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**SUBSTITUTE SENATE BILL 5555**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Higher Education & Workforce Development (originally sponsored by Senators Randall, Dhingra, Hasegawa, Keiser, Nguyen, Nobles, Valdez, and C. Wilson)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to addressing the behavioral health workforce  
2 shortage and expanding access to peer services by creating the  
3 profession of certified peer specialists; amending RCW 18.130.040,  
4 18.130.040, 18.130.175, and 43.43.842; adding new sections to chapter  
5 71.24 RCW; adding a new chapter to Title 18 RCW; creating new  
6 sections; providing an effective date; and providing an expiration  
7 date.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that peers play  
10 a critical role along the behavioral health continuum of care, from  
11 outreach to treatment to recovery support. Peers deal in the currency  
12 of hope and motivation and are incredibly adept at supporting people  
13 with behavioral health challenges on their recovery journeys. Peers  
14 represent the only segment of the behavioral health workforce where  
15 there is not a shortage, but a surplus of willing workers. Peers,  
16 however, are presently limited to serving only medicaid recipients  
17 and working only in community behavioral health agencies. As a  
18 result, youth and adults with commercial insurance have no access to  
19 peer services. Furthermore, peers who work in other settings, such as  
20 emergency departments and behavioral health urgent care, cannot bill  
21 insurance for their services.

1 (2) Therefore, it is the intent of the legislature to address the  
2 behavioral health workforce crisis, expand access to peer services,  
3 eliminate financial barriers to professional licensing, and honor the  
4 contributions of the peer profession by creating the profession of  
5 certified peer specialists.

6 NEW SECTION. **Sec. 2.** The definitions in this section apply  
7 throughout this chapter unless the context clearly requires  
8 otherwise.

9 (1) "Advisory committee" means the Washington state certified  
10 peer specialist advisory committee established under section 4 of  
11 this act.

12 (2) "Approved supervisor" means:

13 (a) Until July 1, 2027, a behavioral health provider, as defined  
14 in RCW 71.24.025 with at least two years of experience working in a  
15 behavioral health practice that employs peer specialists as part of  
16 treatment teams; or

17 (b) A certified peer specialist who has completed:

18 (i) At least 1,500 hours of work as a fully certified peer  
19 specialist engaged in the practice of peer support services, with at  
20 least 500 hours attained through the joint supervision of peers in  
21 conjunction with another approved supervisor; and

22 (ii) The training developed by the health care authority under  
23 section 11 of this act.

24 (3) "Certified peer specialist" means a person certified under  
25 this chapter to engage in the practice of peer support services.

26 (4) "Certified peer specialist trainee" means an individual  
27 working toward the supervised experience and written examination  
28 requirements to become a certified peer specialist under this  
29 chapter.

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

31 (6) "Practice of peer support services" means the provision of  
32 interventions by either a person in recovery from a mental health  
33 condition or substance use disorder, or both, or the parent or legal  
34 guardian of a youth who is receiving or has received behavioral  
35 health services. The client receiving the interventions receives them  
36 from a person with a similar lived experience as either a person in  
37 recovery from a mental health condition or substance use disorder, or  
38 both, or the parent or legal guardian of a youth who is receiving or  
39 has received behavioral health services. The person provides the

1 interventions through the use of shared experiences to assist a  
2 client in the acquisition and exercise of skills needed to support  
3 the client's recovery. Interventions may include activities that  
4 assist clients in accessing or engaging in treatment and in symptom  
5 management; promote social connection, recovery, and self-advocacy;  
6 provide guidance in the development of natural community supports and  
7 basic daily living skills; and support clients in engagement,  
8 motivation, and maintenance related to achieving and maintaining  
9 health and wellness goals.

10 (7) "Secretary" means the secretary of health.

11 NEW SECTION. **Sec. 3.** In addition to any other authority, the  
12 secretary has the authority to:

13 (1) Adopt rules under chapter 34.05 RCW necessary to implement  
14 this chapter;

15 (2) Establish all certification, examination, and renewal fees in  
16 accordance with RCW 43.70.110 and 43.70.250;

17 (3) Establish forms and procedures necessary to administer this  
18 chapter;

19 (4) Issue certificates to applicants who have met the education,  
20 training, and examination requirements for obtaining a certificate  
21 and to deny a certificate to applicants who do not meet the  
22 requirements;

23 (5) Coordinate with the health care authority to confirm an  
24 applicants' successful completion of the certified peer specialist  
25 education course offered by the health care authority under section  
26 11 of this act and successful passage of the associated oral  
27 examination as proof of eligibility to take a qualifying written  
28 examination for applicants for obtaining a certificate;

29 (6) Establish practice parameters consistent with the definition  
30 of the practice of peer support services;

31 (7) Provide staffing and administrative support to the advisory  
32 committee;

33 (8) Determine which states have credentialing requirements  
34 equivalent to those of this state, and issue certificates to  
35 applicants credentialed in those states without examination;

36 (9) Define and approve any supervised experience requirements for  
37 certification;

1 (10) Assist the advisory committee with the review of peer  
2 counselor apprenticeship program applications in the process of being  
3 approved and registered under chapter 49.04 RCW;

4 (11) Adopt rules implementing a continuing competency program;  
5 and

6 (12) Establish by rule the procedures for an appeal of an  
7 examination failure.

8 NEW SECTION. **Sec. 4.** (1) The Washington state certified peer  
9 specialist advisory committee is established.

10 (2) (a) The advisory committee shall consist of 11 members. Nine  
11 members must be certified peer specialists. Those nine members shall  
12 be inclusive of mental health peers, substance use disorder peers,  
13 community-based peers, peers who work in clinical settings, youth  
14 peers, adult peers, and peer supervisors. One member must represent  
15 community behavioral health agencies. One member must represent the  
16 public at large and may not be a credentialed behavioral health  
17 provider. The advisory committee shall be reflective of the community  
18 who receives peer services, including people who are Black,  
19 indigenous, people of color, and individuals who identify as LGBTQ.  
20 All members of the advisory committee must be residents of Washington  
21 state. Members may not hold an office in a professional association  
22 for peer specialists or be employed by the state. A majority of the  
23 members currently serving shall constitute a quorum.

24 (b) The members shall be appointed by the secretary to serve  
25 three-year terms which may be renewed. Initial members shall be  
26 appointed to staggered terms which may be less than three years.  
27 Initial membership may vary from the requirements in (a) of this  
28 subsection to account for the lack of an available credential for  
29 certified peer specialists at the time the advisory committee is  
30 established. The advisory committee shall select a chair and vice  
31 chair.

32 (3) The department and the health care authority, as appropriate,  
33 are encouraged to adopt recommendations as submitted by the advisory  
34 committee on topics related to the administration of this chapter and  
35 provide their rationale for any formal recommendations of the  
36 advisory committee that either agency does not adopt, including:

37 (a) Advice and recommendations regarding the establishment or  
38 implementation of rules related to this chapter;

1 (b) Advice, recommendations, and consultation regarding  
2 professional boundaries, customary practices, and other aspects of  
3 peer support as it relates to complaints, investigations, and other  
4 disciplinary actions;

5 (c) Assistance and recommendations to enhance patient and client  
6 education;

7 (d) Assistance and recommendations regarding the written and oral  
8 examination to become a certified peer specialist and the examiners  
9 conducting the examinations, including recommendations to assure that  
10 the examinations, and the manner in which the examinations are  
11 administered, are culturally appropriate;

12 (e) Assistance and recommendations regarding any continuing  
13 education and continuing competency programs administered under the  
14 provisions of this chapter;

15 (f) Advice and guidance regarding criteria for certification  
16 based on prior experience as a peer specialist attained before July  
17 1, 2025, as described in section 6(2) of this act;

18 (g) Recommendations for additional supports that may help those  
19 practicing as peer counselors as of the effective date of this  
20 section to become certified peer specialists;

21 (h) Advice and guidance on the feasibility and design of a two-  
22 phase certification program for peer specialists;

23 (i) Review of existing health care authority policies and  
24 procedures related to peer counselors;

25 (j) Advice on approving additional education and training  
26 entities, other than the health care authority, to conduct the course  
27 of instruction in section 11(1)(a) of this act to expand availability  
28 of the course, particularly among black, indigenous, people of color,  
29 and individuals who identify as LGBTQ;

30 (k) Advice on approving additional testing entities, other than  
31 the health care authority to administer the written and oral  
32 examination, including entities owned by black, indigenous, and  
33 people of color;

34 (l) Advice on long-term planning and growth for the future  
35 advancement of the peer specialist profession;

36 (m) Recommendations on recruitment and retention in the peer  
37 specialist profession, including among black, indigenous, people of  
38 color, and individuals who identify as LGBTQ; and

39 (n) Recommendations on strategies to eliminate financial barriers  
40 to licensing as a certified peer specialist.

1 (4) Committee members are immune from suit in an action, civil or  
2 criminal, based on the department's disciplinary proceedings or other  
3 official acts performed in good faith.

4 (5) Committee members shall be compensated in accordance with RCW  
5 43.03.240, including travel expenses in carrying out his or her  
6 authorized duties in accordance with RCW 43.03.050 and 43.03.060.

7 NEW SECTION. **Sec. 5.** Nothing in this chapter may be construed  
8 to prohibit or restrict:

9 (1) An individual who holds a credential issued by this state,  
10 other than as a certified peer specialist or certified peer  
11 specialist trainee, to engage in the practice of an occupation or  
12 profession without obtaining an additional credential from the state.  
13 The individual may not use the title certified peer specialist unless  
14 the individual holds a credential under this chapter; or

15 (2) The practice of peer support services by a person who is  
16 employed by the government of the United States while engaged in the  
17 performance of duties prescribed by the laws of the United States.

18 NEW SECTION. **Sec. 6.** (1) Beginning July 1, 2025, except as  
19 provided in subsections (2) and (3) of this section, the secretary  
20 shall issue a certificate to engage in the practice of peer support  
21 services to any applicant who demonstrates to the satisfaction of the  
22 secretary that the applicant meets the following requirements:

23 (a) Submission of an attestation to the department that the  
24 applicant self-identifies as:

25 (i) A person with one or more years of recovery from a mental  
26 health condition, substance use disorder, or both; or

27 (ii) The parent or legal guardian of a youth who is receiving or  
28 has received behavioral health services;

29 (b) Successful completion of the education course developed and  
30 offered by the health care authority under section 11 of this act;

31 (c) Successful passage of an oral examination administered by the  
32 health care authority upon completion of the education course offered  
33 by the health care authority under section 11 of this act;

34 (d) Successful passage of a written examination administered by  
35 the health care authority upon completion of the education course  
36 offered by the health care authority under section 11 of this act;

37 (e) Successful completion of an experience requirement of at  
38 least 1,000 supervised hours as a certified peer specialist trainee

1 engaged in the volunteer or paid practice of peer support services,  
2 in accordance with the standards in section 7 of this act; and

3 (f) Payment of the appropriate fee required under this chapter.

4 (2) The secretary, with the recommendation of the advisory  
5 committee, shall establish criteria for the issuance of a certificate  
6 to engage in the practice of peer support services based on prior  
7 experience as a peer specialist attained before July 1, 2025. The  
8 criteria shall establish equivalency standards necessary to be deemed  
9 to have met the requirements of subsection (1) of this section. An  
10 applicant under this subsection shall have until July 1, 2026, to  
11 complete any standards in which the applicant is determined to be  
12 deficient.

13 (3) The secretary, with the recommendation of the advisory  
14 committee, shall issue a certificate to engage in the practice of  
15 peer support services based on completion of an apprenticeship  
16 program registered and approved under chapter 49.04 RCW and reviewed  
17 by the advisory committee under section 3 of this act.

18 (4) A certificate to engage in the practice of peer support  
19 services is valid for two years. A certificate may be renewed upon  
20 demonstrating to the department that the certified peer specialist  
21 has successfully completed 30 hours of continuing education approved  
22 by the department. As part of the continuing education requirement,  
23 every six years the applicant must submit proof of successful  
24 completion of at least three hours of suicide prevention training and  
25 at least six hours of coursework in professional ethics and law,  
26 which may include topics under RCW 18.130.180.

27 NEW SECTION.

**Sec. 7.**

(1) The secretary shall issue a  
28 certificate to engage in the practice of peer support services as a  
29 certified peer specialist trainee to any applicant who demonstrates  
30 to the satisfaction of the secretary that:

31 (a) The applicant meets the requirements of section 6 (1)(a),  
32 (b), (c), (d), and (4) of this act and is working toward the  
33 supervised experience requirements to become a certified peer  
34 specialist under this chapter; or

35 (b) The applicant is enrolled in an apprenticeship program  
36 registered and approved under chapter 49.04 RCW and approved by the  
37 secretary under section 3 of this act.

38 (2) An applicant seeking to become a certified peer specialist  
39 trainee under this section shall submit to the secretary for approval

1 an attestation, in accordance with rules adopted by the department,  
2 that the certified peer specialist trainee is actively pursuing the  
3 supervised experience requirements of section 6(1)(d) of this act.  
4 This attestation must be updated with the trainee's annual renewal.

5 (3) A certified peer specialist trainee certified under this  
6 section may practice only under the supervision of an approved  
7 supervisor. Supervision may be provided through distance supervision.  
8 Supervision may be provided by an approved supervisor who is employed  
9 by the same employer that employs the certified peer specialist  
10 trainee or by an arrangement made with a third-party approved  
11 supervisor to provide supervision, or a combination of both types of  
12 approved supervisors.

13 (4) A certified peer specialist trainee certificate is valid for  
14 one year and may only be renewed four times.

15 NEW SECTION. **Sec. 8.** (1) The date and location of written  
16 examinations must be established by the health care authority.  
17 Applicants who have been found by the health care authority to meet  
18 other requirements for obtaining a certificate must be scheduled for  
19 the next examination following the filing of the application. The  
20 health care authority shall establish by rule the examination  
21 application deadline.

22 (2) The health care authority shall administer written  
23 examinations to each applicant, by means determined most effective,  
24 on subjects appropriate to the scope of practice, as applicable. The  
25 examinations must be limited to the purpose of determining whether  
26 the applicant possesses the minimum skill and knowledge necessary to  
27 practice competently.

28 (3) The examination materials, all grading of the materials, and  
29 the grading of any practical work must be preserved for a period of  
30 not less than one year after the health care authority has made and  
31 published the decisions. All examinations must be conducted under  
32 fair and wholly impartial methods.

33 (4) Any applicant failing to make the required grade in the first  
34 written examination may take up to three subsequent written  
35 examinations as the applicant desires upon prepaying a fee determined  
36 by the health care authority for each subsequent written examination.  
37 Upon failing four written examinations, the health care authority may  
38 invalidate the original application and require remedial education  
39 before the person may take future written examinations.



1 (5) The health care authority may approve a written examination  
2 prepared or administered by a private organization that credentials  
3 and renews credentials for peer counselors, or an association of  
4 credentialing agencies, for use by an applicant in meeting the  
5 credentialing requirements.

6 NEW SECTION. **Sec. 9.** The secretary shall establish, by rule,  
7 the requirements and fees for renewal of a certificate issued  
8 pursuant to this chapter. Fees must be established in accordance with  
9 RCW 43.70.110 and 43.70.250. Failure to renew the certificate  
10 invalidates the certificate and all privileges granted by the  
11 certificate. If a certificate has lapsed for a period longer than  
12 three years, the person shall demonstrate competence to the  
13 satisfaction of the secretary by completing continuing competency  
14 requirements or meeting other standards determined by the secretary.

15 NEW SECTION. **Sec. 10.** The uniform disciplinary act, chapter  
16 18.130 RCW, governs uncertified practice of peer support services,  
17 the issuance and denial of certificates, and the discipline of  
18 certified peer specialists and certified peer specialist trainees  
19 under this chapter.

20 NEW SECTION. **Sec. 11.** A new section is added to chapter 71.24  
21 RCW to read as follows:

22 (1)(a) By January 1, 2025, the authority must develop a course of  
23 instruction to become a certified peer specialist under chapter  
24 18.--- RCW (the new chapter created in section 19 of this act). The  
25 course must be approximately 80 hours in duration and based upon the  
26 curriculum offered by the authority in its peer counselor training as  
27 of the effective date of this section, as well as additional  
28 instruction in the principles of recovery coaching and suicide  
29 prevention. The authority shall establish a peer engagement process  
30 to receive suggestions regarding subjects to be covered in the 80-  
31 hour curriculum beyond those addressed in the peer counselor training  
32 curriculum and recovery coaching and suicide prevention curricula,  
33 including the cultural appropriateness of the 80-hour training. The  
34 education course must be taught by certified peer specialists. The  
35 education course must be offered by the authority with sufficient  
36 frequency to accommodate the demand for training and the needs of the  
37 workforce. The authority must establish multiple configurations for

1 offering the education course, including offering the course as an  
2 uninterrupted course with longer class hours held on consecutive days  
3 for students seeking accelerated completion of the course and as an  
4 extended course with reduced daily class hours, possibly with  
5 multiple days between classes, to accommodate students with other  
6 commitments. Upon completion of the education course, the student  
7 must pass an oral examination administered by the course trainer.

8 (b) The authority shall develop an expedited course of  
9 instruction that consists of only those portions of the curriculum  
10 required under (a) of this subsection that exceed the authority's  
11 certified peer counselor training curriculum as it exists on the  
12 effective date of this section. The expedited training shall focus on  
13 assisting persons who completed the authority's certified peer  
14 counselor training as it exists on the effective date of this section  
15 to meet the education requirements for certification under section 6  
16 of this act.

17 (2) By January 1, 2025, the authority must develop a training  
18 course for certified peer specialists providing supervision to  
19 certified peer specialist trainees under section 7 of this act.

20 (3)(a) By July 1, 2025, the authority shall offer a 40-hour  
21 specialized training course in peer crisis response services for peer  
22 specialists certified under chapter 18.--- RCW (the new chapter  
23 created in section 19 of this act) who are working as peer crisis  
24 responders. The training shall incorporate best practices for  
25 responding to 988 behavioral health crisis line calls, as well as  
26 processes for co-response with law enforcement when necessary.

27 (b) Beginning July 1, 2025, any entity that uses certified peer  
28 specialists as peer crisis responders, may only use certified peer  
29 specialists who have completed the training course established by (a)  
30 of this subsection. A behavioral health agency that uses certified  
31 peer specialists to work as peer crisis responders must maintain the  
32 records of the completion of the training course for those certified  
33 peer specialists who provide these services and make the records  
34 available to the state agency for auditing or certification purposes.

35 (4) By July 1, 2025, the authority shall offer a course designed  
36 to inform licensed or certified behavioral health agencies of the  
37 benefits of incorporating certified peer specialists and certified  
38 peer specialist trainees into their clinical staff and best practices  
39 for incorporating their services. The authority shall encourage  
40 entities that hire certified peer specialists and certified peer

1 specialist trainees, including licensed or certified behavioral  
2 health agencies, hospitals, primary care offices, and other entities,  
3 to have appropriate staff attend the training by making it available  
4 in multiple formats.

5 (5) The authority shall:

6 (a) Hire clerical, administrative, investigative, and other staff  
7 as needed to implement this section to serve as examiners for any  
8 practical oral or written examination and assure that the examiners  
9 are trained to administer examinations in a culturally appropriate  
10 manner and represent the diversity of applicants being tested. The  
11 authority shall adopt procedures to allow for appropriate  
12 accommodations for persons with a learning disability, other  
13 disabilities, and other needs and assure that staff involved in the  
14 administration of examinations are trained on those procedures;

15 (b) Develop oral and written examinations required under this  
16 section. The initial examinations shall be adapted from those used by  
17 the authority as of the effective date of this section and modified  
18 pursuant to input and comments from the Washington state peer  
19 specialist advisory committee. The authority shall assure that the  
20 examinations are culturally appropriate;

21 (c) Prepare, grade, and administer, or supervise the grading and  
22 administration of written examinations for obtaining a certificate;

23 (d) Approve entities to provide the educational courses required  
24 by this section and approve entities to prepare, grade, and  
25 administer written examinations for the educational courses required  
26 by this section. In establishing approval criteria, the authority  
27 shall consider the recommendations of the Washington state peer  
28 specialist advisory committee; and

29 (e) Develop examination preparation materials and make them  
30 available to students enrolled in the courses established under this  
31 section in multiple formats, including specialized examination  
32 preparation support for students with higher barriers to passing the  
33 written examination.

34 (6) For the purposes of this section, the term "peer crisis  
35 responder" means a peer specialist certified under chapter 18.--- RCW  
36 (the new chapter created in section 19 of this act) who has completed  
37 the training under subsection (3) of this section whose job involves  
38 responding to behavioral health emergencies, including those  
39 dispatched through a 988 crisis hotline or the 911 system.

1        NEW SECTION.    **Sec. 12.**    A new section is added to chapter 71.24  
2    RCW to read as follows:

3        Behavioral health agencies must reduce the caseload for approved  
4    supervisors who are providing supervision to certified peer  
5    specialist trainees seeking certification under chapter 18.--- RCW  
6    (the new chapter created in section 19 of this act), in accordance  
7    with standards established by the Washington state certified peer  
8    specialist advisory committee.

9        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 71.24  
10    RCW to read as follows:

11        A person who is registered as an agency-affiliated counselor  
12    under chapter 18.19 RCW who engages in the practice of peer support  
13    services and whose agency, as defined in RCW 18.19.020, bills medical  
14    assistance for those services must hold a certificate as a certified  
15    peer specialist or certified peer specialist trainee under chapter  
16    18.--- RCW (the new chapter created in section 19 of this act) no  
17    later than January 1, 2027.

18        NEW SECTION.    **Sec. 14.**    By January 1, 2026, the office of the  
19    insurance commissioner shall make recommendations to health carriers  
20    regarding appropriate use of certified peer specialists and certified  
21    peer specialist trainees, network adequacy for certified peer  
22    specialists and certified peer specialist trainees, and steps to  
23    incorporate certified peer specialists and certified peer specialist  
24    trainees into commercial provider networks. The commissioner may  
25    adopt any rules related to recommendations developed pursuant to this  
26    section.

27        **Sec. 15.**    RCW 18.130.040 and 2021 c 179 s 7 are each amended to  
28    read as follows:

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

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

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

- 1 (ii) Midwives licensed under chapter 18.50 RCW;
- 2 (iii) Ocularists licensed under chapter 18.55 RCW;
- 3 (iv) Massage therapists and businesses licensed under chapter  
4 18.108 RCW;
- 5 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 6 (vi) Acupuncturists or acupuncture and Eastern medicine  
7 practitioners licensed under chapter 18.06 RCW;
- 8 (vii) Radiologic technologists certified and X-ray technicians  
9 registered under chapter 18.84 RCW;
- 10 (viii) Respiratory care practitioners licensed under chapter  
11 18.89 RCW;
- 12 (ix) Hypnotherapists and agency affiliated counselors registered  
13 and advisors and counselors certified under chapter 18.19 RCW;
- 14 (x) Persons licensed as mental health counselors, mental health  
15 counselor associates, marriage and family therapists, marriage and  
16 family therapist associates, social workers, social work associates—  
17 advanced, and social work associates—independent clinical under  
18 chapter 18.225 RCW;
- 19 (xi) Persons registered as nursing pool operators under chapter  
20 18.52C RCW;
- 21 (xii) Nursing assistants registered or certified or medication  
22 assistants endorsed under chapter 18.88A RCW;
- 23 (xiii) Dietitians and nutritionists certified under chapter  
24 18.138 RCW;
- 25 (xiv) Substance use disorder professionals, substance use  
26 disorder professional trainees, or co-occurring disorder specialists  
27 certified under chapter 18.205 RCW;
- 28 (xv) Sex offender treatment providers and certified affiliate sex  
29 offender treatment providers certified under chapter 18.155 RCW;
- 30 (xvi) Persons licensed and certified under chapter 18.73 RCW or  
31 RCW 18.71.205;
- 32 (xvii) Orthotists and prosthetists licensed under chapter 18.200  
33 RCW;
- 34 (xviii) Surgical technologists registered under chapter 18.215  
35 RCW;
- 36 (xix) Recreational therapists under chapter 18.230 RCW;
- 37 (xx) Animal massage therapists certified under chapter 18.240  
38 RCW;
- 39 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 40 (xxii) Home care aides certified under chapter 18.88B RCW;

1 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;  
2 (xxiv) Reflexologists certified under chapter 18.108 RCW;  
3 (xxv) Medical assistants-certified, medical assistants-  
4 hemodialysis technician, medical assistants-phlebotomist, forensic  
5 phlebotomist, and medical assistants-registered certified and  
6 registered under chapter 18.360 RCW; (~~and~~)  
7 (xxvi) Behavior analysts, assistant behavior analysts, and  
8 behavior technicians under chapter 18.380 RCW; and  
9 (xxvii) Certified peer specialists and certified peer specialist  
10 trainees under chapter 18.--- RCW (the new chapter created in section  
11 19 of this act).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **Sec. 16.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to  
20 read as follows:

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

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

28 (i) Dispensing opticians licensed and designated apprentices  
29 under chapter 18.34 RCW;

30 (ii) Midwives licensed under chapter 18.50 RCW;

31 (iii) Ocularists licensed under chapter 18.55 RCW;

32 (iv) Massage therapists and businesses licensed under chapter  
33 18.108 RCW;

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

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

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

1 (viii) Respiratory care practitioners licensed under chapter  
2 18.89 RCW;

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

5 (x) Persons licensed as mental health counselors, mental health  
6 counselor associates, marriage and family therapists, marriage and  
7 family therapist associates, social workers, social work associates—  
8 advanced, and social work associates—independent clinical under  
9 chapter 18.225 RCW;

10 (xi) Persons registered as nursing pool operators under chapter  
11 18.52C RCW;

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

14 (xiii) Dietitians and nutritionists certified under chapter  
15 18.138 RCW;

16 (xiv) Substance use disorder professionals, substance use  
17 disorder professional trainees, or co-occurring disorder specialists  
18 certified under chapter 18.205 RCW;

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

21 (xvi) Persons licensed and certified under chapter 18.73 RCW or  
22 RCW 18.71.205;

23 (xvii) Orthotists and prosthetists licensed under chapter 18.200  
24 RCW;

25 (xviii) Surgical technologists registered under chapter 18.215  
26 RCW;

27 (xix) Recreational therapists under chapter 18.230 RCW;

28 (xx) Animal massage therapists certified under chapter 18.240  
29 RCW;

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

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

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

33 (xxiv) Reflexologists certified under chapter 18.108 RCW;

34 (xxv) Medical assistants-certified, medical assistants-  
35 hemodialysis technician, medical assistants-phlebotomist, forensic  
36 phlebotomist, and medical assistants-registered certified and  
37 registered under chapter 18.360 RCW;

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

40 (xxvii) Birth doula certified under chapter 18.47 RCW; and



1       (xxviii) Certified peer specialists and certified peer specialist  
2 trainees under chapter 18.--- RCW (the new chapter created in section  
3 19 of this act).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **Sec. 17.** RCW 18.130.175 and 2022 c 43 s 10 are each amended to  
13 read as follows:

14 (1) In lieu of disciplinary action under RCW 18.130.160 and if  
15 the disciplining authority determines that the unprofessional conduct  
16 may be the result of an applicable impairing or potentially impairing  
17 health condition, the disciplining authority may refer the license  
18 holder to a physician health program or a voluntary substance use  
19 disorder monitoring program approved by the disciplining authority.

20 The cost of evaluation and treatment shall be the responsibility  
21 of the license holder, but the responsibility does not preclude  
22 payment by an employer, existing insurance coverage, or other  
23 sources. Evaluation and treatment shall be provided by providers  
24 approved by the entity or the commission. The disciplining authority  
25 may also approve the use of out-of-state programs. Referral of the  
26 license holder to the physician health program or voluntary substance  
27 use disorder monitoring program shall be done only with the consent  
28 of the license holder. Referral to the physician health program or  
29 voluntary substance use disorder monitoring program may also include  
30 probationary conditions for a designated period of time. If the  
31 license holder does not consent to be referred to the program or does  
32 not successfully complete the program, the disciplining authority may  
33 take appropriate action under RCW 18.130.160 which includes  
34 suspension of the license unless or until the disciplining authority,  
35 in consultation with the director of the applicable program,  
36 determines the license holder is able to practice safely. The  
37 secretary shall adopt uniform rules for the evaluation by the  
38 disciplining authority of return to substance use or program  
39 violation on the part of a license holder in the program. The

1 evaluation shall encourage program participation with additional  
2 conditions, in lieu of disciplinary action, when the disciplining  
3 authority determines that the license holder is able to continue to  
4 practice with reasonable skill and safety.

5 (2) In addition to approving the physician health program or the  
6 voluntary substance use disorder monitoring program that may receive  
7 referrals from the disciplining authority, the disciplining authority  
8 may establish by rule requirements for participation of license  
9 holders who are not being investigated or monitored by the  
10 disciplining authority. License holders voluntarily participating in  
11 the approved programs without being referred by the disciplining  
12 authority shall not be subject to disciplinary action under RCW  
13 18.130.160 for their impairing or potentially impairing health  
14 condition, and shall not have their participation made known to the  
15 disciplining authority, if they meet the requirements of this section  
16 and the program in which they are participating.

17 (3) The license holder shall sign a waiver allowing the program  
18 to release information to the disciplining authority if the licensee  
19 does not comply with the requirements of this section or is unable to  
20 practice with reasonable skill or safety. The physician health  
21 program or voluntary substance use disorder program shall report to  
22 the disciplining authority any license holder who fails to comply  
23 with the requirements of this section or the program or who, in the  
24 opinion of the program, is unable to practice with reasonable skill  
25 or safety. License holders shall report to the disciplining authority  
26 if they fail to comply with this section or do not complete the  
27 program's requirements. License holders may, upon the agreement of  
28 the program and disciplining authority, reenter the program if they  
29 have previously failed to comply with this section.

30 (4) Program records including, but not limited to, case notes,  
31 progress notes, laboratory reports, evaluation and treatment records,  
32 electronic and written correspondence within the program, and between  
33 the program and the participant or other involved entities including,  
34 but not limited to, employers, credentialing bodies, referents, or  
35 other collateral sources, relating to license holders referred to or  
36 voluntarily participating in approved programs are confidential and  
37 exempt from disclosure under chapter 42.56 RCW and shall not be  
38 subject to discovery by subpoena or admissible as evidence except:

39 (a) To defend any civil action by a license holder regarding the  
40 restriction or revocation of that individual's clinical or staff

1 privileges, or termination of a license holder's employment. In such  
2 an action, the program will, upon subpoena issued by either party to  
3 the action, and upon the requesting party seeking a protective order  
4 for the requested disclosure, provide to both parties of the action  
5 written disclosure that includes the following information:

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

10 (ii) The dates of participation;

11 (iii) Whether or not the program identified an impairing or  
12 potentially impairing health condition;

13 (iv) Whether the health care professional was compliant with the  
14 requirements of the physician health program or voluntary substance  
15 use disorder monitoring program; and

16 (v) Whether the health care professional successfully completed  
17 the physician health program or voluntary substance use disorder  
18 monitoring program; and

19 (b) Records provided to the disciplining authority for cause as  
20 described in subsection (3) of this section. Program records relating  
21 to license holders mandated to the program, through order or by  
22 stipulation, by the disciplining authority or relating to license  
23 holders reported to the disciplining authority by the program for  
24 cause, must be released to the disciplining authority at the request  
25 of the disciplining authority. Records held by the disciplining  
26 authority under this section are exempt from chapter 42.56 RCW and  
27 are not subject to discovery by subpoena except by the license  
28 holder.

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

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

36 (a) The immunity from civil liability provided by this section  
37 shall be liberally construed to accomplish the purposes of this  
38 section, and applies to both license holders and students and  
39 trainees when students and trainees of the applicable professions are

1 served by the program. The persons entitled to immunity shall  
2 include:

3 (i) An approved physician health program or voluntary substance  
4 use disorder monitoring program;

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

6 (iii) Members, employees, or agents of the program or  
7 associations;

8 (iv) Persons reporting a license holder as being possibly  
9 impaired or providing information about the license holder's  
10 impairment; and

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

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

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

19 (7) In the case of a person who is applying to be a substance use  
20 disorder professional or substance use disorder professional trainee  
21 certified under chapter 18.205 RCW, an agency affiliated counselor  
22 registered under chapter 18.19 RCW, or a peer specialist or peer  
23 specialist trainee certified under chapter 18.--- RCW (the new  
24 chapter created in section 19 of this act), if the person is:

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

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

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

37 ~~(a) Less than one year in recovery from a substance use disorder,~~  
38 ~~the duration of time that the person may be required to participate~~  
39 ~~in the approved substance use disorder monitoring program may not~~

1 ~~exceed the amount of time necessary for the person to achieve one~~  
2 ~~year in recovery; or~~

3 ~~(b) At least one year in recovery from a substance use disorder,~~  
4 ~~the person may not be required to participate in the approved~~  
5 ~~substance use disorder monitoring program)) The provisions of~~  
6 subsection (7) of this section apply to any person employed as a peer  
7 specialist as of July 1, 2025, participating in a program under this  
8 section as of July 1, 2025, and applying to become a certified peer  
9 specialist under section 6 of this act, regardless of when the  
10 person's participation in a program began. To this extent, subsection  
11 (7) of this section applies retroactively, but in all other respects  
12 it applies prospectively.

13 **Sec. 18.** RCW 43.43.842 and 2021 c 215 s 150 are each amended to  
14 read as follows:

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

30 (b) A person associated with a licensed agency or facility who  
31 has unsupervised access with a vulnerable adult shall make the  
32 disclosures specified in RCW 43.43.834(2). The person shall make the  
33 disclosures in writing, sign, and swear to the contents under penalty  
34 of perjury. The person shall, in the disclosures, specify all crimes  
35 against children or other persons, all crimes relating to financial  
36 exploitation, and all crimes relating to drugs as defined in RCW  
37 43.43.830, committed by the person.

38 (2) The rules adopted under this section shall permit the  
39 licensee to consider the criminal history of an applicant for

1 employment in a licensed facility when the applicant has one or more  
2 convictions for a past offense and:

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

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

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

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

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

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

26 (g) The otherwise disqualifying conviction or disposition has  
27 been the subject of a pardon, annulment, or other equivalent  
28 procedure.

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

33 (3) The rules adopted pursuant to subsection (2) of this section  
34 may not allow a licensee to automatically deny an applicant with a  
35 conviction for an offense set forth in subsection (2) of this section  
36 for a position as a substance use disorder professional or substance  
37 use disorder professional trainee certified under chapter 18.205 RCW,  
38 as an agency affiliated counselor registered under chapter 18.19 RCW  
39 practicing as a peer counselor in an agency or facility, or as a peer

1 specialist or peer specialist trainee certified under chapter 18.---  
2 RCW (the new chapter created in section 19 of this act), if:

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

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

8 (c) The applicant is at least one year in recovery from a  
9 substance use disorder, whether through abstinence or stability on  
10 medication-assisted therapy, or in recovery from a mental health  
11 disorder.

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

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

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

23 ~~(c) The applicant is at least one year in recovery from a~~  
24 ~~substance use disorder, whether through abstinence or stability on~~  
25 ~~medication-assisted therapy, or in recovery from mental health~~  
26 ~~challenges.~~

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



1        NEW SECTION.    **Sec. 19.**    Sections 1 through 10 of this act  
2 constitute a new chapter in Title 18 RCW.

3        NEW SECTION.    **Sec. 20.**    Section 15 of this act expires October 1,  
4 2023.

5        NEW SECTION.    **Sec. 21.**    Section 16 of this act takes effect  
6 October 1, 2023.

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

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