursuant to chapter 18.83 RCW;

34 (48) "Public agency" means any evaluation and treatment facility
35 or institution, secure withdrawal management and stabilization
36 facility, approved substance use disorder treatment program, or
37 hospital which is conducted for, or includes a department or ward
38 conducted for, the care and treatment of persons with behavioral
39 health disorders, if the agency is operated directly by federal,

1 state, county, or municipal government, or a combination of such
2 governments;

3 (49) "Release" means legal termination of the commitment under
4 the provisions of this chapter;

5 (50) "Resource management services" has the meaning given in
6 chapter 71.24 RCW;

7 (51) "Secretary" means the secretary of the department of health,
8 or his or her designee;

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

16 (a) Provide the following services:

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

19 (ii) Clinical stabilization services;

20 (iii) Acute or subacute detoxification services for intoxicated
21 individuals; and

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

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

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

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

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

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

4 (56) "Therapeutic court personnel" means the staff of a mental
5 health court or other therapeutic court which has jurisdiction over
6 defendants who are dually diagnosed with mental disorders, including
7 court personnel, probation officers, a court monitor, prosecuting
8 attorney, or defense counsel acting within the scope of therapeutic
9 court duties;

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

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

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

38 **Sec. 18.** RCW 71.05.020 and 2023 c 433 s 4 and 2023 c 425 s 21
39 are each reenacted and amended to read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "23-hour crisis relief center" has the same meaning as under
4 RCW 71.24.025;

5 (2) "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 (3) "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 (4) "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 (5) "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 (6) "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 (7) "Authority" means the Washington state health care authority;

27 (8) "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 (9) "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 (10) "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 (11) "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 (12) "Community behavioral health agency" has the same meaning as
14 "licensed or certified behavioral health agency" defined in RCW
15 71.24.025;

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

18 (14) "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, or to
23 determine the need for involuntary commitment of an individual;

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

28 (16) "Department" means the department of health;

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

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

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

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

5 (20) "Developmental disability" means that condition defined in
6 RCW 71A.10.020(6);

7 (21) "Director" means the director of the authority;

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

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

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

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

38 (26) "Habilitative services" means those services provided by
39 program personnel to assist persons in acquiring and maintaining life
40 skills and in raising their levels of physical, mental, social, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (34) "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 (35) "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 (36) "Licensed physician" means a person licensed to practice
15 medicine or osteopathic medicine and surgery in the state of
16 Washington;

17 (37) "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 (38) "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 (39) "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 (40) "Mental health professional" means an individual practicing
36 within the mental health professional's statutory scope of practice
37 who is:

38 (a) A psychiatrist, psychologist, physician assistant working
39 with a supervising psychiatrist, psychiatric advanced registered

1 nurse practitioner, psychiatric nurse, or social worker, as defined
2 in this chapter and chapter 71.34 RCW;

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

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

8 (d) A licensed psychological associate as described in chapter
9 18.83 RCW;

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

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

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

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

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

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

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

1 (48) "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 (49) "Release" means legal termination of the commitment under
10 the provisions of this chapter;

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

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

15 (52) "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 (53) "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 (54) "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 (55) "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 (56) "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 (57) "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 (58) "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 (59) "Video," unless the context clearly indicates otherwise,
36 means the delivery of behavioral health services through the use of
37 interactive audio and video technology, permitting real-time
38 communication between a person and a designated crisis responder, for
39 the purpose of evaluation. "Video" does not include the use of audio-
40 only telephone, facsimile, email, or store and forward technology.

1 "Store and forward technology" means use of an asynchronous
2 transmission of a person's medical information from a mental health
3 service provider to the designated crisis responder which results in
4 medical diagnosis, consultation, or treatment;

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

7 NEW SECTION. **Sec. 19.** The health care authority shall ensure
8 that all services provided by associate licenses under chapters
9 18.225 and 18.83 RCW are included in the state medicaid program,
10 including filing any necessary state plan amendments by January 1,
11 2025.

12 NEW SECTION. **Sec. 20.** The examining board of psychology may
13 adopt any rules necessary to implement sections 2 through 12 of this
14 act. The secretary of health may adopt any rules necessary to
15 implement sections 1 and 13 through 16 of this act.

16 NEW SECTION. **Sec. 21.** (1) The secretary of health shall study
17 and make recommendations on changing the disciplining authority for
18 professions regulated under chapter 18.225 RCW from the secretary of
19 health to separate boards or commissions for each profession.

20 (2) The secretary of health's findings and recommendations must,
21 at a minimum, include the following:

22 (a) Whether the disciplining authority for each profession should
23 be a board or a commission;

24 (b) The recommended membership of each board or commission, which
25 must include:

26 (i) A majority of members who are members of the regulated
27 professions; and

28 (ii) At least one public member;

29 (c) An estimate of the fiscal impact of changing the disciplining
30 authority for the professions; and

31 (d) A transition plan for changing the disciplining authorities,
32 including recommended statutory changes.

33 (3) When formulating the findings and recommendations, the
34 secretary of health must consult with organizations representing the
35 professions regulated under chapter 18.225 RCW.

1 (4) The secretary of health shall report the findings and
2 recommendations to the appropriate committees of the legislature no
3 later than July 1, 2025.

4 (5) This section expires August 1, 2025.

5 NEW SECTION. **Sec. 22.** If specific funding for the purposes of
6 this act, referencing this act by bill or chapter number, is not
7 provided by June 30, 2024, in the omnibus appropriations act, this
8 act is null and void.

9 NEW SECTION. **Sec. 23.** (1) Section 1 of this act takes effect
10 January 1, 2028.

11 (2) Sections 2 through 12, 14, and 16 of this act take effect
12 October 1, 2025.

13 NEW SECTION. **Sec. 24.** Section 17 of this act expires when
14 section 18 of this act takes effect.

15 NEW SECTION. **Sec. 25.** Section 18 of this act takes effect when
16 the contingency in section 26, chapter 433, Laws of 2023 takes
17 effect."

E2SHB 2247 - S COMM AMD

By Committee on Health & Long Term Care

ADOPTED 02/29/2024

18 On page 1, line 2 of the title, after "shortages;" strike the
19 remainder of the title and insert "amending RCW 18.19.020, 18.83.020,
20 18.83.050, 18.83.080, 18.83.105, 18.83.110, 18.83.115, 18.83.135,
21 18.83.170, 18.83.180, 18.83.190, 18.83.210, 18.225.145, and
22 18.225.180; reenacting and amending RCW 18.205.095, 18.225.090,
23 71.05.020, and 71.05.020; creating new sections; providing effective
24 dates; providing a contingent effective date; providing an expiration
25 date; and providing a contingent expiration date."

EFFECT: Makes technical amendments.

--- END ---