

---

SENATE BILL 5974

---

State of Washington

59th Legislature

2005 Regular Session

By Senators Prentice, Hargrove and Haugen; by request of Lieutenant Governor

Read first time 02/17/2005. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to drug use among pregnant women; amending RCW  
2 70.96A.090; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that drug use among  
5 pregnant women is a significant and growing concern statewide. The  
6 legislature further finds that methadone, although an effective  
7 alternative to other substance use treatments, can result in babies who  
8 are exposed to methadone while in uteri being born addicted and facing  
9 the painful effects of withdrawal.

10 It is the intent of the legislature to notify all pregnant mothers  
11 who are receiving methadone treatment of the risks and benefits  
12 methadone could have on their baby during pregnancy through birth and  
13 to inform them of the potential need for the newborn baby to be taken  
14 care of in a hospital setting or in a specialized supportive  
15 environment designed specifically to address newborn addiction  
16 problems.

17 **Sec. 2.** RCW 70.96A.090 and 1995 c 312 s 46 are each amended to  
18 read as follows:

1 (1) The department shall adopt rules establishing standards for  
2 approved treatment programs, the process for the review and inspection  
3 program applying to the department for certification as an approved  
4 treatment program, and fixing the fees to be charged by the department  
5 for the required inspections. The standards may concern the health  
6 standards to be met and standards of services and treatment to be  
7 afforded patients.

8 (2) The department may suspend, revoke, limit, restrict, or modify  
9 an approval, or refuse to grant approval, for failure to meet the  
10 provisions of this chapter, or the standards adopted under this  
11 chapter. RCW 43.20A.205 governs notice of a license denial,  
12 revocation, suspension, or modification and provides the right to an  
13 adjudicative proceeding.

14 (3) No treatment program may advertise or represent itself as an  
15 approved treatment program if approval has not been granted, has been  
16 denied, suspended, revoked, or canceled.

17 (4) Certification as an approved treatment program is effective for  
18 one calendar year from the date of issuance of the certificate. The  
19 certification shall specify the types of services provided by the  
20 approved treatment program that meet the standards adopted under this  
21 chapter. Renewal of certification shall be made in accordance with  
22 this section for initial approval and in accordance with the standards  
23 set forth in rules adopted by the secretary.

24 (5) Approved treatment programs shall not provide alcoholism or  
25 other drug addiction treatment services for which the approved  
26 treatment program has not been certified. Approved treatment programs  
27 may provide services for which approval has been sought and is pending,  
28 if approval for the services has not been previously revoked or denied.

29 (6) The department periodically shall inspect approved public and  
30 private treatment programs at reasonable times and in a reasonable  
31 manner.

32 (7) The department shall maintain and periodically publish a  
33 current list of approved treatment programs.

34 (8) Each approved treatment program shall file with the department  
35 on request, data, statistics, schedules, and information the department  
36 reasonably requires. An approved treatment program that without good  
37 cause fails to furnish any data, statistics, schedules, or information

1 as requested, or files fraudulent returns thereof, may be removed from  
2 the list of approved treatment programs, and its certification revoked  
3 or suspended.

4 (9) The department shall use the data provided in subsection (8) of  
5 this section to evaluate each program that admits children to inpatient  
6 treatment upon application of their parents. The evaluation shall be  
7 done at least once every twelve months. In addition, the department  
8 shall randomly select and review the information on individual children  
9 who are admitted on application of the child's parent for the purpose  
10 of determining whether the child was appropriately placed into  
11 treatment based on an objective evaluation of the child's condition and  
12 the outcome of the child's treatment.

13 (10) Upon petition of the department and after a hearing held upon  
14 reasonable notice to the facility, the superior court may issue a  
15 warrant to an officer or employee of the department authorizing him or  
16 her to enter and inspect at reasonable times, and examine the books and  
17 accounts of, any approved public or private treatment program refusing  
18 to consent to inspection or examination by the department or which the  
19 department has reasonable cause to believe is operating in violation of  
20 this chapter.

21 (11)(a) All approved opiate substitution treatment programs that  
22 provide services to women who are pregnant are required to disseminate  
23 up-to-date and accurate health education information to all their  
24 pregnant clients concerning the possible addiction and health risks  
25 that their opiate substitution treatment may have on their baby. All  
26 pregnant clients must also be advised of the risks to both them and  
27 their baby associated with not remaining on the opiate substitute  
28 program. The information must be provided to these clients both  
29 verbally and in writing. The health education information provided to  
30 the pregnant clients must include referral options for the addicted  
31 baby.

32 (b) The department shall adopt rules that require all opiate  
33 treatment programs to educate all pregnant women in their program on  
34 the benefits and risks of methadone treatment to their fetus before  
35 they are provided these medications, as part of their addiction  
36 treatment. The department shall meet the requirements under this  
37 subsection within the appropriations provided for opiate treatment

1 programs. The department, working with treatment providers and medical  
2 experts, shall develop and disseminate the educational materials to all  
3 certified opiate treatment programs.

--- END ---