
SECOND SUBSTITUTE SENATE BILL 5555

State of Washington

68th Legislature

2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators Randall, Dhingra, Hasegawa, Keiser, Nguyen, Nobles, Valdez, and C. Wilson)

READ FIRST TIME 02/24/23.

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 section to chapter 48.43 RCW; adding a new
6 chapter to Title 18 RCW; creating new sections; providing an
7 effective date; and providing an expiration 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.** A new section is added to chapter 48.43
19 RCW to read as follows:

20 By July 1, 2026, each carrier shall provide access to certified
21 peer specialists and certified peer specialist trainees in a manner
22 sufficient to meet the network access standards set forth in rules
23 established by the office of the insurance commissioner.

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

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

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

33 (i) Dispensing opticians licensed and designated apprentices
34 under chapter 18.34 RCW;

35 (ii) Midwives licensed under chapter 18.50 RCW;

36 (iii) Ocularists licensed under chapter 18.55 RCW;

- 1 (iv) Massage therapists and businesses licensed under chapter
2 18.108 RCW;
- 3 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 4 (vi) Acupuncturists or acupuncture and Eastern medicine
5 practitioners licensed under chapter 18.06 RCW;
- 6 (vii) Radiologic technologists certified and X-ray technicians
7 registered under chapter 18.84 RCW;
- 8 (viii) Respiratory care practitioners licensed under chapter
9 18.89 RCW;
- 10 (ix) Hypnotherapists and agency affiliated counselors registered
11 and advisors and counselors certified under chapter 18.19 RCW;
- 12 (x) Persons licensed as mental health counselors, mental health
13 counselor associates, marriage and family therapists, marriage and
14 family therapist associates, social workers, social work associates—
15 advanced, and social work associates—independent clinical under
16 chapter 18.225 RCW;
- 17 (xi) Persons registered as nursing pool operators under chapter
18 18.52C RCW;
- 19 (xii) Nursing assistants registered or certified or medication
20 assistants endorsed under chapter 18.88A RCW;
- 21 (xiii) Dietitians and nutritionists certified under chapter
22 18.138 RCW;
- 23 (xiv) Substance use disorder professionals, substance use
24 disorder professional trainees, or co-occurring disorder specialists
25 certified under chapter 18.205 RCW;
- 26 (xv) Sex offender treatment providers and certified affiliate sex
27 offender treatment providers certified under chapter 18.155 RCW;
- 28 (xvi) Persons licensed and certified under chapter 18.73 RCW or
29 RCW 18.71.205;
- 30 (xvii) Orthotists and prosthetists licensed under chapter 18.200
31 RCW;
- 32 (xviii) Surgical technologists registered under chapter 18.215
33 RCW;
- 34 (xix) Recreational therapists under chapter 18.230 RCW;
- 35 (xx) Animal massage therapists certified under chapter 18.240
36 RCW;
- 37 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 38 (xxii) Home care aides certified under chapter 18.88B RCW;
- 39 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
- 40 (xxiv) Reflexologists certified under chapter 18.108 RCW;

1 (xxv) Medical assistants-certified, medical assistants-
2 hemodialysis technician, medical assistants-phlebotomist, forensic
3 phlebotomist, and medical assistants-registered certified and
4 registered under chapter 18.360 RCW; (~~and~~)

5 (xxvi) Behavior analysts, assistant behavior analysts, and
6 behavior technicians under chapter 18.380 RCW; and

7 (xxvii) Certified peer specialists and certified peer specialist
8 trainees under chapter 18.--- RCW (the new chapter created in section
9 19 of this act).

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

12 (i) The podiatric medical board as established in chapter 18.22
13 RCW;

14 (ii) The chiropractic quality assurance commission as established
15 in chapter 18.25 RCW;

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

20 (iv) The board of hearing and speech as established in chapter
21 18.35 RCW;

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

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

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

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

32 (ix) The Washington medical commission as established in chapter
33 18.71 RCW governing licenses and registrations issued under chapters
34 18.71 and 18.71A RCW;

35 (x) The board of physical therapy as established in chapter 18.74
36 RCW;

37 (xi) The board of occupational therapy practice as established in
38 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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