

SENATE BILL REPORT

E2SHB 2247

As Passed Senate - Amended, February 29, 2024

Title: An act relating to addressing behavioral health provider shortages.

Brief Description: Addressing behavioral health provider shortages.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Bateman, Bronoske, Simmons, Duerr, Callan, Reed, Macri, Doglio, Leavitt and Davis).

Brief History: Passed House: 2/12/24, 97-0.

Committee Activity: Health & Long Term Care: 2/16/24, 2/20/24 [DPA-WM].
Ways & Means: 2/23/24, 2/26/24 [DPA (HLTC)].

Floor Activity: Passed Senate - Amended: 2/29/24, 49-0.

Brief Summary of Bill (As Amended by Senate)

- Alters licensure, certification, or registration requirements, practice settings, and reimbursement requirements for psychologists, mental health counselors, social workers, marriage and family therapists, agency affiliated counselors, and substance use disorder professionals.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Muzzall, Assistant Ranking Member; Conway, Dhingra, Holy, Padden, Randall and Van De Wege.

Staff: Kevin Black (786-7747)

SENATE COMMITTEE ON WAYS & MEANS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass as amended by Committee on Health & Long Term Care.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Monica Fontaine (786-7341)

Background: Psychologists. A psychologist is a licensed professional who holds a doctorate in psychology and is authorized to observe, evaluate, interpret, and modify human behavior by the application of psychological principles, methods, and procedures. The Examining Board of Psychology (Board) may certify license applicants who meet all licensing requirements except for completion of the doctoral degree. The certification allows the applicant to perform enumerated tasks under the supervision of a licensed psychologist.

Clinical Social Workers, Mental Health Counselors, and Marriage and Family Therapists.

Licensed clinical social workers, mental health counselors, and marriage and family therapists are master's level clinicians with varying scopes of practice dealing with the provision of behavioral health services. Licensing requirements vary by profession, but each requires:

- a master's degree or above;
- completion of at least 36 hours of continuing education, with at least six hours in professional ethics; and
- completion of minimum supervised experience requirements.

For marriage and family therapists, the supervisor must have at least five years of clinical experience.

A master's level behavioral health professional may obtain an associate license while the professional is completing the requisite hours of supervised experience. An associate may not perform services for a fee and must work under supervision. An associate license may not be renewed more than six times. An applicant for renewal must complete at least 18 hours of continuing education in the preceding year. Beginning with the second renewal, at least six hours of continuing education in the preceding two years must be in professional ethics.

Subject to appropriated funds, by July 1, 2024, the Department of Health (DOH) must establish a stipend program to defray out-of-pocket expenses incurred by associates completing supervised experience requirements. Expenses eligible for defrayment include costs incurred in order to obtain supervised experience, such as fees or charges imposed by the individual or entity providing supervision and any other expenses DOH deems appropriate. DOH must consider defraying out-of-pocket expenses associated with unpaid

internships that are part of an applicant's educational program. Associates must document their out-of-pocket expenses in a manner specified by DOH.

Agency Affiliated Counselors. Agency affiliated counselors are registered, certified, or licensed to provide counseling services in an agency or as a student intern. For these purposes, an agency includes an agency or facility operated, licensed, or certified by the state; a federally recognized tribe located in the state; or a county.

Substance Use Disorder Professionals. A substance use disorder professional (SUDP) is authorized to employ the core competencies of substance use disorder counseling to assist or attempt to assist individuals with substance use disorder in their recovery. To be a certified SUDP, a person must complete an educational program, an apprenticeship program, or alternative training. The person must also pass an examination and complete an experience requirement that establishes fewer hours of experience for applicants with higher levels of education.

A person working toward the education and experience requirements may be issued an SUDP trainee certification. A trainee may only work with a state-regulated agency. A trainee certification may only be renewed four times, unless DOH grants a waiver.

Medicaid. The Medicaid program is a federal-state program that provides medical services to eligible low-income individuals or certain individuals with disabilities. Most Medicaid services are provided by managed care organizations, which are licensed health carriers contracted to provide the services through a network of providers. Medicaid services must be provided in a manner consistent with Washington's Medicaid State Plan.

Recommendations From the Department of Health. Last session the Legislature enacted 2SHB 1724 instructing DOH to examine ways to streamline and reduce licensing requirements for licensed and certified behavioral health professionals and to report its preliminary findings by November 1, 2023, and issue a final report by November 1, 2024. In 2023 DOH conducted listening sessions and issued its preliminary recommendations. This bill embodies the recommendations made by DOH in its preliminary report.

Summary of Amended Bill: Effective January 1, 2028, an agency affiliated counselor may practice in a federally qualified health center.

A psychological associate license is created effective October 1, 2025, allowing a person who is currently enrolled in a doctorate program in psychology or is participating in a postdoctoral residency or fellowship and has been deemed competent to practice psychology under the supervision of a licensed supervisor. A licensed psychological associate may only practice under the supervision of a licensed supervisor and may do so without a license for 120 days after submitting a complete license application or until the applicant's license is denied. The licensed psychological associate must disclose in writing to each client or patient that they are an associate under the supervision of an approved

supervisor. A licensed psychological associate may serve as a designated crisis responder and fulfill other roles under the Involuntary Treatment Act.

The Board of Psychology may waive any licensure requirements for applicants who have continuously held a license to practice psychology in good standing in another state, territory, or country for a period of time that, in the judgment of the Board, renders the waived requirements duplicative or unnecessary.

A SUDP trainee may practice outside a state-regulated agency.

The limit on SUDP trainee certification renewals and associate license renewals for mental health counselors, social workers, and marriage and family therapists is removed. A person whose certification or license was not renewed due to exceeding the previous limit must be treated as if the person's certification or license had expired, and may return to active status pursuant to standard rules and procedures.

Specified continuing education requirement hours are removed from statute effective October 1, 2025, for licensed mental health counselors, social workers, and marriage and family therapists. DOH is directed to establish continuing education requirements by rule, including a minimum number of hours in professional ethics.

Supervision for an associate marriage and family therapist may be provided by a licensed marriage and family therapist with at least two years' clinical experience, instead of five, effective October 1, 2025.

Beginning October 1, 2025, an applicant for an associate license as a mental health counselor, social worker, or marriage and family therapist may practice without a license under the direct supervision of an approved supervisor for 120 days after submitting a complete license application to DOH, or until the license application is denied.

A stipend program at DOH to provide payments to associate clinicians to defray the cost of supervision is reformulated as a program to offset the costs incurred by qualified supervisors in providing supervision to associates, up to \$2,000 per year, subject to appropriation. If the supervisor's documented expenses exceed \$2,000 they may charge the associate an additional fee not to exceed \$1,600 per year. Any fees charged must be reported to DOH. This program must begin by July 1, 2025.

The Health Care Authority must include all services provided by associate licenses under the state Medicaid program, including filing any necessary state plan amendments by January 1, 2025.

DOH must study and make recommendations by July 1, 2025, on changing the disciplining authority for mental health counselor, social workers, and marriage and family therapists from DOH to separate boards or commissions for each profession.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

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

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Engrossed Second Substitute House Bill (Health & Long Term Care): *The committee recommended a different version of the bill than what was heard.* PRO: Currently psychology training sites in Washington can't bill for the services provided by psychological trainees. This bill would allow the trainees to be reimbursed for the work they perform, providing an easier path for the sites to pay for providing psychologist training. Psychologists will be more likely to come to Washington and stay in Washington. More than half of the other states have a mechanism for psychologist trainees to bill for their services. These recommendations come from DOH listening sessions and embody recommendations for improvement which came out of those sessions. Building the behavioral health workforce is a priority. The stipend program for associates in last year's bill wasn't workable, which is why a new method is being proposed here. Several aspects of this bill will help to improve access to critically needed behavioral health care. We appreciate that agency affiliated counselors will be allowed to work in federally qualified health centers no sooner than 2028, so that community behavioral health centers can stabilize using a new rate methodology to increase our rates.

OTHER: Please fix section 14 which eliminates statutory continuing education requirements for master's level clinicians. We are concerned because these professions are governed by DOH instead of professional boards.

Persons Testifying (Health & Long Term Care): PRO: Laurie Lippold, Partners for Our Children; Julia O'Connor, Washington Council for Behavioral Health; London Breedlove, Washington State Psychological Association.

OTHER: Bob Cooper, National Association of Social Workers Washington Chapter; Shawna Fox, Washington State Department of Health.

Persons Signed In To Testify But Not Testifying (Health & Long Term Care): No one.

Staff Summary of Public Testimony on Bill as Amended by Health & Long Term Care (Ways & Means): PRO: This bill would allow for training of more psychologists. Washington is losing psychologists to other states that have federal match programs. Training sites in other states can be reimbursed for the work that they're doing. Washington doesn't have a funding mechanism to recoup those costs for the psychologist. Many training sites are in rural places, this would increase capacity for training sites in rural areas. The

stipend program seems more workable than the program established last year.

Persons Testifying (Ways & Means): PRO: Melanie Smith, Washington State Psychological Association; Laurie Lippold, Partners for Our Children.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.