

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2247

68th Legislature
2024 Regular Session

Passed by the House March 5, 2024
Yeas 93 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate February 29,
2024
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2247** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2247

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By House Appropriations (originally sponsored by Representatives Bateman, Bronoske, Simmons, Duerr, Callan, Reed, Macri, Doglio, Leavitt, and Davis)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to addressing behavioral health provider
2 shortages; amending RCW 18.19.020, 18.83.020, 18.83.050, 18.83.080,
3 18.83.105, 18.83.110, 18.83.115, 18.83.135, 18.83.170, 18.83.180,
4 18.83.190, 18.83.210, 18.225.145, and 18.225.180; reenacting and
5 amending RCW 18.205.095, 18.225.090, 71.05.020, and 71.05.020;
6 creating new sections; providing effective dates; providing a
7 contingent effective date; providing an expiration date; and
8 providing a contingent expiration date.

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

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

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

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

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

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

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

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

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

12 (7) "Counseling" means employing any therapeutic techniques,
13 including but not limited to social work, mental health counseling,
14 marriage and family therapy, and hypnotherapy, for a fee that offer,
15 assist or attempt to assist an individual or individuals in the
16 amelioration or adjustment of mental, emotional, or behavioral
17 problems, and includes therapeutic techniques to achieve sensitivity
18 and awareness of self and others and the development of human
19 potential. For the purposes of this chapter, nothing may be construed
20 to imply that the practice of hypnotherapy is necessarily limited to
21 counseling.

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

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

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

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

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

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

36 (14) "Psychotherapy" means the practice of counseling using
37 diagnosis of mental disorders according to the fourth edition of the
38 diagnostic and statistical manual of mental disorders, published in
39 1994, and the development of treatment plans for counseling based on

1 diagnosis of mental disorders in accordance with established practice
2 standards.

3 (15) "Registered agency affiliated counselor" means a person
4 registered under this chapter who is engaged in counseling to the
5 extent authorized in RCW 18.19.215. This includes juvenile probation
6 counselors who are employees of the juvenile court under RCW
7 13.04.035 and 13.04.040 and juvenile court employees providing
8 functional family therapy, aggression replacement training, or other
9 evidence-based programs approved by the department of children,
10 youth, and families. A student intern as defined by the department
11 may be a registered agency affiliated counselor.

12 (16) "Secretary" means the secretary of the department or the
13 secretary's designee.

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

16 (1) To safeguard the people of the state of Washington from the
17 dangers of unqualified and improper practice of psychology, it is
18 unlawful for any person to whom this chapter applies to represent
19 himself or herself to be a psychologist or a licensed psychological
20 associate without first obtaining a license as provided in this
21 chapter.

22 (2) A person represents himself or herself to be a psychologist
23 or a licensed psychological associate when the person adopts or uses
24 any title or any description of services which incorporates one or
25 more of the following terms: "psychology," "psychological,"
26 "psychologist," or any term of like import.

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

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

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

35 (2) The board shall examine the qualifications of applicants for
36 licensing under this chapter, to determine which applicants are
37 eligible for licensing under this chapter and shall forward to the
38 secretary the names of applicants so eligible.

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

7 (4) The board shall keep a complete record of its own
8 proceedings, of the questions given in examinations, of the names and
9 qualifications of all applicants, and the names and addresses of all
10 licensed psychologists and licensed psychological associates. The
11 examination paper of such applicant shall be kept on file for a
12 period of at least one year after examination.

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

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

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

22 The board shall forward to the secretary the name of each
23 applicant entitled to a license under this chapter. The secretary
24 shall promptly issue to such applicant a license authorizing such
25 applicant to use the title "psychologist" ~~((→))~~ or "licensed
26 psychological associate." Each licensed psychologist or licensed
27 psychological associate shall keep his or her license displayed in a
28 conspicuous place in his or her principal place of business.

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

31 (1) ~~The board ((may issue certificates of qualification with~~
32 ~~appropriate title to applicants who meet all the licensing~~
33 ~~requirements except the possession of the degree of Doctor of~~
34 ~~Philosophy or its equivalent in psychology from an accredited~~
35 ~~educational institution. These certificates of qualification certify~~
36 ~~that the holder has been examined by the board and is deemed~~
37 ~~competent to perform certain functions within the practice of~~
38 ~~psychology under the periodic direct supervision of a psychologist~~

1 ~~licensed by the board. Such functions will be specified on the~~
2 ~~certificate issued by the board. Such applicant shall comply with~~
3 ~~administrative procedures, administrative requirements, and fees~~
4 ~~determined under RCW 43.70.250 and 43.70.280. Upon petition by a~~
5 ~~holder the board of examiners may grant authority to function without~~
6 ~~immediate supervision.))~~ shall issue a licensed psychological
7 associate license to an applicant who:

8 (a) Is:

9 (i) Currently enrolled in a doctor of philosophy, doctor of
10 psychology program, or its equivalent in psychology at an accredited
11 educational institution; or

12 (ii) Participating in a postdoctoral residency, postdoctoral
13 fellowship, or another supervised postdoctoral experience;

14 (b) Has been deemed competent by the director of clinical
15 training or postdoctoral supervisor to practice psychology under the
16 supervision of a licensed supervisor subject to rules adopted by the
17 board; and

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

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

23 (b) An applicant for a licensed psychological associate license
24 under this section may practice without a license under the direct
25 supervision of a licensed supervisor for 120 days after the
26 department receives the applicant's completed application or the
27 applicant's license is issued or denied, whichever is sooner.

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

30 Confidential communications between a client and a psychologist
31 or licensed psychological associate shall be privileged against
32 compulsory disclosure to the same extent and subject to the same
33 conditions as confidential communications between attorney and
34 client, but this exception is subject to the limitations under RCW
35 71.05.217 (6) and (7).

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

1 (1) Psychologists and licensed psychological associates licensed
2 under this chapter shall provide clients at the commencement of any
3 program of treatment with accurate disclosure information concerning
4 their practice, in accordance with guidelines developed by the board,
5 which will inform clients of the purposes of and resources available
6 under this chapter, including the right of clients to refuse
7 treatment, the responsibility of clients for choosing the provider
8 and treatment modality which best suits their needs, and the extent
9 of confidentiality provided by this chapter. The disclosure
10 information provided by the psychologist or licensed psychological
11 associate, the receipt of which shall be acknowledged in writing by
12 the psychologist or licensed psychological associate and client,
13 shall include any relevant education and training, the therapeutic
14 orientation of the practice, the proposed course of treatment where
15 known, any financial requirements, and such other information as the
16 board may require by rule.

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

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

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

27 In addition to the authority prescribed under RCW 18.130.050, the
28 board shall have the following authority:

29 (1) To maintain records of all activities, and to publish and
30 distribute to all psychologists and licensed psychological associates
31 at least once each year abstracts of significant activities of the
32 board;

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

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

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

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

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

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

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

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

24 (b) The board may adopt rules waiving any of the requirements of
25 this subsection (1) for an applicant who has continuously held a
26 license to practice psychology in good standing in another state,
27 territory, or country for a period of time that, in the judgment of
28 the board, renders the waived requirements duplicative or
29 unnecessary.

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

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

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

39 (B) Have no disciplinary record or disqualifying criminal
40 history.

1 (b) The department shall issue a probationary license to an
2 applicant who meets the requirements of (a)(ii)(B) of this
3 subsection. The department must determine what deficiencies, if any,
4 exist between the education and experience requirements of the other
5 state's credential and, after consideration of the experience and
6 capabilities of the applicant, determine whether it is appropriate to
7 require the applicant to complete additional education or experience
8 requirements to maintain the probationary license and, within a
9 reasonable time period, transition to a full license. The department
10 may place a reasonable time limit on a probationary license and may,
11 if appropriate, require the applicant to pass a jurisprudential
12 examination.

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

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

26 It shall be a gross misdemeanor and unlicensed practice for any
27 person to:

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

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

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

37 If any person represents himself or herself to be a psychologist
38 or licensed psychological associate, unless the person is exempt from

1 the provisions of this chapter, without possessing a valid license,
2 certificated qualification, or a temporary permit to do so, or if he
3 or she violates any of the provisions of this chapter, any
4 prosecuting attorney, the secretary, or any citizen of the same
5 county may maintain an action in the name of the state to enjoin such
6 person from representing himself or herself as a psychologist or
7 licensed psychological associate. The injunction shall not relieve
8 the person from criminal prosecution, but the remedy by injunction
9 shall be in addition to the liability of such offender to criminal
10 prosecution and to suspension or revocation of his or her license.

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

13 Nothing in this chapter shall be construed as prohibiting any
14 individual from offering counseling or guidance provided that such
15 individuals do not hold themselves forth as psychologists or licensed
16 psychological associates.

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

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

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

28 (a) An approved education program; or

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

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

37 (4) A certified substance use disorder professional trainee
38 provides substance use disorder assessments, counseling, and case

1 management ((with a state regulated agency)) and can provide clinical
2 services to patients consistent with his or her education, training,
3 and experience as approved by his or her supervisor.

4 (5) (~~(A trainee certification may only be renewed four times,~~
5 ~~unless the secretary finds that a waiver to allow additional renewals~~
6 ~~is justified due to barriers to testing or training resulting from a~~
7 ~~governor-declared emergency.)) A person whose trainee certification
8 was not renewed due to the person exceeding the four-renewal limit in
9 place prior to the effective date of this section shall be treated as
10 if the person's certification expired. The secretary shall allow such
11 a person to return the person's trainee certification to active
12 status pursuant to standard rules and procedures in place for
13 returning an expired credential to active status.~~

14 (6) Applicants are subject to denial of a certificate or issuance
15 of a conditional certificate for the reasons set forth in chapter
16 18.130 RCW.

17 (7) A person certified under this chapter holding the title of
18 chemical dependency professional trainee is considered to hold the
19 title of substance use disorder professional trainee until such time
20 as the person's present certification expires or is renewed.

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

23 (1) The secretary shall issue a license to any applicant who
24 demonstrates to the satisfaction of the secretary that the applicant
25 meets the following education and experience requirements for the
26 applicant's practice area.

27 (a) Licensed social work classifications:

28 (i) Licensed advanced social worker:

29 (A) Graduation from a master's social work educational program
30 accredited by the council on social work education or a social work
31 doctorate program at a university accredited by a recognized
32 accrediting organization, and approved by the secretary based upon
33 nationally recognized standards;

34 (B) Successful completion of an approved examination;

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

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

1 (I) At least 90 hours must include direct supervision as
2 specified in this subsection by a licensed independent clinical
3 social worker, a licensed advanced social worker, or an equally
4 qualified licensed mental health professional. Of those hours of
5 directly supervised experience at least 40 hours must be in one-to-
6 one supervision and 50 hours may be in one-to-one supervision or
7 group supervision; and

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

9 (D) Successful completion of continuing education requirements
10 (~~of 36 hours, with six~~) established in rule by the secretary in
11 consultation with the committee, including a minimum number of hours
12 in professional ethics.

13 (ii) Licensed independent clinical social worker:

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

19 (B) Successful completion of an approved examination;

20 (C) Successful completion of a supervised experience requirement.
21 The supervised experience requirement consists of a minimum of 3,000
22 hours of experience, over a period of not less than two years, with
23 supervision by an approved supervisor who has been licensed for at
24 least two years and, as specified in this subsection, may be either a
25 licensed independent clinical social worker who has had at least one
26 year of experience in supervising the clinical social work of others
27 or an equally qualified licensed mental health practitioner. Of those
28 supervised hours:

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

30 (II) Hours of direct supervision must include:

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

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

36 (3) At least 60 hours must be in one-to-one supervision and the
37 remaining hours may be in one-to-one supervision or group
38 supervision; and

39 (D) Successful completion of continuing education requirements
40 (~~of 36 hours, with six~~) established in rule by the secretary in

1 consultation with the committee, including a minimum number of hours
2 in professional ethics.

3 (b) Licensed mental health counselor:

4 (i) (A) Graduation from a master's or doctoral level educational
5 program in counseling that consists of at least 60 semester hours or
6 90 quarter hours, or includes at least 60 semester hours or 90
7 quarter hours of graduate coursework that includes the following
8 topic areas:

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

10 (II) Social and cultural diversity;

11 (III) Human growth and development;

12 (IV) Career development;

13 (V) Counseling and helping relationships;

14 (VI) Group counseling and group work;

15 (VII) Diagnosis and treatment;

16 (VIII) Assessment and testing; and

17 (IX) Research and program evaluation; or

18 (B) Graduation from a master's or doctoral level educational
19 program in a related discipline from a college or university approved
20 by the secretary based upon nationally recognized standards. An
21 applicant who satisfies the educational requirements for licensure
22 under this subsection (1)(b)(i)(B) is not qualified to exercise the
23 privilege to practice under the counseling compact established in
24 chapter 18.17 RCW unless the master's or doctoral level educational
25 program in a related discipline consists of at least 60 semester
26 hours or 90 quarter hours, or includes at least 60 semester hours or
27 90 quarter hours of graduate coursework that includes the topic areas
28 specified in ~~((subsection (1)) (b) (i) (A) (I) through (IX) of this~~
29 ~~((section [(b) (i) (A) (I) through (IX) of this subsection]))~~
30 subsection;

31 (ii) Successful completion of an approved examination;

32 (iii) Successful completion of a supervised experience
33 requirement. The experience requirement consists of a minimum of 36
34 months full-time counseling or 3,000 hours of postgraduate mental
35 health counseling under the supervision of a qualified licensed
36 mental health counselor or equally qualified licensed mental health
37 practitioner, in an approved setting. The 3,000 hours of required
38 experience includes a minimum of 100 hours spent in immediate
39 supervision with the qualified licensed mental health counselor, and

1 includes a minimum of 1,200 hours of direct counseling with
2 individuals, couples, families, or groups; and

3 (iv) Successful completion of continuing education requirements
4 (~~(of 36 hours, with six)~~) established in rule by the secretary in
5 consultation with the committee, including a minimum number of hours
6 in professional ethics.

7 (c) Licensed marriage and family therapist:

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

13 (ii) Successful passage of an approved examination;

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

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

23 (B) At least 200 hours of qualified supervision with a
24 supervisor. At least 100 of the 200 hours must be one-on-one
25 supervision, and the remaining hours may be in one-on-one or group
26 supervision.

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

32 (iv) Successful completion of continuing education requirements
33 (~~(of 36 hours, with six)~~) established in rule by the secretary in
34 consultation with the committee, including a minimum number of hours
35 in professional ethics.

36 (2) The department shall establish by rule what constitutes
37 adequate proof of meeting the criteria. Only rules in effect on the
38 date of submission of a completed application of an associate for her
39 or his license shall apply. If the rules change after a completed

1 application is submitted but before a license is issued, the new
2 rules shall not be reason to deny the application.

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

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

8 (1) The secretary shall issue an associate license to any
9 applicant who demonstrates to the satisfaction of the secretary that
10 the applicant meets the following requirements for the applicant's
11 practice area and submits a declaration that the applicant is working
12 toward full licensure in that category:

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

18 (b) Licensed mental health counselor associate: Graduation from a
19 master's degree or doctoral degree educational program in mental
20 health counseling or a related discipline from a college or
21 university approved by the secretary based upon nationally recognized
22 standards.

23 (c) Licensed marriage and family therapist associate: Graduation
24 from a master's degree or doctoral degree educational program in
25 marriage and family therapy or graduation from an educational program
26 in an allied field equivalent to a master's degree or doctoral degree
27 in marriage and family therapy approved by the secretary based upon
28 nationally recognized standards.

29 (2) Associates may not provide independent social work, mental
30 health counseling, or marriage and family therapy for a fee, monetary
31 or otherwise. Associates must work under the supervision of an
32 approved supervisor. Beginning October 1, 2025, an applicant for an
33 associate license under this section may practice without a license
34 under the direct supervision of an approved supervisor for 120 days
35 after the department receives the applicant's completed application
36 or the applicant's license is issued or denied, whichever is sooner.

37 (3) Associates shall provide each client or patient, during the
38 first professional contact, with a disclosure form according to RCW

1 18.225.100, disclosing that he or she is an associate under the
2 supervision of an approved supervisor.

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

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

8 (6) (a) (~~Except as provided in (b) of this subsection, an~~) An
9 associate license may be renewed (no more than six times, provided
10 that). Until October 1, 2025, the applicant for renewal ((has)) must
11 have successfully completed eighteen hours of continuing education in
12 the preceding year. After October 1, 2025, the applicant for renewal
13 must have successfully completed, in the preceding year, continuing
14 education requirements established in rule by the secretary in
15 consultation with the committee. Beginning with the second renewal,
16 (~~at least six of~~) the continuing education requirements established
17 in rule by the secretary in consultation with the committee must
18 require the applicant to complete a minimum number of continuing
19 education hours in the preceding two years ((must be)) in
20 professional ethics.

21 (b) (~~If the secretary finds that a waiver to allow additional~~
22 ~~renewals is justified due to barriers to testing or training~~
23 ~~resulting from a governor-declared emergency, additional renewals may~~
24 ~~be approved.~~) A person whose associate license was not renewed due
25 to the person exceeding the six-renewal limit in place prior to the
26 effective date of this section shall be treated as if the person's
27 license expired. The secretary shall allow such a person to return
28 the person's associate license to active status pursuant to standard
29 rules and procedures in place for returning an expired credential to
30 active status.

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

33 (1)(a) Subject to the availability of amounts appropriated for
34 this specific purpose, by October 1, 2023, the department shall
35 develop a program to facilitate placement of associates with clinical
36 supervision services. The program must include a database of license
37 holders with the required qualifications who are willing to serve as
38 approved supervisors and agencies or facilities that offer

1 supervision services through their facilities to associates seeking
2 to satisfy supervised experience requirements under RCW 18.225.090.

3 (b) The department shall adopt, by rule, minimum qualifications
4 for supervisors or facilities to be included in the database and
5 minimum standards for adequate supervision of associates. The
6 department may not include in the database any person who, or
7 facility that, does not meet the minimum qualifications. The
8 department shall periodically audit the list to remove persons who,
9 or facilities that, no longer meet the minimum qualifications or fail
10 to meet the minimum standards.

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

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

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

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

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

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

34 (i) Supervisors receiving a stipend under this section are eligible
35 for up to \$2,000 per year per associate if the supervisor maintains
36 the supervisory relationship for the entire year and subject to the
37 availability of funds. If the supervisor does not provide supervision
38 for an entire year, the department shall prorate the stipend amount
39 accordingly.

1 (ii) If a participating supervisor's documented expenses
2 attributable to a supervised associate exceed the stipend the
3 supervisor receives under (c)(i) of this subsection for supervising
4 that associate, the participating supervisor may charge the associate
5 a fee to recoup the excess expenses attributable to that associate.
6 In no case may a fee charged to an individual associate under this
7 subsection (2)(c)(ii) exceed \$1,600 per year. The supervisor shall
8 report any fees charged to the associate to the department.

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

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

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

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

17 (1) "23-hour crisis relief center" has the same meaning as under
18 RCW 71.24.025;

19 (2) "Admission" or "admit" means a decision by a physician,
20 physician assistant, or psychiatric advanced registered nurse
21 practitioner that a person should be examined or treated as a patient
22 in a hospital;

23 (3) "Alcoholism" means a disease, characterized by a dependency
24 on alcoholic beverages, loss of control over the amount and
25 circumstances of use, symptoms of tolerance, physiological or
26 psychological withdrawal, or both, if use is reduced or discontinued,
27 and impairment of health or disruption of social or economic
28 functioning;

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

33 (5) "Approved substance use disorder treatment program" means a
34 program for persons with a substance use disorder provided by a
35 treatment program certified by the department as meeting standards
36 adopted under chapter 71.24 RCW;

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

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

2 (8) "Behavioral health disorder" means either a mental disorder
3 as defined in this section, a substance use disorder as defined in
4 this section, or a co-occurring mental disorder and substance use
5 disorder;

6 (9) "Behavioral health service provider" means a public or
7 private agency that provides mental health, substance use disorder,
8 or co-occurring disorder services to persons with behavioral health
9 disorders as defined under this section and receives funding from
10 public sources. This includes, but is not limited to: Hospitals
11 licensed under chapter 70.41 RCW; evaluation and treatment facilities
12 as defined in this section; community mental health service delivery
13 systems or community behavioral health programs as defined in RCW
14 71.24.025; licensed or certified behavioral health agencies under RCW
15 71.24.037; facilities conducting competency evaluations and
16 restoration under chapter 10.77 RCW; approved substance use disorder
17 treatment programs as defined in this section; secure withdrawal
18 management and stabilization facilities as defined in this section;
19 and correctional facilities operated by state and local governments;

20 (10) "Co-occurring disorder specialist" means an individual
21 possessing an enhancement granted by the department of health under
22 chapter 18.205 RCW that certifies the individual to provide substance
23 use disorder counseling subject to the practice limitations under RCW
24 18.205.105;

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

28 (12) "Community behavioral health agency" has the same meaning as
29 "licensed or certified behavioral health agency" defined in RCW
30 71.24.025;

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

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

39 (15) "Custody" means involuntary detention under the provisions
40 of this chapter or chapter 10.77 RCW, uninterrupted by any period of

1 unconditional release from commitment from a facility providing
2 involuntary care and treatment;

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

4 (17) "Designated crisis responder" means a mental health
5 professional appointed by the county, by an entity appointed by the
6 county, or by the authority in consultation with a federally
7 recognized Indian tribe or after meeting and conferring with an
8 Indian health care provider, to perform the duties specified in this
9 chapter;

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

12 (19) "Developmental disabilities professional" means a person who
13 has specialized training and three years of experience in directly
14 treating or working with persons with developmental disabilities and
15 is a psychiatrist, physician assistant working with a supervising
16 psychiatrist, psychologist, psychiatric advanced registered nurse
17 practitioner, or social worker, and such other developmental
18 disabilities professionals as may be defined by rules adopted by the
19 secretary of the department of social and health services;

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

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

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

26 (23) "Drug addiction" means a disease, characterized by a
27 dependency on psychoactive chemicals, loss of control over the amount
28 and circumstances of use, symptoms of tolerance, physiological or
29 psychological withdrawal, or both, if use is reduced or discontinued,
30 and impairment of health or disruption of social or economic
31 functioning;

32 (24) "Evaluation and treatment facility" means any facility which
33 can provide directly, or by direct arrangement with other public or
34 private agencies, emergency evaluation and treatment, outpatient
35 care, and timely and appropriate inpatient care to persons suffering
36 from a mental disorder, and which is licensed or certified as such by
37 the department. The authority may certify single beds as temporary
38 evaluation and treatment beds under RCW 71.05.745. A physically
39 separate and separately operated portion of a state hospital may be
40 designated as an evaluation and treatment facility. A facility which

1 is part of, or operated by, the department of social and health
2 services or any federal agency will not require certification. No
3 correctional institution or facility, or jail, shall be an evaluation
4 and treatment facility within the meaning of this chapter;

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

13 (26) "Habilitative services" means those services provided by
14 program personnel to assist persons in acquiring and maintaining life
15 skills and in raising their levels of physical, mental, social, and
16 vocational functioning. Habilitative services include education,
17 training for employment, and therapy. The habilitative process shall
18 be undertaken with recognition of the risk to the public safety
19 presented by the person being assisted as manifested by prior charged
20 criminal conduct;

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

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

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

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

33 (31) "Individualized service plan" means a plan prepared by a
34 developmental disabilities professional with other professionals as a
35 team, for a person with developmental disabilities, which shall
36 state:

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

39 (b) The conditions and strategies necessary to achieve the
40 purposes of habilitation;

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

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

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

6 (f) Where relevant in light of past criminal behavior and due
7 consideration for public safety, the criteria for proposed movement
8 to less-restrictive settings, criteria for proposed eventual
9 discharge or release, and a projected possible date for discharge or
10 release; and

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

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

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

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

22 (35) "Less restrictive alternative treatment" means a program of
23 individualized treatment in a less restrictive setting than inpatient
24 treatment that includes the services described in RCW 71.05.585. This
25 term includes: Treatment pursuant to a less restrictive alternative
26 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
27 to a conditional release under RCW 71.05.340; and treatment pursuant
28 to an assisted outpatient treatment order under RCW 71.05.148;

29 (36) "Licensed physician" means a person licensed to practice
30 medicine or osteopathic medicine and surgery in the state of
31 Washington;

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

33 (a) A substantial risk that: (i) Physical harm will be inflicted
34 by a person upon his or her own person, as evidenced by threats or
35 attempts to commit suicide or inflict physical harm on oneself; (ii)
36 physical harm will be inflicted by a person upon another, as
37 evidenced by behavior which has caused such harm or which places
38 another person or persons in reasonable fear of sustaining such harm;
39 or (iii) physical harm will be inflicted by a person upon the

1 property of others, as evidenced by behavior which has caused
2 substantial loss or damage to the property of others; or

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

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

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

11 (40) "Mental health professional" means an individual practicing
12 within the mental health professional's statutory scope of practice
13 who is:

14 (a) A psychiatrist, psychologist, physician assistant working
15 with a supervising psychiatrist, psychiatric advanced registered
16 nurse practitioner, psychiatric nurse, or social worker, as defined
17 in this chapter and chapter 71.34 RCW;

18 (b) A mental health counselor, mental health counselor associate,
19 marriage and family therapist, or marriage and family therapist
20 associate, as defined in chapter 18.225 RCW; ((~~or~~))

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

23 (d) A licensed psychological associate as described in chapter
24 18.83 RCW;

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

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

31 (43) "Private agency" means any person, partnership, corporation,
32 or association that is not a public agency, whether or not financed
33 in whole or in part by public funds, which constitutes an evaluation
34 and treatment facility or private institution, or hospital, or
35 approved substance use disorder treatment program, which is conducted
36 for, or includes a department or ward conducted for, the care and
37 treatment of persons with behavioral health disorders;

38 (44) "Professional person" means a mental health professional,
39 substance use disorder professional, or designated crisis responder
40 and shall also mean a physician, physician assistant, psychiatric

1 advanced registered nurse practitioner, registered nurse, and such
2 others as may be defined by rules adopted by the secretary pursuant
3 to the provisions of this chapter;

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

8 (46) "Psychiatrist" means a person having a license as a
9 physician and surgeon in this state who has in addition completed
10 three years of graduate training in psychiatry in a program approved
11 by the American medical association or the American osteopathic
12 association and is certified or eligible to be certified by the
13 American board of psychiatry and neurology;

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

16 (48) "Public agency" means any evaluation and treatment facility
17 or institution, secure withdrawal management and stabilization
18 facility, approved substance use disorder treatment program, or
19 hospital which is conducted for, or includes a department or ward
20 conducted for, the care and treatment of persons with behavioral
21 health disorders, if the agency is operated directly by federal,
22 state, county, or municipal government, or a combination of such
23 governments;

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

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

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

30 (52) "Secure withdrawal management and stabilization facility"
31 means a facility operated by either a public or private agency or by
32 the program of an agency which provides care to voluntary individuals
33 and individuals involuntarily detained and committed under this
34 chapter for whom there is a likelihood of serious harm or who are
35 gravely disabled due to the presence of a substance use disorder.
36 Secure withdrawal management and stabilization facilities must:

37 (a) Provide the following services:

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

40 (ii) Clinical stabilization services;

1 (iii) Acute or subacute detoxification services for intoxicated
2 individuals; and

3 (iv) Discharge assistance provided by certified substance use
4 disorder professionals or co-occurring disorder specialists,
5 including facilitating transitions to appropriate voluntary or
6 involuntary inpatient services or to less restrictive alternatives as
7 appropriate for the individual;

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

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

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

14 (54) "Substance use disorder" means a cluster of cognitive,
15 behavioral, and physiological symptoms indicating that an individual
16 continues using the substance despite significant substance-related
17 problems. The diagnosis of a substance use disorder is based on a
18 pathological pattern of behaviors related to the use of the
19 substances;

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

23 (56) "Therapeutic court personnel" means the staff of a mental
24 health court or other therapeutic court which has jurisdiction over
25 defendants who are dually diagnosed with mental disorders, including
26 court personnel, probation officers, a court monitor, prosecuting
27 attorney, or defense counsel acting within the scope of therapeutic
28 court duties;

29 (57) "Treatment records" include registration and all other
30 records concerning persons who are receiving or who at any time have
31 received services for behavioral health disorders, which are
32 maintained by the department of social and health services, the
33 department, the authority, behavioral health administrative services
34 organizations and their staffs, managed care organizations and their
35 staffs, and by treatment facilities. Treatment records include mental
36 health information contained in a medical bill including but not
37 limited to mental health drugs, a mental health diagnosis, provider
38 name, and dates of service stemming from a medical service. Treatment
39 records do not include notes or records maintained for personal use
40 by a person providing treatment services for the department of social

1 and health services, the department, the authority, behavioral health
2 administrative services organizations, managed care organizations, or
3 a treatment facility if the notes or records are not available to
4 others;

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

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

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

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "23-hour crisis relief center" has the same meaning as under
22 RCW 71.24.025;

23 (2) "Admission" or "admit" means a decision by a physician,
24 physician assistant, or psychiatric advanced registered nurse
25 practitioner that a person should be examined or treated as a patient
26 in a hospital;

27 (3) "Alcoholism" means a disease, characterized by a dependency
28 on alcoholic beverages, loss of control over the amount and
29 circumstances of use, symptoms of tolerance, physiological or
30 psychological withdrawal, or both, if use is reduced or discontinued,
31 and impairment of health or disruption of social or economic
32 functioning;

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

37 (5) "Approved substance use disorder treatment program" means a
38 program for persons with a substance use disorder provided by a

1 treatment program certified by the department as meeting standards
2 adopted under chapter 71.24 RCW;

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

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

7 (8) "Behavioral health disorder" means either a mental disorder
8 as defined in this section, a substance use disorder as defined in
9 this section, or a co-occurring mental disorder and substance use
10 disorder;

11 (9) "Behavioral health service provider" means a public or
12 private agency that provides mental health, substance use disorder,
13 or co-occurring disorder services to persons with behavioral health
14 disorders as defined under this section and receives funding from
15 public sources. This includes, but is not limited to: Hospitals
16 licensed under chapter 70.41 RCW; evaluation and treatment facilities
17 as defined in this section; community mental health service delivery
18 systems or community behavioral health programs as defined in RCW
19 71.24.025; licensed or certified behavioral health agencies under RCW
20 71.24.037; facilities conducting competency evaluations and
21 restoration under chapter 10.77 RCW; approved substance use disorder
22 treatment programs as defined in this section; secure withdrawal
23 management and stabilization facilities as defined in this section;
24 and correctional facilities operated by state and local governments;

25 (10) "Co-occurring disorder specialist" means an individual
26 possessing an enhancement granted by the department of health under
27 chapter 18.205 RCW that certifies the individual to provide substance
28 use disorder counseling subject to the practice limitations under RCW
29 18.205.105;

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

33 (12) "Community behavioral health agency" has the same meaning as
34 "licensed or certified behavioral health agency" defined in RCW
35 71.24.025;

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

38 (14) "Crisis stabilization unit" means a short-term facility or a
39 portion of a facility licensed or certified by the department, such
40 as an evaluation and treatment facility or a hospital, which has been

1 designed to assess, diagnose, and treat individuals experiencing an
2 acute crisis without the use of long-term hospitalization, or to
3 determine the need for involuntary commitment of an individual;

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

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

9 (17) "Designated crisis responder" means a mental health
10 professional appointed by the county, by an entity appointed by the
11 county, or by the authority in consultation with a federally
12 recognized Indian tribe or after meeting and conferring with an
13 Indian health care provider, to perform the duties specified in this
14 chapter;

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

17 (19) "Developmental disabilities professional" means a person who
18 has specialized training and three years of experience in directly
19 treating or working with persons with developmental disabilities and
20 is a psychiatrist, physician assistant working with a supervising
21 psychiatrist, psychologist, psychiatric advanced registered nurse
22 practitioner, or social worker, and such other developmental
23 disabilities professionals as may be defined by rules adopted by the
24 secretary of the department of social and health services;

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

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

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

31 (23) "Drug addiction" means a disease, characterized by a
32 dependency on psychoactive chemicals, loss of control over the amount
33 and circumstances of use, symptoms of tolerance, physiological or
34 psychological withdrawal, or both, if use is reduced or discontinued,
35 and impairment of health or disruption of social or economic
36 functioning;

37 (24) "Evaluation and treatment facility" means any facility which
38 can provide directly, or by direct arrangement with other public or
39 private agencies, emergency evaluation and treatment, outpatient
40 care, and timely and appropriate inpatient care to persons suffering

1 from a mental disorder, and which is licensed or certified as such by
2 the department. The authority may certify single beds as temporary
3 evaluation and treatment beds under RCW 71.05.745. A physically
4 separate and separately operated portion of a state hospital may be
5 designated as an evaluation and treatment facility. A facility which
6 is part of, or operated by, the department of social and health
7 services or any federal agency will not require certification. No
8 correctional institution or facility, or jail, shall be an evaluation
9 and treatment facility within the meaning of this chapter;

10 (25) "Gravely disabled" means a condition in which a person, as a
11 result of a behavioral health disorder: (a) Is in danger of serious
12 physical harm resulting from a failure to provide for his or her
13 essential human needs of health or safety; or (b) manifests severe
14 deterioration from safe behavior evidenced by repeated and escalating
15 loss of cognitive or volitional control over his or her actions and
16 is not receiving such care as is essential for his or her health or
17 safety;

18 (26) "Habilitative services" means those services provided by
19 program personnel to assist persons in acquiring and maintaining life
20 skills and in raising their levels of physical, mental, social, and
21 vocational functioning. Habilitative services include education,
22 training for employment, and therapy. The habilitative process shall
23 be undertaken with recognition of the risk to the public safety
24 presented by the person being assisted as manifested by prior charged
25 criminal conduct;

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

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

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

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

38 (31) "Individualized service plan" means a plan prepared by a
39 developmental disabilities professional with other professionals as a

1 team, for a person with developmental disabilities, which shall
2 state:

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

5 (b) The conditions and strategies necessary to achieve the
6 purposes of habilitation;

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

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

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

12 (f) Where relevant in light of past criminal behavior and due
13 consideration for public safety, the criteria for proposed movement
14 to less-restrictive settings, criteria for proposed eventual
15 discharge or release, and a projected possible date for discharge or
16 release; and

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

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

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

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

28 (35) "Less restrictive alternative treatment" means a program of
29 individualized treatment in a less restrictive setting than inpatient
30 treatment that includes the services described in RCW 71.05.585. This
31 term includes: Treatment pursuant to a less restrictive alternative
32 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
33 to a conditional release under RCW 71.05.340; and treatment pursuant
34 to an assisted outpatient treatment order under RCW 71.05.148;

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

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

39 (a) A substantial risk that: (i) Physical harm will be inflicted
40 by a person upon his or her own person, as evidenced by threats or

1 attempts to commit suicide or inflict physical harm on oneself; (ii)
2 physical harm will be inflicted by a person upon another, as
3 evidenced by behavior which has caused harm, substantial pain, or
4 which places another person or persons in reasonable fear of harm to
5 themselves or others; or (iii) physical harm will be inflicted by a
6 person upon the property of others, as evidenced by behavior which
7 has caused substantial loss or damage to the property of others; or

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

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

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

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

19 (a) A psychiatrist, psychologist, physician assistant working
20 with a supervising psychiatrist, psychiatric advanced registered
21 nurse practitioner, psychiatric nurse, or social worker, as defined
22 in this chapter and chapter 71.34 RCW;

23 (b) A mental health counselor, mental health counselor associate,
24 marriage and family therapist, or marriage and family therapist
25 associate, as defined in chapter 18.225 RCW; ((~~or~~))

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

28 (d) A licensed psychological associate as described in chapter
29 18.83 RCW;

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

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

36 (43) "Private agency" means any person, partnership, corporation,
37 or association that is not a public agency, whether or not financed
38 in whole or in part by public funds, which constitutes an evaluation
39 and treatment facility or private institution, or hospital, or
40 approved substance use disorder treatment program, which is conducted

1 for, or includes a department or ward conducted for, the care and
2 treatment of persons with behavioral health disorders;

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

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

13 (46) "Psychiatrist" means a person having a license as a
14 physician and surgeon in this state who has in addition completed
15 three years of graduate training in psychiatry in a program approved
16 by the American medical association or the American osteopathic
17 association and is certified or eligible to be certified by the
18 American board of psychiatry and neurology;

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

21 (48) "Public agency" means any evaluation and treatment facility
22 or institution, secure withdrawal management and stabilization
23 facility, approved substance use disorder treatment program, or
24 hospital which is conducted for, or includes a department or ward
25 conducted for, the care and treatment of persons with behavioral
26 health disorders, if the agency is operated directly by federal,
27 state, county, or municipal government, or a combination of such
28 governments;

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

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

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

35 (52) "Secure withdrawal management and stabilization facility"
36 means a facility operated by either a public or private agency or by
37 the program of an agency which provides care to voluntary individuals
38 and individuals involuntarily detained and committed under this
39 chapter for whom there is a likelihood of serious harm or who are

1 gravely disabled due to the presence of a substance use disorder.
2 Secure withdrawal management and stabilization facilities must:

- 3 (a) Provide the following services:
 - 4 (i) Assessment and treatment, provided by certified substance use
 - 5 disorder professionals or co-occurring disorder specialists;
 - 6 (ii) Clinical stabilization services;
 - 7 (iii) Acute or subacute detoxification services for intoxicated
 - 8 individuals; and
 - 9 (iv) Discharge assistance provided by certified substance use
 - 10 disorder professionals or co-occurring disorder specialists,
 - 11 including facilitating transitions to appropriate voluntary or
 - 12 involuntary inpatient services or to less restrictive alternatives as
 - 13 appropriate for the individual;
- 14 (b) Include security measures sufficient to protect the patients,
- 15 staff, and community; and
- 16 (c) Be licensed or certified as such by the department of health;

17 (53) "Severe deterioration from safe behavior" means that a
18 person will, if not treated, suffer or continue to suffer severe and
19 abnormal mental, emotional, or physical distress, and this distress
20 is associated with significant impairment of judgment, reason, or
21 behavior;

22 (54) "Social worker" means a person with a master's or further
23 advanced degree from a social work educational program accredited and
24 approved as provided in RCW 18.320.010;

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

31 (56) "Substance use disorder professional" means a person
32 certified as a substance use disorder professional by the department
33 of health under chapter 18.205 RCW;

34 (57) "Therapeutic court personnel" means the staff of a mental
35 health court or other therapeutic court which has jurisdiction over
36 defendants who are dually diagnosed with mental disorders, including
37 court personnel, probation officers, a court monitor, prosecuting
38 attorney, or defense counsel acting within the scope of therapeutic
39 court duties;

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

17 (59) "Video," unless the context clearly indicates otherwise,
18 means the delivery of behavioral health services through the use of
19 interactive audio and video technology, permitting real-time
20 communication between a person and a designated crisis responder, for
21 the purpose of evaluation. "Video" does not include the use of audio-
22 only telephone, facsimile, email, or store and forward technology.
23 "Store and forward technology" means use of an asynchronous
24 transmission of a person's medical information from a mental health
25 service provider to the designated crisis responder which results in
26 medical diagnosis, consultation, or treatment;

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

29 NEW SECTION. **Sec. 19.** The health care authority shall ensure
30 that all services provided by associate licenses under chapters
31 18.225 and 18.83 RCW are included in the state medicaid program,
32 including filing any necessary state plan amendments by January 1,
33 2025.

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

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

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

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

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

11 (i) A majority of members who are members of the regulated
12 professions; and

13 (ii) At least one public member;

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

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 25.** Section 18 of this act takes effect when
2 the contingency in section 26, chapter 433, Laws of 2023 takes
3 effect.

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