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SENATE BILL 5891

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State of Washington

59th Legislature

2005 Regular Session

By Senators Stevens, McCaslin, Benson, Carrell, Schmidt and Esser

Read first time 02/11/2005. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to standardized chemical dependency assessment  
2 protocols; adding new sections to chapter 70.96A RCW; and creating a  
3 new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that standardized  
6 chemical dependency assessment protocols should be required in  
7 court-involved chemical dependency cases to ensure accurate assessments  
8 and treatment plans. Assessment protocols should require that  
9 collateral background information be obtained along with a drug screen  
10 urinalysis obtained at time of assessment for all assessments with an  
11 initial finding of other than substance dependence, and that a  
12 standardized assessment summary should be required in all  
13 court-involved assessments. Less than accurate criminal history and  
14 substance use history substantively affects proper treatment placement  
15 of individuals. Historically, assessments have been based solely on  
16 the self-report of defendants whose reporting history may not be  
17 accurate. Accurate assessments and treatment plans are necessary so  
18 that individuals receive appropriate treatment interventions and thus  
19 reduce the risk of their reoffending by continuing to become

1 intoxicated and driving a vehicle, placing the public at risk. The  
2 legislature intends to establish standardized chemical dependency  
3 assessment protocols to be used uniformly statewide.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.96A RCW  
5 to read as follows:

6 (1) Court-involved assessments are limited to persons who have been  
7 arrested for a violation of driving while under the influence of  
8 intoxicating liquor or any drug under RCW 46.61.502 or being in actual  
9 physical control of a vehicle while under the influence of any  
10 intoxicating liquor or any drug under RCW 46.61.504.

11 (2) A chemical dependency professional under chapter 246-811 WAC,  
12 a trainee supervised by an approved supervisor under chapter 246-810  
13 WAC, or a probation assessment officer under chapter 388-805 WAC, must  
14 conduct each client assessment and ensure the assessment includes at a  
15 minimum:

16 (a) A face-to-face diagnostic interview with each client to obtain,  
17 review, evaluate, and document the following:

18 (i) A history of the client's involvement with alcohol and other  
19 drugs, including the type of substances used; the route of  
20 administration; and amount, frequency, and duration of use;

21 (ii) A history of the client's involvement with alcohol or other  
22 drug treatment or education;

23 (iii) The client's self-assessment of use of alcohol and other  
24 drugs; and

25 (iv) A legal history pertaining to the client;

26 (b) If the client is in need of treatment, a chemical dependency  
27 professional or trainee under the supervision of a chemical dependency  
28 professional must evaluate the assessment using patient placement  
29 criteria dimensions for the patient placement decision;

30 (c) If an assessment is conducted on a youth, and the client is in  
31 need of treatment, the chemical dependency professional, or trainee  
32 under the supervision of a chemical dependency professional, must also  
33 obtain the following information:

34 (i) The use of drugs by the client's parents and siblings;

35 (ii) A history of school assessments for learning disabilities or  
36 other problems pertaining to the client, which may affect ability to  
37 understand written materials;

1 (iii) The client's past and present parent/guardian custodial  
2 status, including running away and out-of-home placements;  
3 (iv) The client's history of emotional or psychological problems;  
4 (v) A history of child or adolescent developmental problems  
5 pertaining to the client; and  
6 (vi) The ability of the client's parents/guardians to participate  
7 in treatment; and  
8 (d) Documentation of the information collected, including:  
9 (i) A diagnostic assessment statement including sufficient data to  
10 determine a patient diagnosis supported by criteria of substance abuse  
11 or substance dependence; and  
12 (ii) A written summary of the data gathered under this subsection  
13 (2) that supports the treatment recommendation, and all the following:  
14 (A) An evaluation of a copy of the analysis of the client's blood  
15 alcohol level and other drug levels at the time of arrest, if  
16 available, and the client's self-reported driving record and a copy of  
17 the client's abstract of driving record. The evaluation must include  
18 a statement regarding the blood alcohol level and the client's  
19 self-reported driving record, and a clinical interpretative statement  
20 about the abstract of driving record that includes a fifteen-year  
21 history of all alcohol-related convictions and related offenses reduced  
22 to lesser offenses, and deferred prosecutions, and how they relate to  
23 the assessment and diagnosis;  
24 (B) A release of information from the client for the court of  
25 jurisdiction or judicial information system to receive a summation of  
26 the client's defendant case history if the initial finding is other  
27 than substance dependence. If collateral information is not obtained,  
28 circumstances preventing such efforts shall be included in the  
29 assessment;  
30 (C) A copy of the police report in cases where the blood or breath  
31 alcohol concentration test was refused. If the police report was not  
32 reviewed in cases of refusal, circumstances preventing such efforts  
33 shall be included in the assessment; and  
34 (D) A drug screen urinalysis if the initial finding is other than  
35 substance dependence. Results are to be assessed and included in the  
36 written assessment and recommendations. If a request for drug screen  
37 urinalysis is refused, circumstances surrounding the refusal shall be  
38 included in the assessment.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 70.96A RCW  
2    to read as follows:

3        Court-involved assessments shall use a chemical dependency  
4    assessment summary for all assessments and treatment recommendations.  
5    The information must include:

6    Client Name:

7    Date of Birth:

8    Address:

9    Phone Number:

10   Court:

11   Diagnostic Assessment:

12   Treatment Recommendations - Level and Duration:

13   Factors Considered in Recommendations:

14   BAC Level or Refusal Analysis:

15   Any Alcohol-related Arrests or Reduced Charges:

16   UA obtained at time of assessment: . . . . . Yes . . . . . No

17   Results:

18   Prior Evaluation: . . . . . Yes . . . . . No

19   A/DIS: . . . . . Yes . . . . . No

20   Deferred Prosecution: . . . . . Yes . . . . . No

21   Treatment: . . . . . Yes . . . . . No

22   If prior treatment, explain:

23   Client Authorized Disclosure to: . . . . . Attorney . . . . .

24   Court . . . . . Law Enforcement . . . . . Treatment Agency . . . . .

25   . . Child Protective Services . . . . . Physician . . . . . Family

26   NOTE: This assessment and treatment recommendations are voided if the  
27   client fails to fully disclose prior criminal history, treatment,  
28   assessment, or other relevant information. Recommendations for  
29   continuing care will be made periodically to the court and the client  
30   based on an ongoing assessment of need.

31   Date:

32   Treatment Counselor Signature and Credentials

33   \*Full evaluation and any other necessary documentation are attached.

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