
SECOND SUBSTITUTE SENATE BILL 5884

State of Washington

67th Legislature

2022 Regular Session

By Senate Ways & Means (originally sponsored by Senators Trudeau, Dhingra, Hasegawa, Kuderer, Lovick, Nguyen, Nobles, Saldaña, and C. Wilson)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to establishing behavioral health support
2 specialists; amending RCW 18.130.040 and 18.130.040; adding a new
3 chapter to Title 18 RCW; providing an effective date; and providing
4 an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the behavioral
7 health support specialist is a new service delivery model in
8 Washington state based on improving access to psychological therapies
9 (IAPT), an evidence-based model developed by the national health
10 service in England. IAPT services are characterized by evidenced-
11 based psychological therapies, delivered by trained and accredited
12 practitioners with training matched to the intensity and expected
13 duration of the mental health problem. The model features routine
14 outcome monitoring and regular, outcome-focused supervision. Use of
15 behavioral health support specialists in Washington is expected to
16 improve access to behavioral health services and ease workforce
17 shortages while helping behavioral health professionals work at the
18 top of their scope of practice.

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

4 (1) "Applicant" means a person who completes the required
5 application, pays the required fee, is at least 18 years of age, and
6 meets any background check requirements and uniform disciplinary act
7 requirements.

8 (2) "Behavioral health support specialist" means a trained
9 paraprofessional certified under this chapter to deliver low-
10 intensity, evidence-based behavioral health interventions for adults
11 with mild-to-moderate behavioral health conditions in a stepped care
12 model in ongoing partnership with a licensed health care provider
13 whose scope of practice includes behavioral health, including at a
14 licensed community behavioral health agency. A behavioral health
15 support specialist does not have within their scope the ability to
16 make diagnoses but does track and monitor treatment response and
17 outcomes using measurement-based care.

18 (3) "Department" means the department of health.

19 (4) "Secretary" means the secretary of health or the secretary's
20 designee.

21 NEW SECTION. **Sec. 3.** The department shall partner with the
22 University of Washington department of psychiatry and behavioral
23 sciences and consult with other stakeholders including the Washington
24 state council on behavioral health to develop rules to implement this
25 chapter by January 1, 2024, which shall be consistent with the
26 evidence-based improving access to psychological therapies model, and
27 shall include appropriate standards for accreditation of educational
28 programs for behavioral health support specialists, which shall
29 include a practicum component and may be integrated into a bachelor's
30 degree program or structured as a continuing education program.

31 NEW SECTION. **Sec. 4.** A person may not represent themselves as a
32 behavioral health support specialist without being certified by the
33 department.

34 NEW SECTION. **Sec. 5.** Nothing in this chapter shall be construed
35 to prohibit or restrict delivery of behavioral health interventions
36 by an individual otherwise regulated under this title and performing
37 services within their authorized scope of practice.

1 NEW SECTION. **Sec. 6.** In addition to any other authority
2 provided by law, the secretary has the authority to:

3 (1) Adopt rules under chapter 34.05 RCW necessary to implement
4 this chapter. Any rules adopted shall be in consultation with the
5 University of Washington;

6 (2) Establish all certification, examination, and renewal fees in
7 accordance with RCW 43.70.250;

8 (3) Establish forms and procedures necessary to administer this
9 chapter;

10 (4) Issue certifications to applicants who have met the
11 education, practicum, and examination requirements for certification
12 and to deny a certification to applicants who do not meet the
13 requirements;

14 (5) Develop, administer, and supervise the grading and taking of
15 an examination for applicants for certification;

16 (6) Adopt rules implementing a continuing education program in
17 consultation with the University of Washington;

18 (7) Maintain the official record of all applicants and
19 certification holders; and

20 (8) Establish by rule the procedures for an appeal of an
21 examination failure.

22 NEW SECTION. **Sec. 7.** The uniform disciplinary act, chapter
23 18.130 RCW, governs uncertified practice, the issuance and denial of
24 certification, and the discipline of persons certified under this
25 chapter. The secretary shall be the disciplinary authority under this
26 chapter.

27 NEW SECTION. **Sec. 8.** The secretary shall issue a certification
28 to any applicant who demonstrates to the satisfaction of the
29 secretary that the applicant meets the following requirements:

30 (1) Graduation from a bachelor's degree program;

31 (2) Successful completion of a behavioral health support
32 specialist program that is accredited to meet standards consistent
33 with the evidence-based program improving access to psychological
34 treatment, including a supervised clinical practicum with
35 demonstrated clinical skills in core competencies;

36 (3) Successful completion of an approved examination; and

1 (4) Ongoing partnership with a licensed health care provider
2 whose scope of practice includes behavioral health, including at a
3 licensed community behavioral health agency.

4 NEW SECTION. **Sec. 9.** (1) The date and location of examinations
5 shall be established by the secretary. Applicants who have been found
6 by the secretary to meet the other requirements for certification
7 shall be scheduled for the next examination following the filing of
8 the application. The secretary shall establish by rule the
9 examination application deadline.

10 (2) The secretary or the secretary's designee shall examine each
11 applicant, by means determined to be most effective, on subjects
12 appropriate to the scope of practice, as applicable. Such
13 examinations shall be limited to the purpose of determining whether
14 the applicant possesses the minimum skill and knowledge necessary to
15 practice competently.

16 (3) The examination papers, all grading of the papers, and the
17 grading of any practical work shall be preserved for a period of not
18 less than one year after the secretary has made and published the
19 decisions. All examinations shall be conducted using fair and wholly
20 impartial methods.

21 (4) The secretary may approve an examination prepared or
22 administered by a private testing agency or association of licensing
23 agencies for use by an applicant in meeting the certification
24 requirements.

25 NEW SECTION. **Sec. 10.** Applications for certification shall be
26 submitted on forms provided by the secretary. The secretary may
27 require any information and documentation which reasonably relates to
28 the need to determine whether the applicant meets the criteria for
29 certification provided for in this chapter and chapter 18.130 RCW.
30 Each applicant shall pay a fee determined by the secretary under RCW
31 43.70.250. The fee shall accompany the application.

32 NEW SECTION. **Sec. 11.** (1) The health care authority shall take
33 any steps which are necessary and proper to ensure that the services
34 of behavioral health support specialists are covered under the state
35 medicaid program by January 1, 2024. A behavioral health support
36 specialist must be eligible to bill for behavioral health service
37 delivery, including psychotherapy codes.

1 (2) By July 1, 2024, the office of the insurance commissioner
2 shall make recommendations to health carriers regarding appropriate
3 use of behavioral health support specialists, network adequacy for
4 behavioral health support specialists, and steps to incorporate
5 behavioral health support specialists into commercial provider
6 networks.

7 **Sec. 12.** RCW 18.130.040 and 2021 c 179 s 6 are each amended to
8 read as follows:

9 (1) This chapter applies only to the secretary and the boards and
10 commissions having jurisdiction in relation to the professions
11 licensed under the chapters specified in this section. This chapter
12 does not apply to any business or profession not licensed under the
13 chapters specified in this section.

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

16 (i) Dispensing opticians licensed and designated apprentices
17 under chapter 18.34 RCW;

18 (ii) Midwives licensed under chapter 18.50 RCW;

19 (iii) Ocularists licensed under chapter 18.55 RCW;

20 (iv) Massage therapists and businesses licensed under chapter
21 18.108 RCW;

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

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

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

27 (viii) Respiratory care practitioners licensed under chapter
28 18.89 RCW;

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

31 (x) Persons licensed as mental health counselors, mental health
32 counselor associates, marriage and family therapists, marriage and
33 family therapist associates, social workers, social work associates—
34 advanced, and social work associates—independent clinical under
35 chapter 18.225 RCW;

36 (xi) Persons registered as nursing pool operators under chapter
37 18.52C RCW;

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

1 (xiii) Dietitians and nutritionists certified under chapter
2 18.138 RCW;

3 (xiv) Substance use disorder professionals, substance use
4 disorder professional trainees, or co-occurring disorder specialists
5 certified under chapter 18.205 RCW;

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

8 (xvi) Persons licensed and certified under chapter 18.73 RCW or
9 RCW 18.71.205;

10 (xvii) Orthotists and prosthetists licensed under chapter 18.200
11 RCW;

12 (xviii) Surgical technologists registered under chapter 18.215
13 RCW;

14 (xix) Recreational therapists under chapter 18.230 RCW;

15 (xx) Animal massage therapists certified under chapter 18.240
16 RCW;

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

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

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

20 (xxiv) Reflexologists certified under chapter 18.108 RCW;

21 (xxv) Medical assistants-certified, medical assistants-
22 hemodialysis technician, medical assistants-phlebotomist, forensic
23 phlebotomist, and medical assistants-registered certified and
24 registered under chapter 18.360 RCW; (~~and~~)

25 (xxvi) Behavior analysts, assistant behavior analysts, and
26 behavior technicians under chapter 18.380 RCW; and

27 (xxvii) Behavioral health support specialists certified under
28 chapter 18.--- RCW (the new chapter created in section 14 of this
29 act).

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

32 (i) The podiatric medical board as established in chapter 18.22
33 RCW;

34 (ii) The chiropractic quality assurance commission as established
35 in chapter 18.25 RCW;

36 (iii) The dental quality assurance commission as established in
37 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
38 licenses and registrations issued under chapter 18.260 RCW, and
39 certifications issued under chapter 18.350 RCW;

1 (iv) The board of hearing and speech as established in chapter
2 18.35 RCW;

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

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

7 (vii) The board of osteopathic medicine and surgery as
8 established in chapter 18.57 RCW governing licenses issued under
9 chapters 18.57 and 18.57A RCW;

10 (viii) The pharmacy quality assurance commission as established
11 in chapter 18.64 RCW governing licenses issued under chapters 18.64
12 and 18.64A RCW;

13 (ix) The Washington medical commission as established in chapter
14 18.71 RCW governing licenses and registrations issued under chapters
15 18.71 and 18.71A RCW;

16 (x) The board of physical therapy as established in chapter 18.74
17 RCW;

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

20 (xii) The nursing care quality assurance commission as
21 established in chapter 18.79 RCW governing licenses and registrations
22 issued under that chapter;

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

25 (xiv) The veterinary board of governors as established in chapter
26 18.92 RCW;

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

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

30 (3) In addition to the authority to discipline license holders,
31 the disciplining authority has the authority to grant or deny
32 licenses. The disciplining authority may also grant a license subject
33 to conditions.

34 (4) All disciplining authorities shall adopt procedures to ensure
35 substantially consistent application of this chapter, the uniform
36 disciplinary act, among the disciplining authorities listed in
37 subsection (2) of this section.

38 **Sec. 13.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to
39 read as follows:

1 (1) This chapter applies only to the secretary and the boards and
2 commissions having jurisdiction in relation to the professions
3 licensed under the chapters specified in this section. This chapter
4 does not apply to any business or profession not licensed under the
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7 to the following professions:

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20 18.89 RCW;

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24 counselor associates, marriage and family therapists, marriage and
25 family therapist associates, social workers, social work associates—
26 advanced, and social work associates—independent clinical under
27 chapter 18.225 RCW;

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29 18.52C RCW;

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31 assistants endorsed under chapter 18.88A RCW;

32 (xiii) Dietitians and nutritionists certified under chapter
33 18.138 RCW;

34 (xiv) Substance use disorder professionals, substance use
35 disorder professional trainees, or co-occurring disorder specialists
36 certified under chapter 18.205 RCW;

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

39 (xvi) Persons licensed and certified under chapter 18.73 RCW or
40 RCW 18.71.205;

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28 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
29 licenses and registrations issued under chapter 18.260 RCW, and
30 certifications issued under chapter 18.350 RCW;

31 (iv) The board of hearing and speech as established in chapter
32 18.35 RCW;

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

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

37 (vii) The board of osteopathic medicine and surgery as
38 established in chapter 18.57 RCW governing licenses issued under
39 chapter 18.57 RCW;

1 (viii) The pharmacy quality assurance commission as established
2 in chapter 18.64 RCW governing licenses issued under chapters 18.64
3 and 18.64A RCW;

4 (ix) The Washington medical commission as established in chapter
5 18.71 RCW governing licenses and registrations issued under chapters
6 18.71 and 18.71A RCW;

7 (x) The board of physical therapy as established in chapter 18.74
8 RCW;

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

11 (xii) The nursing care quality assurance commission as
12 established in chapter 18.79 RCW governing licenses and registrations
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24 to conditions.

25 (4) All disciplining authorities shall adopt procedures to ensure
26 substantially consistent application of this chapter, the uniform
27 disciplinary act, among the disciplining authorities listed in
28 subsection (2) of this section.

29 NEW SECTION. **Sec. 14.** Sections 1 through 11 of this act
30 constitute a new chapter in Title 18 RCW.

31 NEW SECTION. **Sec. 15.** Section 12 of this act expires July 1,
32 2022.

33 NEW SECTION. **Sec. 16.** Section 13 of this act takes effect July
34 1, 2022.

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