



**Mental Health Counselors, Marriage and Family Therapists, and Social Workers Advisory Committee and Substance Use Disorder Certification Advisory Committee  
Joint Meeting Minutes**

**June 19, 2020**

Virtual Meeting via Microsoft Teams

**Substance Use Disorder Professional Advisory Committee**

**Members Present:**

Kathleen Armstrong, MEd, LMHC, SUDP, MHP, Chair  
Kenneth Pimpleton, SUDP, Vice Chair  
Deb Cummins, STR Treatment Manager, HCA

**Members Absent:**

Daniel Friesen, SUDP

**Assistant Attorney General Staff:**

Chris Gerard, AAG (not present)

**Mental Health Counselors, Marriage & Family Therapists, and Social Workers Advisory Committee**

**Members Present:**

Anjanette Jorstad, LASW, Chair  
Michael Fitzpatrick, LMFT, Vice Chair  
Craig Apperson, LMHC  
Paul David, PhD, LMHC, LMFT

**Members Absent:**

None

**Assistant Attorney General Staff:**

Luke Eaton, AAG

**DOH Staff:**

Ted Dale, Program Manager  
James Chaney, Executive Director  
Karen Gohlsen, Program Support  
Tiffany Drake, Credentialing  
Melody Casiano, Policy Analyst

On June 19, 2020, the Substance Use Disorder Certification Advisory Committee and the Mental Health Counselors, Marriage & Family Therapists, and Social Workers Advisory Committee met online via Microsoft Teams. Notice of the meeting was published on the Substance Use Disorder, Mental Health Counselor, Marriage & Family Therapist, and Social Worker profession websites and was sent out through the GovDelivery listserv for each profession.

## Open Session:

### 1. Opening of Public Meeting – Kathleen Armstrong, M.Ed., LMHC, SUDP, MHP, Chair and Michael Fitzpatrick, LMFT, Vice Chair

- 1.1. Call to Order - The meeting was called to order at 9:05 a.m. Committee and agency staff members as well as public attendees introduced themselves and their area of practice.
- 1.2. Agenda: motion to approve the June 19, 2020 agenda, seconded, vote 6-0 (Substance Use Disorder Professional Advisory Committee vote 2-0, Mental Health Counselors, Marriage & Family Counselors, and Social Workers Advisory Committee vote 4-0)
- 1.3. Minutes: motion to approve the March 20, 2020 Substance Use Disorder Professional Advisory Committee meeting minutes, seconded, vote 2-0.
- 1.4. Minutes: motion to approve the March 27, 2020 Mental Health Counselors, Marriage & Family Counselors, and Social Workers Advisory Committee, seconded, vote 4-0

### 2. Management Report – Ted Dale, Program Manager

*Mr. Dale is serving as the Program Manager for the Substance Use Disorder Professional Advisory Committee and Interim Program Manager for the Mental Health Counselors, Marriage & Family Therapists, and Social Workers Advisory Committee*

- 2.1. Budget Report – Mr. Dale briefed the committees on the program budgets:
  - i) Substance Use Disorder Professionals – The budget is still running a deficit of over one million dollars. Mr. Chaney added that there is a possibility that licensure fees will be increasing, especially in light of the costs associated with Healthcare Enforcement and Licensing Modernization Solution (HELMS) project that is scheduled to roll out in January 2023. There was a question if legal costs have abated due to the pandemic and Mr. Dale responded that there are still internal activities generating legal costs, just no public hearings.
  - ii) Marriage & Family Therapists – The fund balance is running a deficit of \$183,167. Mr. Chaney added that there is a good possibility this profession will be seeing an increase in licensure fees.
  - iii) Mental Health Counselors – There have been a lot of complaints since March and AAG support costs have been higher than usual. Mr. Chaney added that many cases have been closed, but quite a few have progressed into investigations. Mr. Dale added that there were COVID-related complaints, however he did not believe that any of them turned into investigations. Mr. Apperson expressed interest in knowing the nature of the complaints and AAG Eaton informed him that many of the cases had to do with boundary violations. Mr. Chaney added that the Uniformed Disciplinary Act (UDA) report, which is issued every two years, provides a breakdown of complaints by profession and will be available for review in December. Ms. Jorstad questioned whether there was a correlation between the number of supervision hours (MHC licensure requires fewer supervisory hours than

other professions) and the number of complaints. Mr. Chaney was not aware of any correlation, but thought it would be interesting to investigate.

- iv) Social Workers – There is a deficit of \$33,000 in legal costs, but the fund balance for the program is at \$1.3 million dollars. Mr. Chaney added that this program is doing relatively well now, there will be a cost impact from HELMS.

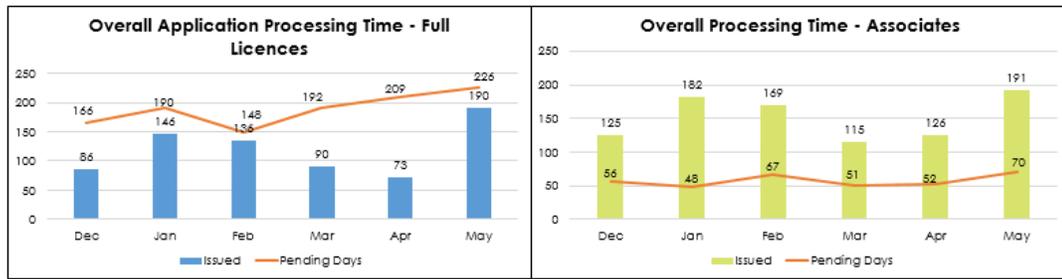
### 3. Current Licensing Statistics – Tiffany Drake, Credentialing Supervisor

#### 3.1. Ms. Drake briefed the committee on the current statistics for each program.



She added that the pending license (applications that are considered incomplete in some way) counts are up due to exams being postponed and credentialing staff transitioning to a remote work setting as a result of the COVID-19 pandemic. At the previous

meeting, there was a request to provide statistics for the current number of active-retired licenses, however, the data was incorrect and will need to be presented at the joint meeting in September.



#### 4. Assistant Attorney General Report –Luke Eaton, AAG

- 4.1. AAG Eaton from the Mental Health Counselors, Marriage & Family Therapists, and Social Workers Advisory Committee was also representing AAG Gerard from the Substance Use Disorder Advisory Committee. Neither had anything new to report for either committee.

#### 5. COVID-19 Update – Ted Dale, Program Manager

- 5.1. Mr. Dale presented a forecast published by DOH in May 2020 called [“Statewide High-Level Analysis of Forecasted Behavioral Health Impacts from COVID-19”](#) to better understand the potential issues related to the pandemic. A question arose about the possibility of DOH taking the lead to create a forum for all behavioral health professions. Mr. Chaney said that there is an existing framework for this led by the University of Washington that DOH is a part of and they would reach out to boards, commissions and committees as necessary.
- 5.2. There were several topics of discussion regarding impacts to the pandemic. Almost overnight, Telehealth has replaced in-person visits in most instances and there are concerns about violations for practitioners who were providing services for patients who were getting care in another state and have moved back to Washington due to the pandemic. Mr. Chaney advised practitioners who were in that situation to consider getting licensed in Washington State or signing up to be an [Emergency Volunteer Health Practitioner](#), those are the only two options that are legally viable. He added that other jurisdictions such as Oregon have their own rules in place regarding emergency measures, but Washington is not there yet. Ms. Cummins added that the Healthcare Authority (HCA) was providing [Zoom licenses](#) for those in need until the end of August 2020.
- 5.3. Continuing education (CE) was another issue directly impacted by the pandemic as many in-person CE classes/events have been canceled. As an example, Mr. Dale noted that the licensed counselor professions are limited to 26 hours of distance education and the remaining ten hours need to be in-person. Since in-person trainings are impossible at this point, the Governor issued a proclamation that included waiving CE requirements. However, the proclamation just expired in May and DOH is exploring what can be done to extend that. At the moment, there is no enforcement of the in-

person requirement, but practitioners still need to fulfill the 36-hour CE requirement by taking online trainings instead of in-person training. Mr. Chaney responded to a question regarding testing and he informed the committees that he did have a conversation with a representative to NAADAC and was told that they plan on resuming testing either online or in-person. Nothing in current law or WAC requires in-person testing so that should not be an issue.

- 5.4. In-person supervision was another concern that came up. Mr. Chaney informed the committee of the issue with associates who are working toward full licensure not having enough in-person supervision hours and whether they can do those activities virtually. He added that DOH is looking at the issue very closely and wants to give out the best possible, legally-sound advice on the matter.
- 5.5. A question was asked about application backlogs and what they should be telling applicants about what the time frame is for processing applications. Mr. Dale estimated it taking 8-12 weeks, given that it is around graduation time, which is the heaviest time of year for application processing. He also mentioned that if an applicant is already in the system as an associate or trainee, it will not take as long as someone who is applying for the first time. Mr. Chaney added that it is important that applicants use an email address that they check on a regular basis, many applications are delayed because people do not see the communication from the Office of Customer Service.
- 5.6. A question was asked about the limit of renewals for an SUDPT or associate. Can they be extended due to the pandemic? Mr. Dale replied that because it is part of the statute we cannot, DOH has provided information to the legislature who may amend the language to give more time to those who need it.

## **6. 2019 Legislation Update – Ted Dale, Program Manager**

Mr. Dale updated the committee regarding two key pieces of 2019 legislation that will be implemented on July 1, 2020.

- 6.1. [SB 5054](#) – This legislation makes it easier for behavioral health professionals who come from states deemed to have similar scopes of practice. States eligible for reciprocity can be found under “License Requirements” on each profession’s [web page](#). Additionally, Mr. Dale informed the committee that a professional would not need to provide proof of supervision if they have been practicing for more than five consecutive years and have a clean disciplinary record, however this is separate from the reciprocity bill and was added by DOH.
- 6.2. [ESHB 1768](#) – This legislation changed “Chemical Dependency Professional” to “Substance Use Disorder Professional”, reduced the number of required hours to be a supervisor by 1,000, provided multiple paths for becoming a supervisor, and created a co-occurring specialist license enhancement to allow behavioral health professionals to also provide substance use disorder counseling. To get this enhancement, each applicant must take a standalone course and pass the SUDP license exam.
- 6.3. [2SHB 1907](#) – It allows peer counselors to apply to become agency affiliated counselors thereby allowing agencies to be reimbursed by Medicare/Medicaid or private insurance for peer counseling activities.

## **7. 2020 Legislation Update – Ted Dale, Program Manager**

- 7.1. [ESHB 2411](#) – This legislation requires an additional “advanced” training for suicide prevention every six years for certain mental health professions as part of their continuing education requirements. It also requires additional professions to take the one-time training that is required to get licensure.
- 7.2. [SSB 6061](#) – This legislation requires health care professionals who provide services through telemedicine, other than physicians and osteopathic physicians, to complete a telemedicine training. DOH is currently working with the University of Washington to come up a training protocol.
- 7.3. [ESSB 6641](#) – This legislation, which went into effect on July 1, 2020, is intended to increase the availability of Sex Offender Treatment Providers (SOTP). It makes it easier for out-of-state professions to become certified, however it limits certification to masters-level mental health professionals and psychologists. This provision will not affect those who are already certified SOTPs and have lesser credentials. In addition, the legislation calls for the creation of an advisory committee for the profession and SOTPs in underserved counties would have licensure fees waived.

## **8. Future Agenda Items - Kathleen Armstrong, MEd, LMHC, SUDP, MHP, Chair**

- 8.1. Volk Decision Update
- 8.2. Open Public Meetings Act Training for new members
- 8.3. Advanced Suicide Training

## **9. Public Comment – Kathleen Armstrong, MEd, LMHC, SUDP, MHP, Chair**

- 9.1. There were no comments from the public.

## **10. Breakout Session**

- 10.1. Substance Use Disorder Professionals Discussion (Opened at 11:25 a.m.)
  - i) Ms. Armstrong’s term is up on the committee and a new Chair is needed to replace her. Motion to elect Mr. Pimpleton as Chair, and Mr. Friesen as Vice Chair (replacement for Mr. Pimpleton who was Vice Chair) seconded, vote 2-0.
  - ii) Boundary & Ethics Violations – Ms. Armstrong stressed the importance of being specific about what is a rule violation as a means of limiting the number of instances. She added that the reason the budget is running a deficit is due to a couple of cases that needed to go to Superior Court resulting in big legal costs.
  - iii) SAMSHA Consent Waivers – Ms. Cummins provided a recap regarding the fact that, during the COVID-19 pandemic consent waivers do not need an ink signature so long as the practitioner receives verbal consent and it is documented. The practitioner is required to get the patient’s signature once restrictions are lifted.
- 10.2. Licensed Counselors Discussion (Opened at 11:34 a.m.)
  - i) Committee Elections – Ms. Jorstad is stepping down as chair and a replacement is needed. *Motion to elect Mr. Fitzpatrick as Chair, and Mr. Apperson as Vice Chair (replacement for Mr. Fitzpatrick who was Vice Chair) seconded, vote 4-0.*

- ii) Meeting Dates – Tabled until the next meeting in September.
- iii) Volk Decision Discussion – Tabled until the next meeting in September.
- iv) Rules Discussion – The committee has tabled the discussion regarding social worker supervisory hours until next meeting in September.
- v) Mr. David brought to the committee’s attention the fact that many LMFTs were concerned about the new co-occurring specialist requirements and Mr. Dale concurred that many were unhappy with the language final bill and he anticipates there will be changes to it in the future.

**11. Adjournment at 11:55 a.m.**

**Submitted by:**

Ted Dale, Program Manager  
Substance Use Disorder Professional Advisory Committee

**Approved by:**

Kenneth Pimpleton, Chair  
Substance Use Disorder Professional Advisory Committee

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**Submitted by:**

Ted Dale, Interim Program Manager  
Mental Health Counselors, Marriage & Family Therapists, and Social Workers Advisory Committee

**Approved by:**

Mike Fitzpatrick, Chair  
Mental Health Counselors, Marriage & Family Therapists, and Social Workers Advisory Committee

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