

Peer Counselors

working as Agency Affiliated Counselors

*Navigating the Department of Health:
From Application to Licensure*



Public Health – Always Working for a Safer and Healthier Washington

Department of Health

- ▶ Operates a registration program and issues a registration to applicants who have met the requirements for certification.
- ▶ Investigates complaints and, when needed, restricts or places conditions on licensees for unprofessional conduct in order to protect the public.

Behavioral Health Counseling & Substance Use Disorder Counseling

The Department license several professions in behavioral health, including:

- ▶ Psychologists;
- ▶ Mental Health Counselors, Social Workers, and Marriage & Family Therapists;
- ▶ Certified Counselors, Advisors, and Hypnotherapists;
- ▶ Sex Offender Treatment Providers
- ▶ Agency Affiliated Counselors.

Behavioral Health Counseling & Substance Use Disorder Counseling

Substance use disorder counseling is typically provided by a Substance Use Disorder Professional, but is within scope of practice of:

- ▶ Psychologists;
- ▶ Mental Health Counselors, Social Workers, and Marriage & Family Therapists;
- ▶ Agency Affiliated Counselors working as Peer Counselors.
- ❖ However, policies dictate whether they can bill for SUD counseling and treatment.

Agency Affiliated Counselors

- ▶ Agency Affiliated Counselors are “registered with the Department who are engaged in counseling and employed by an agency, county, or federally recognized tribe”.

RCW 18.19.020

- ▶ Agency Affiliated Counselors “may only provide counseling services as part of his or her employment as an agency affiliated counselor for a recognized agency.”

WAC 246-810-013



Peer Counselors working as AACs

- ▶ Must be registered as an AAC with the Department of Health and be employed by an approved agency, county, or tribe.
- ▶ Qualify as a peer counselor by identifying as a person with lived experience with mental health or substance use services, or be the parent/guardian of a child who has.
- ▶ Certification with the Health Care Authority is necessary if billing Medicaid/insurance for services.

Disciplinary Authority

- ▶ If people believe the actions of a provider were inappropriate or may have caused mental or physical harm to themselves or someone else, they can consider filing a complaint to our department.
- ▶ If you are licensed, you may have a mandatory responsibility to report other license holders' actions or unprofessional conduct to the department.
- ▶ You may also self-report.



Complaint Review



- ▶ When we receive a complaint about a healthcare provider, we review it to decide whether the incident or event violates the law, and whether we have legal authority to take action.
- ▶ If these two conditions are not met, the file is closed below threshold. Below threshold means the complaint did not meet the legal requirements for us to investigate.
- ▶ ...

Complaint Review

- ▶ If we determine the allegation might be a violation, and there is legal authority to take action, we conduct an investigation.
- ▶ A case management team makes decisions about investigation and disciplinary action.
- ▶ The case management team includes staff members from several offices. It can include a case manager, program manager, legal staff members, and an executive director.



Unprofessional Conduct

- ▶ Located in [RCW 18.130.180](#)
- ▶ Twenty–five different descriptions of unprofessional conduct. Some examples:
 - Acceptance of more than a nominal gratuity;
 - Misuse of alcohol, controlled substances;
 - Misrepresentation, fraud;
 - Practice beyond scope of practice;
 - Incompetence, negligence, or malpractice;
 - Moral turpitude, dishonesty, or corruption

Unprofessional Conduct

Most Common Disciplinary Violations 2015–17 Biennium for all professions ([UDA report](#)):

Type	Percent of Complaints*
Violation of any state statute, federal statute or administrative rule	33%
Act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession	31%
Personal drug or alcohol abuse	22%
Incompetence, negligence, or malpractice	21%
Conviction of a gross misdemeanor or felony relating to the practice of a healthcare profession	15%

Discipline, Background Checks, and Fees

- ▶ Fee studies are used to set the fees at rates that recover the costs of administering each health care program.
- ▶ Practitioner discipline is the largest and most complex category of spending, making it difficult to predict.
- ▶ Practitioner discipline is influenced by the numbers of complaints received, cases investigated, cases litigated, and the varying complexity of each case.
- ▶ Criminal background checks of applicants also affect program costs.

Unique Discipline Processes

House Bill 1907 established reduced barriers to licensure for people applying for registration as a Peer Counselor working as an Agency Affiliated Counselor:

- ▶ If the applicant has more than one year in recovery for a substance use disorder they do not have to enter into a monitoring program. If less than one year, only have to participate in monitoring program until reaching one year in recovery.
- ▶ Applicant cannot automatically be denied licensure if convicted of certain crimes and it has been at least one year since conviction; the offense was due to substance use or untreated mental health symptom; and has at least one year in recovery from the substance use or mental health challenges.

Resources



- ▶ Licensing requirements
 - Law – [chapter 18.19 RCW](#)
 - Rule – [chapter 246-810 WAC](#)
 - Access through the Washington Legislative webpages (<http://leg.wa.gov/>)

- ▶ DOH profession webpages at doh.wa.gov

- ▶ DOH email subscription service (<https://public.govdelivery.com/accounts/WADOH/subscriber/new>)

Questions or comments?

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