
SENATE BILL 5019

State of Washington

56th Legislature

1999 Regular Session

By Senators Patterson, Thibaudeau and McAuliffe

Read first time 01/11/1999. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to opiate substitution treatment programs; amending
2 RCW 70.96A.400, 70.96A.410, and 70.96A.420; creating a new section; and
3 providing an expiration date.

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

5 **Sec. 1.** RCW 70.96A.400 and 1995 c 321 s 1 are each amended to read
6 as follows:

7 The state of Washington declares that there is no fundamental right
8 to opiate substitution treatment. The state of Washington further
9 declares that while (~~methadone and other like pharmacological~~) opiate
10 substitution drugs(~~(7)~~) used in the treatment of opiate dependency are
11 addictive substances, that they nevertheless have several legal,
12 important, and justified uses and that one of their appropriate and
13 legal uses is, in conjunction with other required therapeutic
14 procedures, in the treatment of persons addicted to or habituated to
15 opioids.

16 Because (~~methadone and other like pharmacological~~) opiate
17 substitution drugs, used in the treatment of opiate dependency are
18 addictive and are listed as a schedule II controlled substance in
19 chapter 69.50 RCW, the state of Washington (~~and authorizing counties~~

1 ~~on behalf of their citizens have))~~ has the legal obligation and right
2 to regulate the use of opiate substitution treatment. The state of
3 Washington declares its authority to control and regulate carefully(~~(7~~
4 ~~in cooperation with the authorizing counties,~~) all clinical uses of
5 (~~(methadone and other pharmacological)~~) opiate substitution drugs used
6 in the treatment of opiate addiction.

7 Further, the state declares that the primary goal of opiate
8 substitution treatment is total abstinence from chemical dependency for
9 the individuals who participate in the treatment program. The state
10 recognizes that a small percentage of persons who participate in opiate
11 (~~(substitute [substitution])~~) substitution treatment programs require
12 treatment for an extended period of time. Opiate substitution
13 treatment programs shall provide a comprehensive transition program to
14 eliminate chemical dependency; including opiate and opiate substitute
15 addiction of program participants.

16 **Sec. 2.** RCW 70.96A.410 and 1995 c 321 s 2 are each amended to read
17 as follows:

18 (1) (~~(A county legislative authority may prohibit opiate~~
19 ~~substitution treatment in that county. The department shall not~~
20 ~~certify an opiate substitution treatment program in a county where the~~
21 ~~county legislative authority has prohibited opiate substitution~~
22 ~~treatment. If a county legislative authority authorizes opiate~~
23 ~~substitution treatment programs, it shall limit by ordinance the number~~
24 ~~of opiate substitution treatment programs operating in that county by~~
25 ~~limiting the number of licenses granted in that county. If a county~~
26 ~~has authorized opiate substitution treatment programs in that county,~~
27 ~~it shall only license opiate substitution treatment programs that~~
28 ~~comply with the department's operating and treatment standards under~~
29 ~~this section and RCW 70.96A.420. A county that authorizes opiate~~
30 ~~substitution treatment may operate the programs directly or through a~~
31 ~~local health department or health district or it may authorize~~
32 ~~certified opiate substitution treatment programs that the county~~
33 ~~licenses to provide the services within the county. Counties shall~~
34 ~~monitor opiate substitution treatment programs for compliance with the~~
35 ~~department's operating and treatment regulations under this section and~~
36 ~~RCW 70.96A.420.~~

37 (2) A county that authorizes opiate substitution treatment programs
38 shall develop and enact by ordinance licensing standards, consistent

1 with this chapter and the operating and treatment standards adopted
2 under this chapter, that govern the application for, issuance of,
3 renewal of, and revocation of the licenses. — Certified programs
4 existing before May 18, 1987, applying for renewal of licensure in
5 subsequent years, that maintain certification and meet all other
6 requirements for licensure, shall be given preference.

7 ~~(3))~~ In certifying programs, the department shall not discriminate
8 against an opiate substitution treatment program on the basis of its
9 corporate structure. ~~((In licensing programs, the county shall not
10 discriminate against an opiate substitution treatment program on the
11 basis of its corporate structure.))~~ A physician licensed under chapter
12 18.57 or 18.71 RCW may operate a certified program at the physician's
13 usual place of business.

14 ~~((4))~~ (2) A program applying for certification from the
15 department and a program applying for a contract from a state agency
16 that has been denied the certification or contract shall be provided
17 with a written notice specifying the rationale and reasons for the
18 denial. ~~((A program applying for a license or a contract from a county
19 that has been denied the license or contract shall be provided with a
20 written notice specifying the rationale and reasons for the denial.~~

21 ~~(5)~~ A license is effective for one calendar year from the date of
22 issuance. — The license shall be renewed in accordance with the
23 provisions of this section for initial approval; the goals for
24 treatment programs under RCW 70.96A.400; the standards set forth in RCW
25 70.96A.420; and the rules adopted by the secretary.

26 ~~(6))~~ (3) For the purpose of this chapter, opiate substitution
27 treatment means:

28 (a) Dispensing an opiate substitution drug approved by the federal
29 drug administration for the treatment of opiate addiction; and

30 (b) Providing a comprehensive range of medical and rehabilitative
31 services.

32 **Sec. 3.** RCW 70.96A.420 and 1998 c 245 s 135 are each amended to
33 read as follows:

34 (1) The department, in consultation with opiate substitution
35 treatment service providers ~~((and counties authorizing opiate
36 substitution treatment programs))~~, shall establish state-wide treatment
37 standards for certified opiate substitution treatment programs. The
38 department ~~((and counties that authorize opiate substitution treatment~~

1 ~~programs))~~ shall enforce these treatment standards. The treatment
2 standards shall include, but not be limited to, reasonable provisions
3 for all appropriate and necessary medical procedures, counseling
4 requirements, urinalysis, and other suitable tests as needed to ensure
5 compliance with this chapter. ~~((A opiate substitution treatment
6 program shall not have a caseload in excess of three hundred fifty
7 persons.))~~

8 (2) The department, in consultation with opiate substitution
9 treatment programs ~~((and counties authorizing opiate substitution
10 treatment programs))~~, shall establish state-wide operating standards
11 for certified opiate substitution treatment programs. The department
12 ~~((and counties that authorize opiate substitution treatment programs))~~
13 shall enforce these operating standards. The operating standards shall
14 include, but not be limited to, reasonable provisions necessary to
15 enable the department ~~((and authorizing counties))~~ to monitor certified
16 and licensed opiate substitution treatment programs for compliance with
17 this chapter and the treatment standards authorized by this chapter and
18 to minimize the impact of the opiate substitution treatment programs
19 upon the business and residential neighborhoods in which the program is
20 located.

21 (3) The department shall establish criteria for evaluating the
22 compliance of opiate substitution treatment programs with the goals and
23 standards established under this chapter. As a condition of
24 certification, opiate substitution programs shall submit an annual
25 report to the department ~~((and county legislative authority))~~,
26 including data as specified by the department necessary for outcome
27 analysis. The department shall analyze and evaluate the data submitted
28 by each treatment program and take corrective action where necessary to
29 ensure compliance with the goals and standards enumerated under this
30 chapter.

31 NEW SECTION. **Sec. 4.** (1) The governor and the department of
32 social and health services shall seek all necessary exemptions and
33 waivers from and amendments to federal statutes, rules, and regulations
34 to secure the federal changes to permit physicians to dispense opiate
35 substitutes at their usual place of business in accordance with RCW
36 70.96A.410 at the earliest possible date.

1 (2) This section expires June 30, 2004.

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