
SENATE BILL 5417

State of Washington

57th Legislature

2001 Regular Session

By Senators Patterson, Long, Hargrove, Stevens, Kline and Winsley

Read first time 01/22/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to opiate substitution treatment programs; and
2 amending RCW 70.96A.400, 70.96A.410, and 70.96A.420.

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

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

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

15 Because (~~methadone and other like pharmacological~~) opiate
16 substitution drugs, used in the treatment of opiate dependency are
17 addictive and are listed as a schedule II controlled substance in
18 chapter 69.50 RCW, the state of Washington (~~and authorizing counties~~
19 ~~on behalf of their citizens have~~) has the legal obligation and right

1 to regulate the use of opiate substitution treatment. The state of
2 Washington declares its authority to control and regulate carefully, in
3 ~~((cooperation))~~ consultation with ~~((the authorizing))~~ counties and
4 cities, all clinical uses of ~~((methadone and other pharmacological))~~
5 opiate substitution drugs used in the treatment of opiate addiction.

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

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

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

36 (2) ~~A county that authorizes opiate substitution treatment programs
37 shall develop and enact by ordinance licensing standards, consistent
38 with this chapter and the operating and treatment standards adopted~~

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

6 (3) In certifying programs, the department shall not discriminate
7 against an opiate substitution treatment program on the basis of its
8 corporate structure. In licensing programs, the county shall not
9 discriminate against an opiate substitution treatment program on the
10 basis of its corporate structure.

11 (4)) For purposes of this section, "area" means the county in
12 which an applicant proposes to locate a certified program and counties
13 adjacent, or near to, the county in which the program is proposed to be
14 located.

15 When making a decision on an application for certification of a
16 program, the department shall:

17 (a) Consult with the county legislative authorities in the area in
18 which an applicant proposes to locate a program and the city
19 legislative authority in any city in which an applicant proposes to
20 locate a program;

21 (b) Certify only programs that will be sited in accordance with the
22 appropriate county or city land use ordinances;

23 (c) Not discriminate in its certification decision on the basis of
24 the corporate structure of the applicant;

25 (d) Consider the size of the population in need of treatment in the
26 area in which the program would be located and certify only applicants
27 whose programs meet the necessary treatment needs of that population;

28 (e) Consider the availability of other certified programs near the
29 area in which the applicant proposes to locate the program;

30 (f) Consider the transportation systems that would provide service
31 to the program and whether the systems will provide reasonable
32 opportunities to access the program for persons in need of treatment;

33 (g) Consider whether the applicant has, or has demonstrated in the
34 past, the capability to provide the appropriate services to assist the
35 persons who utilize the program in meeting goals established by the
36 legislature, including abstinence from opiates and opiate substitutes,
37 obtaining mental health treatment, improving economic independence, and
38 reducing adverse consequences associated with illegal use of controlled

1 substances. The department shall prioritize certification to
2 applicants who have demonstrated such capability;

3 (h) Hold at least one public hearing in the county in which the
4 facility is proposed to be located and one hearing in the area in which
5 the facility is proposed to be located. The hearing shall be held at
6 a time and location that are most likely to permit the largest number
7 of interested persons to attend and present testimony. The department
8 shall notify all appropriate media outlets of the time, date, and
9 location of the hearing at least three weeks in advance of the hearing.

10 (2) A program applying for certification from the department and a
11 program applying for a contract from a state agency that has been
12 denied the certification or contract shall be provided with a written
13 notice specifying the rationale and reasons for the denial. ((A
14 program applying for a license or a contract from a county that has
15 been denied the license or contract shall be provided with a written
16 notice specifying the rationale and reasons for the denial.

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

22 ~~(6))~~ (3) For the purpose of this chapter, opiate substitution
23 treatment means:

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

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

28 (4) The department may expand the number of certified programs at
29 an annual rate not to exceed ten percent, subject to appropriations.
30 The department shall propose in its biennial budget request specific
31 funding necessary to expand the number of certified programs in areas
32 certified as needing additional treatment capacity, but not to exceed
33 the maximum annual growth rate.

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

36 (1) The department, in consultation with opiate substitution
37 treatment service providers and counties ~~((authorizing opiate~~
38 ~~substitution treatment programs))~~ and cities, shall establish statewide

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

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

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

32 (4) Before January 1st of each year, the secretary shall submit a
33 report to the legislature and governor. The report shall include the
34 number of persons enrolled in each treatment program during the period
35 covered by the report, the number of persons who leave each treatment
36 program voluntarily and involuntarily, and an outcome analysis of each
37 treatment program. For purposes of this subsection, "outcome analysis"
38 shall include but not be limited to: The number of people who, as a
39 result of participation in the program, are able to abstain from

1 opiates; reduction in use of opiates; reduction in criminal conduct;
2 achievement of economic independence; and reduction in utilization of
3 health care. The report shall include information on an annual and
4 cumulative basis beginning on the effective date of this section.

--- END ---