

1 **SSB 5417** - H AMD **WITHDRAWN 4/5/01**

2 By Representative Lambert

3 Strike everything after the enacting clause and insert the following:

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

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

13 Because (~~methadone and other like pharmacological opiate substitution drugs~~ used  
14 in the treatment of opiate dependency are addictive and are listed as a schedule II  
15 controlled substance in chapter 69.50 RCW, the state of Washington and authorizing  
16 counties on behalf of their citizens have the legal obligation and right to regulate the use  
17 of opiate substitution treatment. The state of Washington declares its authority to control  
18 and regulate are fully in cooperation with the authorizing counties all clinical cases of  
19 (~~methadone and other pharmacological opiate substitution drugs~~ used in the treatment  
20 of opiate addiction.

21 Further, the state declares that the primary goal of opiate substitution treatment is  
22 total abstinence from chemical dependency for the individual who participates in the  
23 treatment program. The state recognizes that a small percentage of persons who  
24 participate in opiate (~~substitution~~ substitution treatment programs require  
25 treatment for an extended period of time. Opiate substitution treatment programs shall  
26 provide a comprehensive transition program to eliminate chemical dependency (~~;~~) including  
27 opiate and opiate substitution of program participants.

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

3           (1) A county legislative authority may prohibit opiate substitution treatment in that  
4 county. The department shall not certify an opiate substitution treatment program in a  
5 county where the county legislative authority has prohibited opiate substitution treatment.  
6 If a county legislative authority authorizes opiate substitution treatment programs, it shall  
7 limit by ordinance the number of opiate substitution treatment programs operating in that  
8 county by limiting the number of licenses granted in that county. If a county has  
9 authorized opiate substitution treatment programs in that county, it shall only license opiate  
10 substitution treatment programs that comply with the department's operating and  
11 treatment standards under this section and RCW 70.96A.420. A county that authorizes  
12 opiate substitution treatment may operate the programs directly or through a local health  
13 department or health district or it may authorize certified opiate substitution treatment  
14 programs that the county licenses to provide the services within the county. Counties shall  
15 monitor opiate substitution treatment programs for compliance with the department's  
16 operating and treatment regulations under this section and RCW 70.96A.420.

17           (2) A county that authorizes opiate substitution treatment programs shall develop and  
18 enact by ordinance licensing standards consistent with this chapter and the operating and  
19 treatment standards adopted under this chapter that govern the application for issuance  
20 of, renewal of, and revocation of the licenses. Certified programs existing before May 18,  
21 1987, applying for renewal of licensure in subsequent years that maintain certification and  
22 meet all the requirements for licensure shall be given preference.

23           (3) In certifying programs, the department shall not discriminate against an opiate  
24 substitution treatment program on the basis of its corporate structure. In licensing  
25 programs, the county shall not discriminate against an opiate substitution treatment  
26 program on the basis of its corporate structure.

27           (4) A program applying for certification from the department and a program applying  
28 for a contract from a state agency that has been denied the certification or contract shall  
29 be provided with a written notice specifying the rational and reasons for the denial. A  
30 program applying for a license or a contract from a county that has been denied the license  
31 or contract shall be provided with a written notice specifying the rational and reasons for  
32 the denial.

1 (5) A license is effective for one calendar year from the date of issuance. The license  
2 shall be renewed in accordance with the provisions of this section for initial approval, the  
3 goals for treatment programs under RCW 70.96A.400; the standards set forth in RCW  
4 70.96A.420; and the rules adopted by the secretary.

5 (6) For the purpose of this chapter, opiate substitution treatment means:

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

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

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

11 (1) The department in consultation with opiate substitution treatment service  
12 providers and counties authorizing opiate substitution treatment programs shall establish  
13 statewide treatment standards for certified opiate substitution treatment programs. The  
14 department and counties that authorize opiate substitution treatment programs shall enforce  
15 these treatment standards. The treatment standards shall include, but not be limited to,  
16 reasonable provisions for all appropriate and necessary medical procedures, counseling  
17 requirements, a risk analysis, and other suitable tests as needed to ensure compliance with this  
18 chapter. A opiate substitution treatment program shall not have a caseload in excess of  
19 three hundred fifty persons.

20 (2) The department in consultation with opiate substitution treatment programs and  
21 counties authorizing opiate substitution treatment programs, shall establish statewide  
22 operating standards for certified opiate substitution treatment programs. The department  
23 and counties that authorize opiate substitution treatment programs shall enforce these  
24 operating standards. The operating standards shall include, but not be limited to,  
25 reasonable provisions necessary to enable the department and authorizing counties to  
26 monitor certified and licensed opiate substitution treatment programs for compliance with  
27 this chapter and the treatment standards authorized by this chapter and to minimize the  
28 impact of the opiate substitution treatment programs upon the business and residential  
29 neighborhoods in which the program is located.

30 (3) The department shall establish criteria for evaluating the compliance of opiate  
31 substitution treatment programs with the goals and standards established under this

chapterAs a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis. The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter.

(4) Before January 1st of each year, the secretary shall submit a report to the legislature and governor. The report shall include the number of persons enrolled in each treatment program during the period covered by the report, the number of persons who leave each treatment program voluntarily and involuntarily, and an outcome analysis of each treatment program. For purposes of this subsection, outcome analysis shall include but not be limited to: The number of people who, as a result of participation in the program are able to abstain from opiates, reduction in use of opiates, reduction in criminal conduct, achievement of economic independence and reduction in utilization of health care. The report shall include information on an annual and cumulative basis beginning on the effective date of this section. -

**EFFECT:** Restores current language granting counties the authority to prohibit opiate substitution treatment programs. Deletes the proposed consultation process for counties and cities made unnecessary by the restoration of current language. Restores current language limiting capacity of programs to 350. Changes the term methadone and other like pharmacological drug to opiate substitution drugs. Requires the Department of Social and Health Services (DSHS) to report on each treatment program annually.