
SUBSTITUTE HOUSE BILL 1916

State of Washington 64th Legislature 2015 Regular Session

**By House Health Care & Wellness (originally sponsored by
Representatives Cody and Harris)**

READ FIRST TIME 02/20/15.

1 AN ACT Relating to integrating administrative provisions for
2 chemical dependency and mental health; amending RCW 71.24.035,
3 70.96A.050, 71.24.037, 70.96A.090, 71.24.385, 70.96A.350, 70.96A.035,
4 70.96C.010, 70.96A.037, 70.96A.047, 70.96A.055, 70.96A.087,
5 70.96A.170, 70.96A.180, 70.96A.095, 70.96A.096, 70.96A.097,
6 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.250, 70.96A.265,
7 70.96A.400, 70.96A.800, 70.96A.905, 71.24.350, 2.28.170, 9.94A.660,
8 10.05.020, 10.05.030, 10.05.150, 46.61.5055, and 46.61.5056;
9 reenacting and amending RCW 71.24.025 and 70.96A.020; adding new
10 sections to chapter 71.24 RCW; recodifying RCW 70.96A.035,
11 70.96A.037, 70.96A.040, 70.96A.043, 70.96A.047, 70.96A.050,
12 70.96A.055, 70.96A.080, 70.96A.085, 70.96A.090, 70.96A.095,
13 70.96A.096, 70.96A.097, 70.96A.170, 70.96A.180, 70.96A.230,
14 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.250, 70.96A.255,
15 70.96A.260, 70.96A.265, 70.96A.350, 70.96A.400, 70.96A.410,
16 70.96A.420, 70.96A.430, 70.96A.500, 70.96A.510, 70.96A.520,
17 70.96A.800, 70.96A.905, and 70.96C.010; decodifying RCW 43.135.03901;
18 repealing RCW 70.96A.030, 70.96A.045, 70.96A.060, 70.96A.150,
19 70.96A.300, 70.96A.310, 70.96A.320, and 70.96A.325; and providing an
20 effective date.

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

1 **Sec. 1.** RCW 71.24.025 and 2014 c 225 s 10 are each reenacted and
2 amended to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Acutely mentally ill" means a condition which is limited to
6 a short-term severe crisis episode of:

7 (a) A mental disorder as defined in RCW 71.05.020 or, in the case
8 of a child, as defined in RCW 71.34.020;

9 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the
10 case of a child, a gravely disabled minor as defined in RCW
11 71.34.020; or

12 (c) Presenting a likelihood of serious harm as defined in RCW
13 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

14 (2) "Available resources" means funds appropriated for the
15 purpose of providing community mental health programs, federal funds,
16 except those provided according to Title XIX of the Social Security
17 Act, and state funds appropriated under this chapter or chapter 71.05
18 RCW by the legislature during any biennium for the purpose of
19 providing residential services, resource management services,
20 community support services, and other mental health services. This
21 does not include funds appropriated for the purpose of operating and
22 administering the state psychiatric hospitals.

23 (3) "Behavioral health organization" means any county authority
24 or group of county authorities or other entity recognized by the
25 secretary in contract in a defined region.

26 (4) "Behavioral health services" means mental health services as
27 described in this chapter and chapter 71.36 RCW and (~~chemical~~
28 ~~dependency~~) substance use disorder treatment services as described
29 in this chapter and chapter 70.96A RCW.

30 (5) "Child" means a person under the age of eighteen years.

31 (6) "Chronically mentally ill adult" or "adult who is chronically
32 mentally ill" means an adult who has a mental disorder and meets at
33 least one of the following criteria:

34 (a) Has undergone two or more episodes of hospital care for a
35 mental disorder within the preceding two years; or

36 (b) Has experienced a continuous psychiatric hospitalization or
37 residential treatment exceeding six months' duration within the
38 preceding year; or

39 (c) Has been unable to engage in any substantial gainful activity
40 by reason of any mental disorder which has lasted for a continuous

1 period of not less than twelve months. "Substantial gainful activity"
2 shall be defined by the department by rule consistent with Public Law
3 92-603, as amended.

4 (7) "Clubhouse" means a community-based program that provides
5 rehabilitation services and is certified by the department of social
6 and health services.

7 (~~(8)~~) (~~"Community mental health program" means all mental health~~
8 ~~services, activities, or programs using available resources.~~

9 ~~(9)~~) "Community mental health service delivery system" means
10 public, private, or tribal agencies that provide services
11 specifically to persons with mental disorders as defined under RCW
12 71.05.020 and receive funding from public sources.

13 (~~(10)~~) (9) "Community support services" means services
14 authorized, planned, and coordinated through resource management
15 services including, at a minimum, assessment, diagnosis, emergency
16 crisis intervention available twenty-four hours, seven days a week,
17 prescreening determinations for persons who are mentally ill being
18 considered for placement in nursing homes as required by federal law,
19 screening for patients being considered for admission to residential
20 services, diagnosis and treatment for children who are acutely
21 mentally ill or severely emotionally disturbed discovered under
22 screening through the federal Title XIX early and periodic screening,
23 diagnosis, and treatment program, investigation, legal, and other
24 nonresidential services under chapter 71.05 RCW, case management
25 services, psychiatric treatment including medication supervision,
26 counseling, psychotherapy, assuring transfer of relevant patient
27 information between service providers, recovery services, and other
28 services determined by behavioral health organizations.

29 (~~(11)~~) (10) "Consensus-based" means a program or practice that
30 has general support among treatment providers and experts, based on
31 experience or professional literature, and may have anecdotal or case
32 study support, or that is agreed but not possible to perform studies
33 with random assignment and controlled groups.

34 (~~(12)~~) (11) "County authority" means the board of county
35 commissioners, county council, or county executive having authority
36 to establish a community mental health program, or two or more of the
37 county authorities specified in this subsection which have entered
38 into an agreement to provide a community mental health program.

39 (~~(13)~~) (12) "Department" means the department of social and
40 health services.

1 (~~(14)~~) (13) "Designated mental health professional" means a
2 mental health professional designated by the county or other
3 authority authorized in rule to perform the duties specified in this
4 chapter.

5 (~~(15)~~) (14) "Emerging best practice" or "promising practice"
6 means a program or practice that, based on statistical analyses or a
7 well established theory of change, shows potential for meeting the
8 evidence-based or research-based criteria, which may include the use
9 of a program that is evidence-based for outcomes other than those
10 listed in subsection (~~(16)~~) (15) of this section.

11 (~~(16)~~) (15) "Evidence-based" means a program or practice that
12 has been tested in heterogeneous or intended populations with
13 multiple randomized, or statistically controlled evaluations, or
14 both; or one large multiple site randomized, or statistically
15 controlled evaluation, or both, where the weight of the evidence from
16 a systemic review demonstrates sustained improvements in at least one
17 outcome. "Evidence-based" also means a program or practice that can
18 be implemented with a set of procedures to allow successful
19 replication in Washington and, when possible, is determined to be
20 cost-beneficial.

21 (~~(17)~~) (16) "Licensed service provider" means an entity
22 licensed according to this chapter or chapter 71.05 or 70.96A RCW or
23 an entity deemed to meet state minimum standards as a result of
24 accreditation by a recognized behavioral health accrediting body
25 recognized and having a current agreement with the department, or
26 tribal attestation that meets state minimum standards, or persons
27 licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it
28 applies to registered nurses and advanced registered nurse
29 practitioners.

30 (~~(18)~~) (17) "Long-term inpatient care" means inpatient services
31 for persons committed for, or voluntarily receiving intensive
32 treatment for, periods of ninety days or greater under chapter 71.05
33 RCW. "Long-term inpatient care" as used in this chapter does not
34 include: (a) Services for individuals committed under chapter 71.05
35 RCW who are receiving services pursuant to a conditional release or a
36 court-ordered less restrictive alternative to detention; or (b)
37 services for individuals voluntarily receiving less restrictive
38 alternative treatment on the grounds of the state hospital.

1 (~~(19)~~) (18) "Mental health services" means all services
2 provided by behavioral health organizations and other services
3 provided by the state for persons who are mentally ill.

4 (~~(20)~~) (19) "Mentally ill persons," "persons who are mentally
5 ill," and "the mentally ill" mean persons and conditions defined in
6 subsections (1), (6), (27), and (28)(~~(, and (29))~~) of this section.

7 (~~(21)~~) (20) "Recovery" means the process in which people are
8 able to live, work, learn, and participate fully in their
9 communities.

10 (~~(22)~~) (21) "Registration records" include all the records of
11 the department, behavioral health organizations, treatment
12 facilities, and other persons providing services to the department,
13 county departments, or facilities which identify persons who are
14 receiving or who at any time have received services for mental
15 illness.

16 (~~(23)~~) (22) "Research-based" means a program or practice that
17 has been tested with a single randomized, or statistically controlled
18 evaluation, or both, demonstrating sustained desirable outcomes; or
19 where the weight of the evidence from a systemic review supports
20 sustained outcomes as described in subsection (~~(16)~~) (15) of this
21 section but does not meet the full criteria for evidence-based.

22 (~~(24)~~) (23) "Residential services" means a complete range of
23 residences and supports authorized by resource management services
24 and which may involve a facility, a distinct part thereof, or
25 services which support community living, for persons who are acutely
26 mentally ill, adults who are chronically mentally ill, children who
27 are severely emotionally disturbed, or adults who are seriously
28 disturbed and determined by the behavioral health organization to be
29 at risk of becoming acutely or chronically mentally ill. The services
30 shall include at least evaluation and treatment services as defined
31 in chapter 71.05 RCW, acute crisis respite care, long-term adaptive
32 and rehabilitative care, and supervised and supported living
33 services, and shall also include any residential services developed
34 to service persons who are mentally ill in nursing homes, assisted
35 living facilities, and adult family homes, and may include outpatient
36 services provided as an element in a package of services in a
37 supported housing model. Residential services for children in out-of-
38 home placements related to their mental disorder shall not include
39 the costs of food and shelter, except for children's long-term
40 residential facilities existing prior to January 1, 1991.

1 ~~((25))~~ (24) "Resilience" means the personal and community
2 qualities that enable individuals to rebound from adversity, trauma,
3 tragedy, threats, or other stresses, and to live productive lives.

4 ~~((26))~~ (25) "Resource management services" mean the planning,
5 coordination, and authorization of residential services and community
6 support services administered pursuant to an individual service plan
7 for: (a) Adults and children who are acutely mentally ill; (b) adults
8 who are chronically mentally ill; (c) children who are severely
9 emotionally disturbed; or (d) adults who are seriously disturbed and
10 determined solely by a behavioral health organization to be at risk
11 of becoming acutely or chronically mentally ill. Such planning,
12 coordination, and authorization shall include mental health screening
13 for children eligible under the federal Title XIX early and periodic
14 screening, diagnosis, and treatment program. Resource management
15 services include seven day a week, twenty-four hour a day
16 availability of information regarding enrollment of adults and
17 children who are mentally ill in services and their individual
18 service plan to designated mental health professionals, evaluation
19 and treatment facilities, and others as determined by the behavioral
20 health organization.

21 ~~((27))~~ (26) "Secretary" means the secretary of social and
22 health services.

23 ~~((28))~~ (27) "Seriously disturbed person" means a person who:
24 (a) Is gravely disabled or presents a likelihood of serious harm
25 to himself or herself or others, or to the property of others, as a
26 result of a mental disorder as defined in chapter 71.05 RCW;
27 (b) Has been on conditional release status, or under a less
28 restrictive alternative order, at some time during the preceding two
29 years from an evaluation and treatment facility or a state mental
30 health hospital;
31 (c) Has a mental disorder which causes major impairment in
32 several areas of daily living;
33 (d) Exhibits suicidal preoccupation or attempts; or
34 (e) Is a child diagnosed by a mental health professional, as
35 defined in chapter 71.34 RCW, as experiencing a mental disorder which
36 is clearly interfering with the child's functioning in family or
37 school or with peers or is clearly interfering with the child's
38 personality development and learning.

39 ~~((29))~~ (28) "Severely emotionally disturbed child" or "child
40 who is severely emotionally disturbed" means a child who has been

1 determined by the behavioral health organization to be experiencing a
2 mental disorder as defined in chapter 71.34 RCW, including those
3 mental disorders that result in a behavioral or conduct disorder,
4 that is clearly interfering with the child's functioning in family or
5 school or with peers and who meets at least one of the following
6 criteria:

7 (a) Has undergone inpatient treatment or placement outside of the
8 home related to a mental disorder within the last two years;

9 (b) Has undergone involuntary treatment under chapter 71.34 RCW
10 within the last two years;

11 (c) Is currently served by at least one of the following child-
12 serving systems: Juvenile justice, child-protection/welfare, special
13 education, or developmental disabilities;

14 (d) Is at risk of escalating maladjustment due to:

15 (i) Chronic family dysfunction involving a caretaker who is
16 mentally ill or inadequate;

17 (ii) Changes in custodial adult;

18 (iii) Going to, residing in, or returning from any placement
19 outside of the home, for example, psychiatric hospital, short-term
20 inpatient, residential treatment, group or foster home, or a
21 correctional facility;

22 (iv) Subject to repeated physical abuse or neglect;

23 (v) Drug or alcohol abuse; or

24 (vi) Homelessness.

25 (~~(30)~~) (29) "State minimum standards" means minimum
26 requirements established by rules adopted by the secretary and
27 necessary to implement this chapter for: (a) Delivery of mental
28 health services; (b) licensed service providers for the provision of
29 mental health services; (c) residential services; and (d) community
30 support services and resource management services.

31 (~~(31)~~) (30) Mental health "treatment records" include
32 registration and all other records concerning persons who are
33 receiving or who at any time have received services for mental
34 illness, which are maintained by the department, by behavioral health
35 organizations and their staffs, and by treatment facilities.
36 Treatment records do not include notes or records maintained for
37 personal use by a person providing treatment services for the
38 department, behavioral health organizations, or a treatment facility
39 if the notes or records are not available to others.

1 ~~((32))~~ (31) "Tribal authority," for the purposes of this
2 section and RCW 71.24.300 only, means: The federally recognized
3 Indian tribes and the major Indian organizations recognized by the
4 secretary insofar as these organizations do not have a financial
5 relationship with any behavioral health organization that would
6 present a conflict of interest.

7 (32) "Alcoholism" means a disease, characterized by a dependency
8 on alcoholic beverages, loss of control over the amount and
9 circumstances of use, symptoms of tolerance, physiological or
10 psychological withdrawal, or both, if use is reduced or discontinued,
11 and impairment of health or disruption of social or economic
12 functioning.

13 (33) "Approved substance use disorder treatment program" means a
14 program for persons with a substance use disorder provided by a
15 treatment program certified by the department of social and health
16 services as meeting standards adopted under this chapter.

17 (34) "Behavioral health program" means all expenditures,
18 services, activities, or programs, including reasonable
19 administration and overhead, designed and conducted to prevent or
20 treat chemical dependency and mental illness.

21 (35) "Substance use disorder" means a cluster of cognitive,
22 behavioral, and physiological symptoms indicating that an individual
23 continues using the substance despite significant substance-related
24 problems. The diagnosis of a substance use disorder is based on a
25 pathological pattern of behaviors related to the use of the
26 substances.

27 (36) "Designated chemical dependency specialist" means a person
28 designated by the behavioral health organization or by the county
29 alcoholism and other drug addiction program coordinator designated by
30 the behavioral health organization to perform the commitment duties
31 described in RCW 70.96A.140 and qualified to do so by meeting
32 standards adopted by the department.

33 (37) "Drug addiction" means a disease characterized by a
34 dependency on psychoactive chemicals, loss of control over the amount
35 and circumstances of use, symptoms of tolerance, physiological or
36 psychological withdrawal, or both, if use is reduced or discontinued,
37 and impairment of health or disruption of social or economic
38 functioning.

39 (38) "Early adopter" means a behavioral health organization that
40 is recognized by the secretary in contract to provide fully

1 integrated purchasing of medical and behavioral health services under
2 RCW 71.24.380(6).

3 (39) "Licensed physician" means a person licensed to practice
4 medicine or osteopathic medicine and surgery in the state of
5 Washington.

6 **Sec. 2.** RCW 71.24.035 and 2014 c 225 s 11 are each amended to
7 read as follows:

8 (1) The department is designated as the state ((~~mental~~))
9 behavioral health authority which includes recognition as the single
10 state authority for substance use disorders and state mental health
11 authority.

12 (2) The secretary shall provide for public, client, tribal, and
13 licensed service provider participation in developing the state
14 ((~~mental~~)) behavioral health program, developing contracts with
15 behavioral health organizations, and any waiver request to the
16 federal government under medicaid.

17 (3) The secretary shall provide for participation in developing
18 the state ((~~mental~~)) behavioral health program for children and other
19 underserved populations, by including representatives on any
20 committee established to provide oversight to the state ((~~mental~~))
21 behavioral health program.

22 (4) The secretary shall be designated as the behavioral health
23 organization if the behavioral health organization fails to meet
24 state minimum standards or refuses to exercise responsibilities under
25 its contract or RCW 71.24.045, until such time as a new behavioral
26 health organization is designated.

27 (5) The secretary shall:

28 (a) Develop a biennial state ((~~mental~~)) behavioral health program
29 that incorporates regional biennial needs assessments and regional
30 mental health service plans and state services for adults and
31 children with mental ((~~illness~~)) disorders or substance use disorders
32 or both;

33 (b) Assure that any behavioral health organization or county
34 community ((~~mental~~)) behavioral health program provides medically
35 necessary services to medicaid recipients consistent with the state's
36 medicaid state plan or federal waiver authorities, and nonmedicaid
37 services consistent with priorities established by the department;

1 (c) Develop and adopt rules establishing state minimum standards
2 for the delivery of (~~mental~~) behavioral health services pursuant to
3 RCW 71.24.037 including, but not limited to:

4 (i) Licensed service providers. These rules shall permit a
5 county-operated (~~mental~~) behavioral health program to be licensed
6 as a service provider subject to compliance with applicable statutes
7 and rules. The secretary shall provide for deeming of compliance with
8 state minimum standards for those entities accredited by recognized
9 behavioral health accrediting bodies recognized and having a current
10 agreement with the department;

11 (ii) Inpatient services, evaluation and treatment services and
12 facilities under chapter 71.05 RCW, resource management services, and
13 community support services;

14 (d) Assure that the special needs of persons who are minorities,
15 elderly, disabled, children, low-income, and parents who are
16 respondents in dependency cases are met within the priorities
17 established in this section;

18 (e) Establish a standard contract or contracts, consistent with
19 state minimum standards which shall be used in contracting with
20 behavioral health organizations. The standard contract shall include
21 a maximum fund balance, which shall be consistent with that required
22 by federal regulations or waiver stipulations;

23 (f) Make contracts necessary or incidental to the performance of
24 its duties and the execution of its powers, including managed care
25 contracts for behavioral health services, contracts entered into
26 under RCW 74.09.522, and contracts with public and private agencies,
27 organizations, and individuals to pay them for behavioral health
28 services;

29 (g) Establish, to the extent possible, a standardized auditing
30 procedure which is designed to assure compliance with contractual
31 agreements authorized by this chapter and minimizes paperwork
32 requirements of behavioral health organizations and licensed service
33 providers. The audit procedure shall focus on the outcomes of service
34 as provided in RCW 43.20A.895, 70.320.020, and 71.36.025;

35 (~~g~~) (h) Develop and maintain an information system to be used
36 by the state and behavioral health organizations that includes a
37 tracking method which allows the department and behavioral health
38 organizations to identify (~~mental~~) behavioral health clients'
39 participation in any (~~mental~~) behavioral health service or public
40 program on an immediate basis. The information system shall not

1 include individual patient's case history files. Confidentiality of
2 client information and records shall be maintained as provided in
3 this chapter and chapter 70.02 RCW;

4 ~~((h))~~ (i) License service providers who meet state minimum
5 standards;

6 ~~((i))~~ (j) Periodically monitor the compliance of behavioral
7 health organizations and their network of licensed service providers
8 for compliance with the contract between the department, the
9 behavioral health organization, and federal and state rules at
10 reasonable times and in a reasonable manner;

11 ~~((j))~~ (k) Fix fees to be paid by evaluation and treatment
12 centers to the secretary for the required inspections;

13 ~~((k))~~ (l) Monitor and audit behavioral health organizations and
14 licensed service providers as needed to assure compliance with
15 contractual agreements authorized by this chapter;

16 ~~((l))~~ (m) Adopt such rules as are necessary to implement the
17 department's responsibilities under this chapter;

18 ~~((m))~~ (n) License or certify crisis stabilization units that
19 meet state minimum standards;

20 ~~((n))~~ (o) License or certify clubhouses that meet state minimum
21 standards; ~~(and~~

22 ~~(+))~~ (p) License or certify triage facilities that meet state
23 minimum standards; and

24 (q) Administer or supervise the administration of the provisions
25 relating to persons with substance use disorders and intoxicated
26 persons of any state plan submitted for federal funding pursuant to
27 federal health, welfare, or treatment legislation.

28 (6) The secretary shall use available resources only for
29 behavioral health organizations, except:

30 (a) To the extent authorized, and in accordance with any
31 priorities or conditions specified, in the biennial appropriations
32 act; or

33 (b) To incentivize improved performance with respect to the
34 client outcomes established in RCW 43.20A.895, 70.320.020, and
35 71.36.025, integration of behavioral health and medical services at
36 the clinical level, and improved care coordination for individuals
37 with complex care needs.

38 (7) Each behavioral health organization and licensed service
39 provider shall file with the secretary, on request, such data,
40 statistics, schedules, and information as the secretary reasonably

1 requires. A behavioral health organization or licensed service
2 provider which, without good cause, fails to furnish any data,
3 statistics, schedules, or information as requested, or files
4 fraudulent reports thereof, may be subject to the behavioral health
5 organization contractual remedies in RCW 43.20A.894 or may have its
6 service provider certification or license revoked or suspended.

7 (8) The secretary may suspend, revoke, limit, or restrict a
8 certification or license, or refuse to grant a certification or
9 license for failure to conform to: (a) The law; (b) applicable rules
10 and regulations; (c) applicable standards; or (d) state minimum
11 standards.

12 (9) The superior court may restrain any behavioral health
13 organization or service provider from operating without a contract,
14 certification, or a license or any other violation of this section.
15 The court may also review, pursuant to procedures contained in
16 chapter 34.05 RCW, any denial, suspension, limitation, restriction,
17 or revocation of certification or license, and grant other relief
18 required to enforce the provisions of this chapter.

19 (10) Upon petition by the secretary, and after hearing held upon
20 reasonable notice to the facility, the superior court may issue a
21 warrant to an officer or employee of the secretary authorizing him or
22 her to enter at reasonable times, and examine the records, books, and
23 accounts of any behavioral health organization(~~(s-[organization])~~) or
24 service provider refusing to consent to inspection or examination by
25 the authority.

26 (11) Notwithstanding the existence or pursuit of any other
27 remedy, the secretary may file an action for an injunction or other
28 process against any person or governmental unit to restrain or
29 prevent the establishment, conduct, or operation of a behavioral
30 health organization or service provider without a contract,
31 certification, or a license under this chapter.

32 ~~(12) ((The standards for certification or licensure of evaluation
33 and treatment facilities shall include standards relating to
34 maintenance of good physical and mental health and other services to
35 be afforded persons pursuant to this chapter and chapters 71.05 and
36 71.34 RCW, and shall otherwise assure the effectuation of the
37 purposes of these chapters.~~

38 ~~(13) The standards for certification or licensure of crisis
39 stabilization units shall include standards that:~~

1 ~~(a) Permit location of the units at a jail facility if the unit~~
2 ~~is physically separate from the general population of the jail;~~

3 ~~(b) Require administration of the unit by mental health~~
4 ~~professionals who direct the stabilization and rehabilitation~~
5 ~~efforts; and~~

6 ~~(c) Provide an environment affording security appropriate with~~
7 ~~the alleged criminal behavior and necessary to protect the public~~
8 ~~safety.~~

9 ~~(14) The standards for certification or licensure of a clubhouse~~
10 ~~shall at a minimum include:~~

11 ~~(a) The facilities may be peer-operated and must be~~
12 ~~recovery-focused;~~

13 ~~(b) Members and employees must work together;~~

14 ~~(c) Members must have the opportunity to participate in all the~~
15 ~~work of the clubhouse, including administration, research, intake and~~
16 ~~orientation, outreach, hiring, training and evaluation of staff,~~
17 ~~public relations, advocacy, and evaluation of clubhouse~~
18 ~~effectiveness;~~

19 ~~(d) Members and staff and ultimately the clubhouse director must~~
20 ~~be responsible for the operation of the clubhouse, central to this~~
21 ~~responsibility is the engagement of members and staff in all aspects~~
22 ~~of clubhouse operations;~~

23 ~~(e) Clubhouse programs must be comprised of structured activities~~
24 ~~including but not limited to social skills training, vocational~~
25 ~~rehabilitation, employment training and job placement, and community~~
26 ~~resource development;~~

27 ~~(f) Clubhouse programs must provide in-house educational programs~~
28 ~~that significantly utilize the teaching and tutoring skills of~~
29 ~~members and assist members by helping them to take advantage of adult~~
30 ~~education opportunities in the community;~~

31 ~~(g) Clubhouse programs must focus on strengths, talents, and~~
32 ~~abilities of its members;~~

33 ~~(h) The work-ordered day may not include medication clinics, day~~
34 ~~treatment, or other therapy programs within the clubhouse.~~

35 ~~(15))~~ The department shall distribute appropriated state and
36 federal funds in accordance with any priorities, terms, or conditions
37 specified in the appropriations act.

38 ~~((16))~~ (13) The secretary shall assume all duties assigned to
39 the nonparticipating behavioral health organizations under chapters
40 71.05 and 71.34 RCW and this chapter. Such responsibilities shall

1 include those which would have been assigned to the nonparticipating
2 counties in regions where there are not participating behavioral
3 health organizations.

4 The behavioral health organizations, or the secretary's
5 assumption of all responsibilities under chapters 71.05 and 71.34 RCW
6 and this chapter, shall be included in all state and federal plans
7 affecting the state (~~(mental)~~) behavioral health program including at
8 least those required by this chapter, the medicaid program, and P.L.
9 99-660. Nothing in these plans shall be inconsistent with the intent
10 and requirements of this chapter.

11 (~~(17)~~) (14) The secretary shall:

12 (a) Disburse funds for the behavioral health organizations within
13 sixty days of approval of the biennial contract. The department must
14 either approve or reject the biennial contract within sixty days of
15 receipt.

16 (b) Enter into biennial contracts with behavioral health
17 organizations. The contracts shall be consistent with available
18 resources. No contract shall be approved that does not include
19 progress toward meeting the goals of this chapter by taking
20 responsibility for: (i) Short-term commitments; (ii) residential
21 care; and (iii) emergency response systems.

22 (c) Notify behavioral health organizations of their allocation of
23 available resources at least sixty days prior to the start of a new
24 biennial contract period.

25 (d) Deny all or part of the funding allocations to behavioral
26 health organizations based solely upon formal findings of
27 noncompliance with the terms of the behavioral health organization's
28 contract with the department. Behavioral health organizations
29 disputing the decision of the secretary to withhold funding
30 allocations are limited to the remedies provided in the department's
31 contracts with the behavioral health organizations.

32 (~~(18)~~) (15) The department, in cooperation with the state
33 congressional delegation, shall actively seek waivers of federal
34 requirements and such modifications of federal regulations as are
35 necessary to allow federal medicaid reimbursement for services
36 provided by freestanding evaluation and treatment facilities
37 certified under chapter 71.05 RCW. The department shall periodically
38 report its efforts to the appropriate committees of the senate and
39 the house of representatives.

40 (16) The department may:

1 (a) Plan, establish, and maintain substance use disorder
2 prevention and substance use disorder treatment programs as necessary
3 or desirable;

4 (b) Coordinate its activities and cooperate with behavioral
5 programs in this and other states, and make contracts and other joint
6 or cooperative arrangements with state, local, or private agencies in
7 this and other states for behavioral health services and for the
8 common advancement of substance use disorder programs;

9 (c) Solicit and accept for use any gift of money or property made
10 by will or otherwise, and any grant of money, services, or property
11 from the federal government, the state, or any political subdivision
12 thereof or any private source, and do all things necessary to
13 cooperate with the federal government or any of its agencies in
14 making an application for any grant;

15 (d) Keep records and engage in research and the gathering of
16 relevant statistics; and

17 (e) Acquire, hold, or dispose of real property or any interest
18 therein, and construct, lease, or otherwise provide substance use
19 disorder treatment programs.

20 **Sec. 3.** RCW 70.96A.050 and 2014 c 225 s 23 are each amended to
21 read as follows:

22 The department shall:

23 (1) Develop, encourage, and foster statewide, regional, and local
24 plans and programs for the prevention of alcoholism and other drug
25 addiction, treatment of persons with substance use disorders and
26 their families, persons incapacitated by alcohol or other
27 psychoactive chemicals, and intoxicated persons in cooperation with
28 public and private agencies, organizations, and individuals and
29 provide technical assistance and consultation services for these
30 purposes;

31 (2) Assure that any behavioral health organization managed care
32 contract, or managed care contract under RCW 74.09.522 for behavioral
33 health services or programs for the treatment of persons with
34 substance use disorders and their families, persons incapacitated by
35 alcohol or other psychoactive chemicals, and intoxicated persons
36 provides medically necessary services to medicaid recipients. This
37 must include a continuum of mental health and (~~chemical dependency~~)
38 substance use disorder services consistent with the state's medicaid

1 plan or federal waiver authorities, and nonmedicaid services
2 consistent with priorities established by the department;

3 (3) Coordinate the efforts and enlist the assistance of all
4 public and private agencies, organizations, and individuals
5 interested in prevention of alcoholism and drug addiction, and
6 treatment of persons with substance use disorders and their families,
7 persons incapacitated by alcohol or other psychoactive chemicals, and
8 intoxicated persons;

9 (4) Cooperate with public and private agencies in establishing
10 and conducting programs to provide treatment for persons with
11 substance use disorders and their families, persons incapacitated by
12 alcohol or other psychoactive chemicals, and intoxicated persons who
13 are clients of the correctional system;

14 (5) Cooperate with the superintendent of public instruction,
15 state board of education, schools, police departments, courts, and
16 other public and private agencies, organizations and individuals in
17 establishing programs for the prevention of (~~alcoholism and other~~
18 ~~drug addiction~~) substance use disorders, treatment of persons with
19 substance use disorders and their families, persons incapacitated by
20 alcohol or other psychoactive chemicals, and intoxicated persons, and
21 preparing curriculum materials thereon for use at all levels of
22 school education;

23 (6) Prepare, publish, evaluate, and disseminate educational
24 material dealing with the nature and effects of alcohol and other
25 psychoactive chemicals and the consequences of their use;

26 (7) Develop and implement, as an integral part of substance use
27 disorder treatment programs, an educational program for use in the
28 treatment of persons with substance use disorders, persons
29 incapacitated by alcohol or other psychoactive chemicals, and
30 intoxicated persons, which program shall include the dissemination of
31 information concerning the nature and effects of alcohol and other
32 psychoactive chemicals, the consequences of their use, the principles
33 of recovery, and HIV and AIDS;

34 (8) Organize and foster training programs for persons engaged in
35 treatment of persons with substance use disorders, persons
36 incapacitated by alcohol or other psychoactive chemicals, and
37 intoxicated persons;

38 (9) Sponsor and encourage research into the causes and nature of
39 (~~alcoholism and other drug addiction~~) substance use disorders,
40 treatment of persons with substance use disorders, persons

1 incapacitated by alcohol or other psychoactive chemicals, and
2 intoxicated persons, and serve as a clearinghouse for information
3 relating to (~~alcoholism or other drug addiction~~) substance use
4 disorders;

5 (10) Specify uniform methods for keeping statistical information
6 by public and private agencies, organizations, and individuals, and
7 collect and make available relevant statistical information,
8 including number of persons treated, frequency of admission and
9 readmission, and frequency and duration of treatment;

10 (11) Advise the governor in the preparation of a comprehensive
11 plan for treatment of persons with substance use disorders, persons
12 incapacitated by alcohol or other psychoactive chemicals, and
13 intoxicated persons for inclusion in the state's comprehensive health
14 plan;

15 (12) Review all state health, welfare, and treatment plans to be
16 submitted for federal funding under federal legislation, and advise
17 the governor on provisions to be included relating to substance use
18 disorders;

19 (13) Assist in the development of, and cooperate with, programs
20 for alcohol and other psychoactive chemical education and treatment
21 for employees of state and local governments and businesses and
22 industries in the state;

23 (14) Use the support and assistance of interested persons in the
24 community to encourage persons with substance use disorders
25 voluntarily to undergo treatment;

26 (15) Cooperate with public and private agencies in establishing
27 and conducting programs designed to deal with the problem of persons
28 operating motor vehicles while intoxicated;

29 (16) Encourage general hospitals and other appropriate health
30 facilities to admit without discrimination persons with substance use
31 disorders, persons incapacitated by alcohol or other psychoactive
32 chemicals, and intoxicated persons and to provide them with adequate
33 and appropriate treatment;

34 (17) Encourage all health and disability insurance programs to
35 include (~~alcoholism and other drug addiction~~) substance use
36 disorders as a covered illness; and

37 (18) Organize and sponsor a statewide program to help court
38 personnel, including judges, better understand (~~the disease of~~
39 ~~alcoholism and other drug addiction~~) substance use disorders and the

1 uses of (~~chemical dependency~~) substance use disorder treatment
2 programs.

3 **Sec. 4.** RCW 71.24.037 and 2001 c 323 s 11 are each amended to
4 read as follows:

5 (1) The secretary shall by rule establish state minimum standards
6 for licensed behavioral health service providers and services,
7 whether those service providers and services are licensed to provide
8 solely mental health services, substance use disorder treatment
9 services, or services to persons with co-occurring disorders.

10 (2) Minimum standards for licensed behavioral health service
11 providers shall, at a minimum, establish: Qualifications for staff
12 providing services directly to (~~mentally ill~~) persons with mental
13 disorders, substance use disorders, or both, the intended result of
14 each service, and the rights and responsibilities of persons
15 receiving (~~mental~~) behavioral health services pursuant to this
16 chapter. The secretary shall provide for deeming of licensed
17 behavioral health service providers as meeting state minimum
18 standards as a result of accreditation by a recognized behavioral
19 health accrediting body recognized and having a current agreement
20 with the department.

21 (3) Minimum standards for community support services and resource
22 management services shall include at least qualifications for
23 resource management services, client tracking systems, and the
24 transfer of patient information between behavioral health service
25 providers.

26 (4) The department may suspend, revoke, limit, restrict, or
27 modify an approval, or refuse to grant approval, for failure to meet
28 the provisions of this chapter, or the standards adopted under this
29 chapter. RCW 43.20A.205 governs notice of a license denial,
30 revocation, suspension, or modification and provides the right to an
31 adjudicative proceeding.

32 (5) No licensed behavioral health service provider may advertise
33 or represent itself as a licensed behavioral health service provider
34 if approval has not been granted, has been denied, suspended,
35 revoked, or canceled.

36 (6) Licensure as a behavioral health service provider is
37 effective for one calendar year from the date of issuance of the
38 license. The license must specify the types of services provided by
39 the behavioral health service provider that meet the standards

1 adopted under this chapter. Renewal of a license must be made in
2 accordance with this section for initial approval and in accordance
3 with the standards set forth in rules adopted by the secretary.

4 (7) Licensure as a licensed behavioral health service provider
5 must specify the types of services provided that meet the standards
6 adopted under this chapter. Renewal of a license must be made in
7 accordance with this section for initial approval and in accordance
8 with the standards set forth in rules adopted by the secretary.

9 (8) Licensed behavioral health service providers may not provide
10 types of services for which the licensed behavioral health service
11 provider has not been certified. Licensed behavioral health service
12 providers may provide services for which approval has been sought and
13 is pending, if approval for the services has not been previously
14 revoked or denied.

15 (9) The department periodically shall inspect licensed behavioral
16 health service providers at reasonable times and in a reasonable
17 manner.

18 (10) Upon petition of the department and after a hearing held
19 upon reasonable notice to the facility, the superior court may issue
20 a warrant to an officer or employee of the department authorizing him
21 or her to enter and inspect at reasonable times, and examine the
22 books and accounts of, any licensed behavioral health service
23 provider refusing to consent to inspection or examination by the
24 department or which the department has reasonable cause to believe is
25 operating in violation of this chapter.

26 (11) The department shall maintain and periodically publish a
27 current list of licensed behavioral health service providers.

28 (12) Each licensed behavioral health service provider shall file
29 with the department upon request, data, statistics, schedules, and
30 information the department reasonably requires. A licensed behavioral
31 health service provider that without good cause fails to furnish any
32 data, statistics, schedules, or information as requested, or files
33 fraudulent returns thereof, may have its license revoked or
34 suspended.

35 (13) The department shall use the data provided in subsection
36 (12) of this section to evaluate each program that admits children to
37 inpatient substance use disorder treatment upon application of their
38 parents. The evaluation must be done at least once every twelve
39 months. In addition, the department shall randomly select and review
40 the information on individual children who are admitted on

1 application of the child's parent for the purpose of determining
2 whether the child was appropriately placed into substance use
3 disorder treatment based on an objective evaluation of the child's
4 condition and the outcome of the child's treatment.

5 **Sec. 5.** RCW 70.96A.090 and 2005 c 70 s 2 are each amended to
6 read as follows:

7 ~~(1) ((The department shall adopt rules establishing standards for~~
8 ~~approved treatment programs, the process for the review and~~
9 ~~inspection program applying to the department for certification as an~~
10 ~~approved treatment program, and fixing the fees to be charged by the~~
11 ~~department for the required inspections. The standards may concern~~
12 ~~the health standards to be met and standards of services and~~
13 ~~treatment to be afforded patients.~~

14 ~~(2) The department may suspend, revoke, limit, restrict, or~~
15 ~~modify an approval, or refuse to grant approval, for failure to meet~~
16 ~~the provisions of this chapter, or the standards adopted under this~~
17 ~~chapter. RCW 43.20A.205 governs notice of a license denial,~~
18 ~~revocation, suspension, or modification and provides the right to an~~
19 ~~adjudicative proceeding.~~

20 ~~(3) No treatment program may advertise or represent itself as an~~
21 ~~approved treatment program if approval has not been granted, has been~~
22 ~~denied, suspended, revoked, or canceled.~~

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

30 ~~(5) Approved treatment programs shall not provide alcoholism or~~
31 ~~other drug addiction treatment services for which the approved~~
32 ~~treatment program has not been certified. Approved treatment programs~~
33 ~~may provide services for which approval has been sought and is~~
34 ~~pending, if approval for the services has not been previously revoked~~
35 ~~or denied.~~

36 ~~(6) The department periodically shall inspect approved public and~~
37 ~~private treatment programs at reasonable times and in a reasonable~~
38 ~~manner.~~

1 ~~(7) The department shall maintain and periodically publish a~~
2 ~~current list of approved treatment programs.~~

3 ~~(8) Each approved treatment program shall file with the~~
4 ~~department on request, data, statistics, schedules, and information~~
5 ~~the department reasonably requires. An approved treatment program~~
6 ~~that without good cause fails to furnish any data, statistics,~~
7 ~~schedules, or information as requested, or files fraudulent returns~~
8 ~~thereof, may be removed from the list of approved treatment programs,~~
9 ~~and its certification revoked or suspended.~~

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

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

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

38 ~~((b))~~ (2) The department shall adopt rules that require all
39 opiate treatment programs to educate all pregnant women in their
40 program on the benefits and risks of methadone treatment to their

1 fetus before they are provided these medications, as part of their
2 addiction treatment. The department shall meet the requirements under
3 this subsection within the appropriations provided for opiate
4 treatment programs. The department, working with treatment providers
5 and medical experts, shall develop and disseminate the educational
6 materials to all certified opiate treatment programs.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 71.24
8 RCW to read as follows:

9 The standards for certification or licensure of evaluation and
10 treatment facilities must include standards relating to maintenance
11 of good physical and mental health and other services to be afforded
12 persons pursuant to this chapter and chapters 71.05 and 71.34 RCW,
13 and must otherwise assure the effectuation of the purposes of these
14 chapters.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 71.24
16 RCW to read as follows:

17 The standards for certification or licensure of crisis
18 stabilization units must include standards that:

19 (1) Permit location of the units at a jail facility if the unit
20 is physically separate from the general population of the jail;

21 (2) Require administration of the unit by mental health
22 professionals who direct the stabilization and rehabilitation
23 efforts; and

24 (3) Provide an environment affording security appropriate with
25 the alleged criminal behavior and necessary to protect the public
26 safety.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 71.24
28 RCW to read as follows:

29 The standards for certification or licensure of a clubhouse must
30 at a minimum include:

31 (1) The facilities may be peer-operated and must be
32 recovery-focused;

33 (2) Members and employees must work together;

34 (3) Members must have the opportunity to participate in all the
35 work of the clubhouse, including administration, research, intake and
36 orientation, outreach, hiring, training and evaluation of staff,

1 public relations, advocacy, and evaluation of clubhouse
2 effectiveness;

3 (4) Members and staff and ultimately the clubhouse director must
4 be responsible for the operation of the clubhouse, central to this
5 responsibility is the engagement of members and staff in all aspects
6 of clubhouse operations;

7 (5) Clubhouse programs must be comprised of structured activities
8 including but not limited to social skills training, vocational
9 rehabilitation, employment training and job placement, and community
10 resource development;

11 (6) Clubhouse programs must provide in-house educational programs
12 that significantly utilize the teaching and tutoring skills of
13 members and assist members by helping them to take advantage of adult
14 education opportunities in the community;

15 (7) Clubhouse programs must focus on strengths, talents, and
16 abilities of its members;

17 (8) The work-ordered day may not include medication clinics, day
18 treatment, or other therapy programs within the clubhouse.

19 **Sec. 9.** RCW 71.24.385 and 2014 c 225 s 9 are each amended to
20 read as follows:

21 (1) Within funds appropriated by the legislature for this
22 purpose, behavioral health organizations shall develop the means to
23 serve the needs of people:

24 (a) With mental disorders residing within the boundaries of their
25 regional service area. Elements of the program may include:

26 ~~((a))~~ (i) Crisis diversion services;

27 ~~((b))~~ (ii) Evaluation and treatment and community hospital
28 beds;

29 ~~((c))~~ (iii) Residential treatment;

30 ~~((d))~~ (iv) Programs for intensive community treatment;

31 ~~((e))~~ (v) Outpatient services;

32 ~~((f))~~ (vi) Peer support services;

33 ~~((g))~~ (vii) Community support services;

34 ~~((h))~~ (viii) Resource management services; and

35 ~~((i))~~ (ix) Supported housing and supported employment services.

36 (b) With substance use disorders and their families, people
37 incapacitated by alcohol or other psychoactive chemicals, and
38 intoxicated people.

1 (i) Elements of the program shall include, but not necessarily be
2 limited to, a continuum of substance use disorder treatment services
3 that includes:

4 (A) Withdrawal management;

5 (B) Residential treatment; and

6 (C) Outpatient treatment.

7 (ii) The program may include peer support, supported housing,
8 supported employment, crisis diversion, or recovery support services.

9 (iii) The department may contract for the use of an approved
10 substance use disorder treatment program or other individual or
11 organization if the secretary considers this to be an effective and
12 economical course to follow.

13 (2) The behavioral health organization shall have the
14 flexibility, within the funds appropriated by the legislature for
15 this purpose and the terms of their contract, to design the mix of
16 services that will be most effective within their service area of
17 meeting the needs of people with ~~((mental))~~ behavioral health
18 disorders and avoiding placement of such individuals at the state
19 mental hospital. Behavioral health organizations are encouraged to
20 maximize the use of evidence-based practices and alternative
21 resources with the goal of substantially reducing and potentially
22 eliminating the use of institutions for mental diseases.

23 (3)(a) Treatment provided under this chapter must be purchased
24 primarily through managed care contracts.

25 (b) Consistent with RCW 70.96A.350 (as recodified by this act),
26 services and funding provided through the criminal justice treatment
27 account are intended to be exempted from managed care contracting.

28 **Sec. 10.** RCW 70.96A.350 and 2013 2nd sp.s. c 4 s 990 are each
29 amended to read as follows:

30 (1) The criminal justice treatment account is created in the
31 state treasury. Moneys in the account may be expended solely for: (a)
32 Substance ~~((abuse))~~ use disorder treatment and treatment support
33 services for offenders with ~~((an addiction or a substance abuse~~
34 ~~problem))~~ a substance use disorder that, if not treated, would result
35 in addiction, against whom charges are filed by a prosecuting
36 attorney in Washington state; (b) the provision of ~~((drug and~~
37 ~~alcohol))~~ substance use disorder treatment services and treatment
38 support services for nonviolent offenders within a drug court
39 program; and (c) the administrative and overhead costs associated

1 with the operation of a drug court(~~(; and (d) during the 2011-2013~~
2 ~~biennium, the legislature may appropriate up to three million dollars~~
3 ~~from the account in order to offset reductions in the state general~~
4 ~~fund for treatment services provided by counties. This amount is not~~
5 ~~subject to the requirements of subsections (5) through (9) of this~~
6 ~~section. During the 2013-2015 fiscal biennium, the legislature may~~
7 ~~transfer from the criminal justice treatment account to the state~~
8 ~~general fund amounts as reflect the state savings associated with the~~
9 ~~implementation of the medicaid expansion of the federal affordable~~
10 ~~care act)). Moneys in the account may be spent only after~~
11 appropriation.

12 (2) For purposes of this section:

13 (a) "Treatment" means services that are critical to a
14 participant's successful completion of his or her substance ((~~abuse~~)
15 use disorder treatment program, but does not include the following
16 services: Housing other than that provided as part of an inpatient
17 substance ((~~abuse~~) use disorder treatment program, vocational
18 training, and mental health counseling; and

19 (b) "Treatment support" means transportation to or from inpatient
20 or outpatient treatment services when no viable alternative exists,
21 and child care services that are necessary to ensure a participant's
22 ability to attend outpatient treatment sessions.

23 (3) Revenues to the criminal justice treatment account consist
24 of: (a) Funds transferred to the account pursuant to this section;
25 and (b) any other revenues appropriated to or deposited in the
26 account.

27 (4)(a) ((~~For the fiscal biennium beginning July 1, 2003, the~~
28 ~~state treasurer shall transfer eight million nine hundred fifty~~
29 ~~thousand dollars from the general fund into the criminal justice~~
30 ~~treatment account, divided into eight equal quarterly payments.)) For
31 the fiscal year beginning July 1, 2005, and each subsequent fiscal
32 year, the state treasurer shall transfer eight million two hundred
33 fifty thousand dollars from the general fund to the criminal justice
34 treatment account, divided into four equal quarterly payments. For
35 the fiscal year beginning July 1, 2006, and each subsequent fiscal
36 year, the amount transferred shall be increased on an annual basis by
37 the implicit price deflator as published by the federal bureau of
38 labor statistics.~~

39 (b) In each odd-numbered year, the legislature shall appropriate
40 the amount transferred to the criminal justice treatment account in

1 (a) of this subsection to the (~~division of alcohol and substance~~
2 ~~abuse~~) department for the purposes of subsection (5) of this
3 section.

4 (5) Moneys appropriated to the (~~division of alcohol and~~
5 ~~substance abuse~~) department from the criminal justice treatment
6 account shall be distributed as specified in this subsection. The
7 department (~~shall serve as the fiscal agent for purposes of~~
8 ~~distribution. Until July 1, 2004, the department may not use moneys~~
9 ~~appropriated from the criminal justice treatment account for~~
10 ~~administrative expenses and shall distribute all amounts appropriated~~
11 ~~under subsection (4)(b) of this section in accordance with this~~
12 ~~subsection. Beginning in July 1, 2004, the department~~) may retain up
13 to three percent of the amount appropriated under subsection (4)(b)
14 of this section for its administrative costs.

15 (a) Seventy percent of amounts appropriated to the (~~division~~)
16 department from the account shall be distributed to counties pursuant
17 to the distribution formula adopted under this section. The division
18 of alcohol and substance abuse, in consultation with the department
19 of corrections, the Washington state association of counties, the
20 Washington state association of drug court professionals, the
21 superior court judges' association, the Washington association of
22 prosecuting attorneys, representatives of the criminal defense bar,
23 representatives of substance (~~abuse~~) use disorder treatment
24 providers, and any other person deemed by the (~~division~~) department
25 to be necessary, shall establish a fair and reasonable methodology
26 for distribution to counties of moneys in the criminal justice
27 treatment account. County or regional plans submitted for the
28 expenditure of formula funds must be approved by the panel
29 established in (b) of this subsection.

30 (b) Thirty percent of the amounts appropriated to the
31 (~~division~~) department from the account shall be distributed as
32 grants for purposes of treating offenders against whom charges are
33 filed by a county prosecuting attorney. The (~~division~~) department
34 shall appoint a panel of representatives from the Washington
35 association of prosecuting attorneys, the Washington association of
36 sheriffs and police chiefs, the superior court judges' association,
37 the Washington state association of counties, the Washington
38 defender's association or the Washington association of criminal
39 defense lawyers, the department of corrections, the Washington state
40 association of drug court professionals, substance (~~abuse~~) use

1 disorder treatment providers, and the division. The panel shall
2 review county or regional plans for funding under (a) of this
3 subsection and grants approved under this subsection. The panel shall
4 attempt to ensure that treatment as funded by the grants is available
5 to offenders statewide.

6 (6) The county alcohol and drug coordinator, county prosecutor,
7 county sheriff, county superior court, a substance abuse treatment
8 provider appointed by the county legislative authority, a member of
9 the criminal defense bar appointed by the county legislative
10 authority, and, in counties with a drug court, a representative of
11 the drug court shall jointly submit a plan, approved by the county
12 legislative authority or authorities, to the panel established in
13 subsection (5)(b) of this section, for disposition of all the funds
14 provided from the criminal justice treatment account within that
15 county. The funds shall be used solely to provide approved alcohol
16 and substance abuse treatment pursuant to RCW 70.96A.090 (as
17 recodified by this act), treatment support services, and for the
18 administrative and overhead costs associated with the operation of a
19 drug court.

20 (a) No more than ten percent of the total moneys received under
21 subsections (4) and (5) of this section by a county or group of
22 counties participating in a regional agreement shall be spent on the
23 administrative and overhead costs associated with the operation of a
24 drug court.

25 (b) No more than ten percent of the total moneys received under
26 subsections (4) and (5) of this section by a county or group of
27 counties participating in a regional agreement shall be spent for
28 treatment support services.

29 (7) Counties are encouraged to consider regional agreements and
30 submit regional plans for the efficient delivery of treatment under
31 this section.

32 (8) Moneys allocated under this section shall be used to
33 supplement, not supplant, other federal, state, and local funds used
34 for substance abuse treatment.

35 (9) Counties must meet the criteria established in RCW
36 2.28.170(3)(b).

37 (10) The authority under this section to use funds from the
38 criminal justice treatment account for the administrative and
39 overhead costs associated with the operation of a drug court expires
40 June 30, 2015.

1 **Sec. 11.** RCW 70.96A.035 and 2005 c 504 s 302 are each amended to
2 read as follows:

3 (1) (~~Not later than January 1, 2007,~~) All persons providing
4 treatment under this chapter shall also implement the integrated
5 comprehensive screening and assessment process for chemical
6 dependency and mental disorders adopted pursuant to RCW 70.96C.010
7 and shall document the numbers of clients with co-occurring mental
8 and substance abuse disorders based on a quadrant system of low and
9 high needs.

10 (2) Treatment providers contracted to provide treatment under
11 this chapter who fail to implement the integrated comprehensive
12 screening and assessment process for chemical dependency and mental
13 disorders (~~by July 1, 2007,~~) are subject to contractual penalties
14 established under RCW 70.96C.010 (as recodified by this act).

15 **Sec. 12.** RCW 70.96C.010 and 2014 c 225 s 77 are each amended to
16 read as follows:

17 (1) The department of social and health services(~~, in~~
18 ~~consultation with the members of the team charged with developing the~~
19 ~~state plan for co-occurring mental and substance abuse disorders,~~
20 ~~shall adopt, not later than January 1, 2006,~~) shall maintain an
21 integrated and comprehensive screening and assessment process for
22 (~~chemical dependency~~) substance use and mental disorders and co-
23 occurring (~~chemical dependency~~) substance use and mental disorders.

24 (a) The process adopted shall include, at a minimum:

25 (i) An initial screening tool that can be used by intake
26 personnel system-wide and which will identify the most common types
27 of co-occurring disorders;

28 (ii) An assessment process for those cases in which assessment is
29 indicated that provides an appropriate degree of assessment for most
30 situations, which can be expanded for complex situations;

31 (iii) Identification of triggers in the screening that indicate
32 the need to begin an assessment;

33 (iv) Identification of triggers after or outside the screening
34 that indicate a need to begin or resume an assessment;

35 (v) The components of an assessment process and a protocol for
36 determining whether part or all of the assessment is necessary, and
37 at what point; and

1 (vi) Emphasis that the process adopted under this section is to
2 replace and not to duplicate existing intake, screening, and
3 assessment tools and processes.

4 (b) The department shall consider existing models, including
5 those already adopted by other states, and to the extent possible,
6 adopt an established, proven model.

7 (c) The integrated, comprehensive screening and assessment
8 process shall be implemented statewide by all (~~chemical dependency~~)
9 substance use disorder and mental health treatment providers as well
10 as all designated mental health professionals, designated chemical
11 dependency specialists, and designated crisis responders (~~not later~~
12 ~~than January 1, 2007~~)).

13 (2) The department shall provide adequate training to effect
14 statewide implementation by the dates designated in this section and
15 shall report the rates of co-occurring disorders and the stage of
16 screening or assessment at which the co-occurring disorder was
17 identified to the appropriate committees of the legislature.

18 (3) The department shall establish contractual penalties to
19 contracted treatment providers, the behavioral health organizations,
20 and their contracted providers for failure to implement the
21 integrated screening and assessment process (~~by July 1, 2007~~)).

22 **Sec. 13.** RCW 70.96A.037 and 2011 c 89 s 9 are each amended to
23 read as follows:

24 (1) The department of social and health services shall contract
25 for chemical dependency specialist services at division of children
26 and family services offices to enhance the timeliness and quality of
27 child protective services assessments and to better connect families
28 to needed treatment services.

29 (2) The chemical dependency specialist's duties may include, but
30 are not limited to: Conducting on-site (~~chemical dependency~~)
31 substance use disorder screening and assessment, facilitating
32 progress reports to department employees, in-service training of
33 department employees and staff on substance (~~abuse~~) use disorder
34 issues, referring clients from the department to treatment providers,
35 and providing consultation on cases to department employees.

36 (3) The department of social and health services shall provide
37 training in and ensure that each case-carrying employee is trained in
38 uniform screening for mental health and (~~chemical dependency~~)
39 substance use disorder.

1 **Sec. 14.** RCW 70.96A.047 and 1989 c 270 s 11 are each amended to
2 read as follows:

3 Except as provided in this chapter, the secretary shall not
4 approve any substance use disorder facility, plan, or program for
5 financial assistance under RCW 70.96A.040 (as recodified by this act)
6 unless at least ten percent of the amount spent for the facility,
7 plan, or program is provided from local public or private sources.
8 When deemed necessary to maintain public standards of care in the
9 substance use disorder facility, plan, or program, the secretary may
10 require the substance use disorder facility, plan, or program to
11 provide up to fifty percent of the total spent for the program
12 through fees, gifts, contributions, or volunteer services. The
13 secretary shall determine the value of the gifts, contributions, and
14 volunteer services.

15 **Sec. 15.** RCW 70.96A.055 and 1999 c 197 s 10 are each amended to
16 read as follows:

17 The department shall contract with counties operating drug courts
18 and counties in the process of implementing new drug courts for the
19 provision of (~~drug and alcohol~~) substance use disorder treatment
20 services.

21 **Sec. 16.** RCW 70.96A.087 and 1989 c 270 s 13 are each amended to
22 read as follows:

23 To be eligible to receive its share of liquor taxes and profits,
24 each city and county shall devote no less than two percent of its
25 share of liquor taxes and profits to the support of a substance use
26 disorder program (~~of alcoholism and other drug addiction~~) approved
27 by the (~~alcoholism and other drug addiction board authorized by RCW~~
28 ~~70.96A.300~~) behavioral health organization and the secretary.

29 **Sec. 17.** RCW 70.96A.170 and 1989 c 270 s 30 are each amended to
30 read as follows:

31 (1) The state and counties, cities, and other municipalities may
32 establish or contract for emergency service patrols which are to be
33 under the administration of the appropriate jurisdiction. A patrol
34 consists of persons trained to give assistance in the streets and in
35 other public places to persons who are intoxicated. Members of an
36 emergency service patrol shall be capable of providing first aid in

1 emergency situations and may transport intoxicated persons to their
2 homes and to and from substance use disorder treatment programs.

3 (2) The secretary shall adopt rules pursuant to chapter 34.05 RCW
4 for the establishment, training, and conduct of emergency service
5 patrols.

6 **Sec. 18.** RCW 70.96A.180 and 2012 c 117 s 413 are each amended to
7 read as follows:

8 (1) If substance use disorder treatment is provided by an
9 approved substance use disorder treatment program and the patient has
10 not paid or is unable to pay the charge therefor, the program is
11 entitled to any payment (a) received by the patient or to which he or
12 she may be entitled because of the services rendered, and (b) from
13 any public or private source available to the program because of the
14 treatment provided to the patient.

15 (2) A patient in a substance use disorder program, or the estate
16 of the patient, or a person obligated to provide for the cost of
17 treatment and having sufficient financial ability, is liable to the
18 program for cost of maintenance and treatment of the patient therein
19 in accordance with rates established.

20 (3) The secretary shall adopt rules governing financial ability
21 that take into consideration the income, savings, and other personal
22 and real property of the person required to pay, and any support
23 being furnished by him or her to any person he or she is required by
24 law to support.

25 **Sec. 19.** RCW 70.96A.095 and 1998 c 296 s 23 are each amended to
26 read as follows:

27 Any person thirteen years of age or older may give consent for
28 himself or herself to the furnishing of outpatient treatment by a
29 (~~chemical dependency~~) substance use disorder treatment program
30 certified by the department. Parental authorization is required for
31 any treatment of a minor under the age of thirteen.

32 **Sec. 20.** RCW 70.96A.096 and 1996 c 133 s 5 are each amended to
33 read as follows:

34 School district personnel who contact a (~~chemical dependency~~)
35 substance use disorder inpatient treatment program or provider for
36 the purpose of referring a student to inpatient treatment shall

1 provide the parents with notice of the contact within forty-eight
2 hours.

3 **Sec. 21.** RCW 70.96A.097 and 1998 c 296 s 28 are each amended to
4 read as follows:

5 (1) The department shall ensure that, for any minor admitted to
6 inpatient treatment under RCW 70.96A.245 (as recodified by this act),
7 a review is conducted by a physician or chemical dependency
8 counselor, as defined in rule by the department, who is employed by
9 the department or an agency under contract with the department and
10 who neither has a financial interest in continued inpatient treatment
11 of the minor nor is affiliated with the program providing the
12 treatment. The physician or chemical dependency counselor shall
13 conduct the review not less than seven nor more than fourteen days
14 following the date the minor was brought to the facility under RCW
15 70.96A.245(1) (as recodified by this act) to determine whether it is
16 a medical necessity to continue the minor's treatment on an inpatient
17 basis.

18 (2) In making a determination under subsection (1) of this
19 section whether it is a medical necessity to release the minor from
20 inpatient treatment, the department shall consider the opinion of the
21 treatment provider, the safety of the minor, the likelihood the
22 minor's (~~chemical dependency~~) substance use disorder recovery will
23 deteriorate if released from inpatient treatment, and the wishes of
24 the parent.

25 (3) If, after any review conducted by the department under this
26 section, the department determines it is no longer a medical
27 necessity for a minor to receive inpatient treatment, the department
28 shall immediately notify the parents and the professional person in
29 charge. The professional person in charge shall release the minor to
30 the parents within twenty-four hours of receiving notice. If the
31 professional person in charge and the parent believe that it is a
32 medical necessity for the minor to remain in inpatient treatment, the
33 minor shall be released to the parent on the second judicial day
34 following the department's determination in order to allow the parent
35 time to file an at-risk youth petition under chapter 13.32A RCW. If
36 the department determines it is a medical necessity for the minor to
37 receive outpatient treatment and the minor declines to obtain such
38 treatment, such refusal shall be grounds for the parent to file an
39 at-risk youth petition.

1 (4) The department may, subject to available funds, contract with
2 other governmental agencies for the conduct of the reviews conducted
3 under this section and may seek reimbursement from the parents, their
4 insurance, or medicaid for the expense of any review conducted by an
5 agency under contract.

6 (5) In addition to the review required under this section, the
7 department may periodically determine and redetermine the medical
8 necessity of treatment for purposes of payment with public funds.

9 **Sec. 22.** RCW 70.96A.235 and 1998 c 296 s 25 are each amended to
10 read as follows:

11 Parental consent is required for inpatient (~~chemical~~
12 ~~dependency~~) substance use disorder treatment of a minor, unless the
13 child meets the definition of a child in need of services in RCW
14 13.32A.030(~~(+4)~~) (5)(c) as determined by the department: PROVIDED,
15 That parental consent is required for any treatment of a minor under
16 the age of thirteen.

17 This section does not apply to petitions filed under this
18 chapter.

19 **Sec. 23.** RCW 70.96A.240 and 1998 c 296 s 26 are each amended to
20 read as follows:

21 (1) The parent of a minor is not liable for payment of inpatient
22 or outpatient (~~chemical—dependency~~) substance use disorder
23 treatment unless the parent has joined in the consent to the
24 treatment.

25 (2) The ability of a parent to apply to a certified treatment
26 program for the admission of his or her minor child does not create a
27 right to obtain or benefit from any funds or resources of the state.
28 However, the state may provide services for indigent minors to the
29 extent that funds are available therefor.

30 **Sec. 24.** RCW 70.96A.245 and 1998 c 296 s 27 are each amended to
31 read as follows:

32 (1) A parent may bring, or authorize the bringing of, his or her
33 minor child to a certified treatment program and request that a
34 (~~chemical—dependency~~) substance use disorder assessment be
35 conducted by a professional person to determine whether the minor
36 (~~is chemically dependent~~) has a substance use disorder and in need
37 of inpatient treatment.

1 (2) The consent of the minor is not required for admission,
2 evaluation, and treatment if the parent brings the minor to the
3 program.

4 (3) An appropriately trained professional person may evaluate
5 whether the minor (~~(is chemically dependent)~~) has a substance use
6 disorder. The evaluation shall be completed within twenty-four hours
7 of the time the minor was brought to the program, unless the
8 professional person determines that the condition of the minor
9 necessitates additional time for evaluation. In no event shall a
10 minor be held longer than seventy-two hours for evaluation. If, in
11 the judgment of the professional person, it is determined it is a
12 medical necessity for the minor to receive inpatient treatment, the
13 minor may be held for treatment. The facility shall limit treatment
14 to that which the professional person determines is medically
15 necessary to stabilize the minor's condition until the evaluation has
16 been completed. Within twenty-four hours of completion of the
17 evaluation, the professional person shall notify the department if
18 the child is held for treatment and of the date of admission.

19 (4) No provider is obligated to provide treatment to a minor
20 under the provisions of this section. No provider may admit a minor
21 to treatment under this section unless it is medically necessary.

22 (5) No minor receiving inpatient treatment under this section may
23 be discharged from the program based solely on his or her request.

24 **Sec. 25.** RCW 70.96A.250 and 1998 c 296 s 29 are each amended to
25 read as follows:

26 (1) A parent may bring, or authorize the bringing of, his or her
27 minor child to a provider of outpatient (~~(chemical dependency)~~)
28 substance use disorder treatment and request that an appropriately
29 trained professional person examine the minor to determine whether
30 the minor has a (~~(chemical dependency)~~) substance use disorder and is
31 in need of outpatient treatment.

32 (2) The consent of the minor is not required for evaluation if
33 the parent brings the minor to the provider.

34 (3) The professional person in charge of the program may evaluate
35 whether the minor has a (~~(chemical dependency)~~) substance use
36 disorder and is in need of outpatient treatment.

37 (4) Any minor admitted to inpatient treatment under RCW
38 70.96A.245 (as recodified by this act) shall be discharged

1 immediately from inpatient treatment upon written request of the
2 parent.

3 **Sec. 26.** RCW 70.96A.265 and 1998 c 296 s 32 are each amended to
4 read as follows:

5 For purposes of eligibility for medical assistance under chapter
6 74.09 RCW, minors in inpatient (~~chemical dependency~~) substance use
7 disorder treatment shall be considered to be part of their parent's
8 or legal guardian's household, unless the minor has been assessed by
9 the department or its designee as likely to require such treatment
10 for at least ninety consecutive days, or is in out-of-home care in
11 accordance with chapter 13.34 RCW, or the parents are found to not be
12 exercising responsibility for care and control of the minor. Payment
13 for such care by the department shall be made only in accordance with
14 rules, guidelines, and clinical criteria applicable to inpatient
15 treatment of minors established by the department.

16 **Sec. 27.** RCW 70.96A.400 and 2001 c 242 s 1 are each amended to
17 read as follows:

18 The state of Washington declares that there is no fundamental
19 right to opiate substitution treatment. The state of Washington
20 further declares that while opiate substitution drugs used in the
21 treatment of opiate dependency are addictive substances, that they
22 nevertheless have several legal, important, and justified uses and
23 that one of their appropriate and legal uses is, in conjunction with
24 other required therapeutic procedures, in the treatment of persons
25 addicted to or habituated to opioids. Opiate substitution treatment
26 should only be used for participants who are deemed appropriate to
27 need this level of intervention and should not be the first treatment
28 intervention for all opiate addicts.

29 Because opiate substitution drugs, used in the treatment of
30 opiate dependency are addictive and are listed as a schedule II
31 controlled substance in chapter 69.50 RCW, the state of Washington
32 has the legal obligation and right to regulate the use of opiate
33 substitution treatment. The state of Washington declares its
34 authority to control and regulate carefully, in consultation with
35 counties and cities, all clinical uses of opiate substitution drugs
36 used in the treatment of opiate addiction.

37 Further, the state declares that the primary goal of opiate
38 substitution treatment is total abstinence from (~~chemical~~

1 ~~dependency~~) substance use for the individuals who participate in the
2 treatment program. The state recognizes that a small percentage of
3 persons who participate in opiate substitution treatment programs
4 require treatment for an extended period of time. Opiate substitution
5 treatment programs shall provide a comprehensive transition program
6 to eliminate (~~chemical dependency~~) substance use, including opiate
7 and opiate substitute addiction of program participants.

8 **Sec. 28.** RCW 70.96A.800 and 2014 c 225 s 33 are each amended to
9 read as follows:

10 (1) Subject to funds appropriated for this specific purpose, the
11 secretary shall select and contract with (~~counties~~) behavioral
12 health organizations to provide intensive case management for
13 (~~chemically dependent~~) persons with substance use disorders and
14 histories of high utilization of crisis services at two sites. In
15 selecting the two sites, the secretary shall endeavor to site one in
16 an urban county, and one in a rural county; and to site them in
17 counties other than those selected pursuant to RCW 70.96B.020, to the
18 extent necessary to facilitate evaluation of pilot project results.
19 Subject to funds appropriated for this specific purpose, the
20 secretary may contract with additional counties to provide intensive
21 case management.

22 (2) The contracted sites shall implement the pilot programs by
23 providing intensive case management to persons with a primary
24 (~~chemical dependency~~) substance use disorder diagnosis or dual
25 primary (~~chemical dependency~~) substance use disorder and mental
26 health diagnoses, through the employment of (~~chemical dependency~~)
27 substance use disorder case managers. The (~~chemical dependency~~)
28 substance use disorder case managers shall:

29 (a) Be trained in and use the integrated, comprehensive screening
30 and assessment process adopted under RCW 70.96C.010;

31 (b) Reduce the use of crisis medical, (~~chemical dependency~~)
32 substance use disorder treatment and mental health services,
33 including but not limited to, emergency room admissions,
34 hospitalizations, withdrawal management programs, inpatient
35 psychiatric admissions, involuntary treatment petitions, emergency
36 medical services, and ambulance services;

37 (c) Reduce the use of emergency first responder services
38 including police, fire, emergency medical, and ambulance services;

1 (d) Reduce the number of criminal justice interventions including
2 arrests, violations of conditions of supervision, bookings, jail
3 days, prison sanction day for violations, court appearances, and
4 prosecutor and defense costs;

5 (e) Where appropriate and available, work with therapeutic courts
6 including drug courts and mental health courts to maximize the
7 outcomes for the individual and reduce the likelihood of reoffense;

8 (f) Coordinate with local offices of the economic services
9 administration to assist the person in accessing and remaining
10 enrolled in those programs to which the person may be entitled;

11 (g) Where appropriate and available, coordinate with primary care
12 and other programs operated through the federal government including
13 federally qualified health centers, Indian health programs, and
14 veterans' health programs for which the person is eligible to reduce
15 duplication of services and conflicts in case approach;

16 (h) Where appropriate, advocate for the client's needs to assist
17 the person in achieving and maintaining stability and progress toward
18 recovery;

19 (i) Document the numbers of persons with co-occurring mental and
20 substance ((abuse)) use disorders and the point of determination of
21 the co-occurring disorder by quadrant of intensity of need; and

22 (j) Where a program participant is under supervision by the
23 department of corrections, collaborate with the department of
24 corrections to maximize treatment outcomes and reduce the likelihood
25 of reoffense.

26 (3) The pilot programs established by this section shall begin
27 providing services by March 1, 2006.

28 **Sec. 29.** RCW 70.96A.905 and 1992 c 205 s 306 are each amended to
29 read as follows:

30 The department shall ensure that the provisions of this chapter
31 are applied by the ((counties)) behavioral health organizations in a
32 consistent and uniform manner. The department shall also ensure that,
33 to the extent possible within available funds, the ((county-
34 designated)) behavioral health organization-designated chemical
35 dependency specialists are specifically trained in adolescent
36 chemical dependency issues, the chemical dependency commitment laws,
37 and the criteria for commitment, as specified in this chapter and
38 chapter 70.96A RCW.

1 **Sec. 30.** RCW 71.24.350 and 2014 c 225 s 41 are each amended to
2 read as follows:

3 The department shall require each behavioral health organization
4 to provide for a separately funded (~~mental~~) behavioral health
5 ombuds office in each behavioral health organization that is
6 independent of the behavioral health organization. The ombuds office
7 shall maximize the use of consumer advocates.

8 **Sec. 31.** RCW 70.96A.020 and 2014 c 225 s 20 are each reenacted
9 and amended to read as follows:

10 For the purposes of this chapter the following words and phrases
11 shall have the following meanings unless the context clearly requires
12 otherwise:

13 (1) "Alcoholism" means a disease, characterized by a dependency
14 on alcoholic beverages, loss of control over the amount and
15 circumstances of use, symptoms of tolerance, physiological or
16 psychological withdrawal, or both, if use is reduced or discontinued,
17 and impairment of health or disruption of social or economic
18 functioning.

19 (2) "Approved substance use disorder treatment program" means a
20 program for persons with a substance use disorder provided by a
21 treatment program certified by the department of social and health
22 services as meeting standards adopted under this chapter.

23 (3) "Behavioral health organization" means a county authority or
24 group of county authorities or other entity recognized by the
25 secretary in contract in a defined regional service area.

26 (4) "Behavioral health program" has the same meaning as in RCW
27 71.24.025.

28 (5) "Behavioral health services" means mental health services as
29 described in chapters 71.24 and 71.36 RCW and (~~chemical dependency~~)
30 substance use disorder treatment services as described in this
31 chapter.

32 (~~(5)~~) (6) "Chemical dependency" means: (a) Alcoholism; (b) drug
33 addiction; or (c) dependence on alcohol and one or more other
34 psychoactive chemicals, as the context requires.

35 (~~(6)~~—"Chemical dependency program" means expenditures and
36 activities of the department designed and conducted to prevent or
37 treat alcoholism and other drug addiction, including reasonable
38 administration and overhead.)

1 (7) "Department" means the department of social and health
2 services.

3 (8) "Designated chemical dependency specialist" or "specialist"
4 means a person designated by the behavioral health organization or by
5 the county (~~(alcoholism and other drug addiction)~~) substance use
6 disorder treatment program coordinator designated (~~(under RCW~~
7 ~~70.96A.310)~~) by the behavioral health organization to perform the
8 commitment duties described in RCW 70.96A.140 and qualified to do so
9 by meeting standards adopted by the department.

10 (9) (~~("Director" means the person administering the substance use~~
11 ~~disorder program within the department.~~

12 ~~(10))~~ "Drug addiction" means a disease characterized by a
13 dependency on psychoactive chemicals, loss of control over the amount
14 and circumstances of use, symptoms of tolerance, physiological or
15 psychological withdrawal, or both, if use is reduced or discontinued,
16 and impairment of health or disruption of social or economic
17 functioning.

18 (~~(11) "Emergency service patrol" means a patrol established~~
19 ~~under RCW 70.96A.170.~~

20 ~~(12))~~ (10) "Gravely disabled by alcohol or other psychoactive
21 chemicals" or "gravely disabled" means that a person, as a result of
22 the use of alcohol or other psychoactive chemicals: (a) Is in danger
23 of serious physical harm resulting from a failure to provide for his
24 or her essential human needs of health or safety; or (b) manifests
25 severe deterioration in routine functioning evidenced by a repeated
26 and escalating loss of cognition or volitional control over his or
27 her actions and is not receiving care as essential for his or her
28 health or safety.

29 (~~(13))~~ (11) "History of one or more violent acts" refers to the
30 period of time ten years prior to the filing of a petition under this
31 chapter, excluding any time spent, but not any violent acts
32 committed, in a mental health facility, or a long-term alcoholism or
33 drug treatment facility, or in confinement.

34 (~~(14))~~ (12) "Incapacitated by alcohol or other psychoactive
35 chemicals" means that a person, as a result of the use of alcohol or
36 other psychoactive chemicals, is gravely disabled or presents a
37 likelihood of serious harm to himself or herself, to any other
38 person, or to property.

39 (~~(15))~~ (13) "Incompetent person" means a person who has been
40 adjudged incompetent by the superior court.

1 ~~((16))~~ (14) "Intoxicated person" means a person whose mental or
2 physical functioning is substantially impaired as a result of the use
3 of alcohol or other psychoactive chemicals.

4 ~~((17))~~ (15) "Licensed physician" means a person licensed to
5 practice medicine or osteopathic medicine and surgery in the state of
6 Washington.

7 ~~((18))~~ (16) "Likelihood of serious harm" means:

8 (a) A substantial risk that: (i) Physical harm will be inflicted
9 by an individual upon his or her own person, as evidenced by threats
10 or attempts to commit suicide or inflict physical harm on one's self;
11 (ii) physical harm will be inflicted by an individual upon another,
12 as evidenced by behavior that has caused the harm or that places
13 another person or persons in reasonable fear of sustaining the harm;
14 or (iii) physical harm will be inflicted by an individual upon the
15 property of others, as evidenced by behavior that has caused
16 substantial loss or damage to the property of others; or

17 (b) The individual has threatened the physical safety of another
18 and has a history of one or more violent acts.

19 ~~((19))~~ (17) "Medical necessity" for inpatient care of a minor
20 means a requested certified inpatient service that is reasonably
21 calculated to: (a) Diagnose, arrest, or alleviate a chemical
22 dependency; or (b) prevent the progression of substance use disorders
23 that endanger life or cause suffering and pain, or result in illness
24 or infirmity or threaten to cause or aggravate a handicap, or cause
25 physical deformity or malfunction, and there is no adequate less
26 restrictive alternative available.

27 ~~((20))~~ (18) "Minor" means a person less than eighteen years of
28 age.

29 ~~((21))~~ (19) "Parent" means the parent or parents who have the
30 legal right to custody of the child. Parent includes custodian or
31 guardian.

32 ~~((22))~~ (20) "Peace officer" means a law enforcement official of
33 a public agency or governmental unit, and includes persons
34 specifically given peace officer powers by any state law, local
35 ordinance, or judicial order of appointment.

36 ~~((23))~~ (21) "Person" means an individual, including a minor.

37 ~~((24))~~ (22) "Professional person in charge" or "professional
38 person" means a physician or chemical dependency counselor as defined
39 in rule by the department, who is empowered by a certified treatment

1 program with authority to make assessment, admission, continuing
2 care, and discharge decisions on behalf of the certified program.

3 ~~((+25))~~ (23) "Secretary" means the secretary of the department
4 of social and health services.

5 ~~((+26))~~ (24) "Substance use disorder" means a cluster of
6 cognitive, behavioral, and physiological symptoms indicating that an
7 individual continues using the substance despite significant
8 substance-related problems. The diagnosis of a substance use disorder
9 is based on a pathological pattern of behaviors related to the use of
10 the substances.

11 ~~((+27))~~ (25) "Treatment" means the broad range of emergency,
12 withdrawal management, residential, and outpatient services and care,
13 including diagnostic evaluation, ~~((chemical-dependency))~~ substance
14 use disorder education and counseling, medical, psychiatric,
15 psychological, and social service care, vocational rehabilitation and
16 career counseling, which may be extended to persons with substance
17 use disorders and their families, persons incapacitated by alcohol or
18 other psychoactive chemicals, and intoxicated persons.

19 ~~((+28))~~ (26) "Substance use disorder treatment program" means an
20 organization, institution, or corporation, public or private, engaged
21 in the care, treatment, or rehabilitation of persons with substance
22 use ~~((disorder[s]))~~ disorders.

23 ~~((+29))~~ (27) "Violent act" means behavior that resulted in
24 homicide, attempted suicide, nonfatal injuries, or substantial damage
25 to property.

26 **Sec. 32.** RCW 2.28.170 and 2013 2nd sp.s. c 4 s 952 are each
27 amended to read as follows:

28 (1) Jurisdictions may establish and operate drug courts.

29 (2) For the purposes of this section, "drug court" means a court
30 that has special calendars or dockets designed to achieve a reduction
31 in recidivism and substance abuse among nonviolent, substance abusing
32 felony and nonfelony offenders, whether adult or juvenile, by
33 increasing their likelihood for successful rehabilitation through
34 early, continuous, and intense judicially supervised treatment;
35 mandatory periodic drug testing; and the use of appropriate sanctions
36 and other rehabilitation services.

37 (3)(a) Any jurisdiction that seeks a state appropriation to fund
38 a drug court program must first:

1 (i) Exhaust all federal funding that is available to support the
2 operations of its drug court and associated services; and

3 (ii) Match, on a dollar-for-dollar basis, state moneys allocated
4 for drug court programs with local cash or in-kind resources. Moneys
5 allocated by the state must be used to supplement, not supplant,
6 other federal, state, and local funds for drug court operations and
7 associated services. However, from July 26, 2009, until June 30,
8 2015, no match is required for state moneys expended for the
9 administrative and overhead costs associated with the operation of a
10 drug court pursuant to RCW 70.96A.350 (as recodified by this act).

11 (b) Any jurisdiction that establishes a drug court pursuant to
12 this section shall establish minimum requirements for the
13 participation of offenders in the program. The drug court may adopt
14 local requirements that are more stringent than the minimum. The
15 minimum requirements are:

16 (i) The offender would benefit from substance abuse treatment;

17 (ii) The offender has not previously been convicted of a serious
18 violent offense or sex offense as defined in RCW 9.94A.030; and

19 (iii) Without regard to whether proof of any of these elements is
20 required to convict, the offender is not currently charged with or
21 convicted of an offense:

22 (A) That is a sex offense;

23 (B) That is a serious violent offense;

24 (C) During which the defendant used a firearm; or

25 (D) During which the defendant caused substantial or great bodily
26 harm or death to another person.

27 **Sec. 33.** RCW 9.94A.660 and 2009 c 389 s 3 are each amended to
28 read as follows:

29 (1) An offender is eligible for the special drug offender
30 sentencing alternative if:

31 (a) The offender is convicted of a felony that is not a violent
32 offense or sex offense and the violation does not involve a sentence
33 enhancement under RCW 9.94A.533 (3) or (4);

34 (b) The offender is convicted of a felony that is not a felony
35 driving while under the influence of intoxicating liquor or any drug
36 under RCW 46.61.502(6) or felony physical control of a vehicle while
37 under the influence of intoxicating liquor or any drug under RCW
38 46.61.504(6);

1 (c) The offender has no current or prior convictions for a sex
2 offense at any time or violent offense within ten years before
3 conviction of the current offense, in this state, another state, or
4 the United States;

5 (d) For a violation of the Uniform Controlled Substances Act
6 under chapter 69.50 RCW or a criminal solicitation to commit such a
7 violation under chapter 9A.28 RCW, the offense involved only a small
8 quantity of the particular controlled substance as determined by the
9 judge upon consideration of such factors as the weight, purity,
10 packaging, sale price, and street value of the controlled substance;

11 (e) The offender has not been found by the United States attorney
12 general to be subject to a deportation detainer or order and does not
13 become subject to a deportation order during the period of the
14 sentence;

15 (f) The end of the standard sentence range for the current
16 offense is greater than one year; and

17 (g) The offender has not received a drug offender sentencing
18 alternative more than once in the prior ten years before the current
19 offense.

20 (2) A motion for a special drug offender sentencing alternative
21 may be made by the court, the offender, or the state.

22 (3) If the sentencing court determines that the offender is
23 eligible for an alternative sentence under this section and that the
24 alternative sentence is appropriate, the court shall waive imposition
25 of a sentence within the standard sentence range and impose a
26 sentence consisting of either a prison-based alternative under RCW
27 9.94A.662 or a residential chemical dependency treatment-based
28 alternative under RCW 9.94A.664. The residential chemical dependency
29 treatment-based alternative is only available if the midpoint of the
30 standard range is twenty-four months or less.

31 (4) To assist the court in making its determination, the court
32 may order the department to complete either or both a risk assessment
33 report and a chemical dependency screening report as provided in RCW
34 9.94A.500.

35 (5)(a) If the court is considering imposing a sentence under the
36 residential chemical dependency treatment-based alternative, the
37 court may order an examination of the offender by the department. The
38 examination shall, at a minimum, address the following issues:

39 (i) Whether the offender suffers from drug addiction;

1 (ii) Whether the addiction is such that there is a probability
2 that criminal behavior will occur in the future;

3 (iii) Whether effective treatment for the offender's addiction is
4 available from a provider that has been licensed or certified by the
5 (~~division of alcohol and substance abuse of the~~) department of
6 social and health services; and

7 (iv) Whether the offender and the community will benefit from the
8 use of the alternative.

9 (b) The examination report must contain:

10 (i) A proposed monitoring plan, including any requirements
11 regarding living conditions, lifestyle requirements, and monitoring
12 by family members and others; and

13 (ii) Recommended crime-related prohibitions and affirmative
14 conditions.

15 (6) When a court imposes a sentence of community custody under
16 this section:

17 (a) The court may impose conditions as provided in RCW 9.94A.703
18 and may impose other affirmative conditions as the court considers
19 appropriate. In addition, an offender may be required to pay thirty
20 dollars per month while on community custody to offset the cost of
21 monitoring for alcohol or controlled substances.

22 (b) The department may impose conditions and sanctions as
23 authorized in RCW 9.94A.704 and 9.94A.737.

24 (7)(a) The court may bring any offender sentenced under this
25 section back into court at any time on its own initiative to evaluate
26 the offender's progress in treatment or to determine if any
27 violations of the conditions of the sentence have occurred.

28 (b) If the offender is brought back to court, the court may
29 modify the conditions of the community custody or impose sanctions
30 under (c) of this subsection.

31 (c) The court may order the offender to serve a term of total
32 confinement within the standard range of the offender's current
33 offense at any time during the period of community custody if the
34 offender violates the conditions or requirements of the sentence or
35 if the offender is failing to make satisfactory progress in
36 treatment.

37 (d) An offender ordered to serve a term of total confinement
38 under (c) of this subsection shall receive credit for any time
39 previously served under this section.

1 (8) In serving a term of community custody imposed upon failure
2 to complete, or administrative termination from, the special drug
3 offender sentencing alternative program, the offender shall receive
4 no credit for time served in community custody prior to termination
5 of the offender's participation in the program.

6 (9) An offender sentenced under this section shall be subject to
7 all rules relating to earned release time with respect to any period
8 served in total confinement.

9 (10) Costs of examinations and preparing treatment plans under a
10 special drug offender sentencing alternative may be paid, at the
11 option of the county, from funds provided to the county from the
12 criminal justice treatment account under RCW 70.96A.350 (as
13 recodified by this act).

14 **Sec. 34.** RCW 10.05.020 and 2010 c 269 s 9 are each amended to
15 read as follows:

16 (1) Except as provided in subsection (2) of this section, the
17 petitioner shall allege under oath in the petition that the wrongful
18 conduct charged is the result of or caused by (~~(alcoholism, drug~~
19 ~~addiction,)) substance use disorders or mental problems for which the
20 person is in need of treatment and unless treated the probability of
21 future recurrence is great, along with a statement that the person
22 agrees to pay the cost of a diagnosis and treatment of the alleged
23 problem or problems if financially able to do so. The petition shall
24 also contain a case history and written assessment prepared by an
25 approved (~~(alcoholism)) substance use disorder treatment program as~~
26 ~~designated in chapter ((70.96A)) 71.24 RCW if the petition alleges~~
27 ~~((alcoholism, an approved drug program as designated in chapter 71.24~~
28 ~~RCW if the petition alleges drug addiction,)) a substance use~~
29 ~~disorder or by an approved mental health center if the petition~~
30 ~~alleges a mental problem.~~~~

31 (2) In the case of a petitioner charged with a misdemeanor or
32 gross misdemeanor under chapter 9A.42 RCW, the petitioner shall
33 allege under oath in the petition that the petitioner is the natural
34 or adoptive parent of the alleged victim; that the wrongful conduct
35 charged is the result of parenting problems for which the petitioner
36 is in need of services; that the petitioner is in need of child
37 welfare services under chapter 74.13 RCW to improve his or her
38 parenting skills in order to better provide his or her child or
39 children with the basic necessities of life; that the petitioner

1 wants to correct his or her conduct to reduce the likelihood of harm
2 to his or her minor children; that in the absence of child welfare
3 services the petitioner may be unable to reduce the likelihood of
4 harm to his or her minor children; and that the petitioner has
5 cooperated with the department of social and health services to
6 develop a plan to receive appropriate child welfare services; along
7 with a statement that the person agrees to pay the cost of the
8 services if he or she is financially able to do so. The petition
9 shall also contain a case history and a written service plan from the
10 department of social and health services.

11 (3) Before entry of an order deferring prosecution, a petitioner
12 shall be advised of his or her rights as an accused and execute, as a
13 condition of receiving treatment, a statement that contains: (a) An
14 acknowledgment of his or her rights; (b) an acknowledgment and waiver
15 of the right to testify, the right to a speedy trial, the right to
16 call witnesses to testify, the right to present evidence in his or
17 her defense, and the right to a jury trial; (c) a stipulation to the
18 admissibility and sufficiency of the facts contained in the written
19 police report; and (d) an acknowledgment that the statement will be
20 entered and used to support a finding of guilty if the court finds
21 cause to revoke the order granting deferred prosecution. The
22 petitioner shall also be advised that he or she may, if he or she
23 proceeds to trial and is found guilty, be allowed to seek suspension
24 of some or all of the fines and incarceration that may be ordered
25 upon the condition that he or she seek treatment and, further, that
26 he or she may seek treatment from public and private agencies at any
27 time without regard to whether or not he or she is found guilty of
28 the offense charged. He or she shall also be advised that the court
29 will not accept a petition for deferred prosecution from a person
30 who: (i) Sincerely believes that he or she is innocent of the
31 charges; (ii) sincerely believes that he or she does not, in fact,
32 suffer from alcoholism, drug addiction, or mental problems; or (iii)
33 in the case of a petitioner charged under chapter 9A.42 RCW,
34 sincerely believes that he or she does not need child welfare
35 services.

36 (4) Before entering an order deferring prosecution, the court
37 shall make specific findings that: (a) The petitioner has stipulated
38 to the admissibility and sufficiency of the facts as contained in the
39 written police report; (b) the petitioner has acknowledged the
40 admissibility of the stipulated facts in any criminal hearing on the

1 underlying offense or offenses held subsequent to revocation of the
2 order granting deferred prosecution; (c) the petitioner has
3 acknowledged and waived the right to testify, the right to a speedy
4 trial, the right to call witnesses to testify, the right to present
5 evidence in his or her defense, and the right to a jury trial; and
6 (d) the petitioner's statements were made knowingly and voluntarily.
7 Such findings shall be included in the order granting deferred
8 prosecution.

9 **Sec. 35.** RCW 10.05.030 and 2002 c 219 s 8 are each amended to
10 read as follows:

11 The arraigining judge upon consideration of the petition and with
12 the concurrence of the prosecuting attorney may continue the
13 arraignment and refer such person for a diagnostic investigation and
14 evaluation to an approved ((alcoholism)) substance use disorder
15 treatment program as designated in chapter ((70.96A)) 71.24 RCW, if
16 the petition alleges ((an alcohol problem, an approved drug treatment
17 center as designated in chapter 71.24 RCW, if the petition alleges a
18 drug problem)) a substance use disorder, to an approved mental health
19 center, if the petition alleges a mental problem, or the department
20 of social and health services if the petition is brought under RCW
21 10.05.020(2).

22 **Sec. 36.** RCW 10.05.150 and 1999 c 143 s 43 are each amended to
23 read as follows:

24 A deferred prosecution program for alcoholism shall be for a two-
25 year period and shall include, but not be limited to, the following
26 requirements:

27 (1) Total abstinence from alcohol and all other nonprescribed
28 mind-altering drugs;

29 (2) Participation in an intensive inpatient or intensive
30 outpatient program in a state-approved ((alcoholism)) substance use
31 disorder treatment program;

32 (3) Participation in a minimum of two meetings per week of an
33 alcoholism self-help recovery support group, as determined by the
34 assessing agency, for the duration of the treatment program;

35 (4) Participation in an alcoholism self-help recovery support
36 group, as determined by the assessing agency, from the date of court
37 approval of the plan to entry into intensive treatment;

1 (5) Not less than weekly approved outpatient counseling, group or
2 individual, for a minimum of six months following the intensive phase
3 of treatment;

4 (6) Not less than monthly outpatient contact, group or
5 individual, for the remainder of the two-year deferred prosecution
6 period;

7 (7) The decision to include the use of prescribed drugs,
8 including disulfiram, as a condition of treatment shall be reserved
9 to the treating facility and the petitioner's physician;

10 (8) All treatment within the purview of this section shall occur
11 within or be approved by a state-approved (~~alcoholism~~) substance
12 use disorder treatment program as described in chapter 70.96A RCW;

13 (9) Signature of the petitioner agreeing to the terms and
14 conditions of the treatment program.

15 NEW SECTION. **Sec. 37.** RCW 43.135.03901 is decodified.

16 **Sec. 38.** RCW 46.61.5055 and 2014 c 100 s 1 are each amended to
17 read as follows:

18 (1) **No prior offenses in seven years.** Except as provided in RCW
19 46.61.502(6) or 46.61.504(6), a person who is convicted of a
20 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense
21 within seven years shall be punished as follows:

22 (a) **Penalty for alcohol concentration less than 0.15.** In the case
23 of a person whose alcohol concentration was less than 0.15, or for
24 whom for reasons other than the person's refusal to take a test
25 offered pursuant to RCW 46.20.308 there is no test result indicating
26 the person's alcohol concentration:

27 (i) By imprisonment for not less than one day nor more than three
28 hundred sixty-four days. Twenty-four consecutive hours of the
29 imprisonment may not be suspended unless the court finds that the
30 imposition of this mandatory minimum sentence would impose a
31 substantial risk to the offender's physical or mental well-being.
32 Whenever the mandatory minimum sentence is suspended, the court shall
33 state in writing the reason for granting the suspension and the facts
34 upon which the suspension is based. In lieu of the mandatory minimum
35 term of imprisonment required under this subsection (1)(a)(i), the
36 court may order not less than fifteen days of electronic home
37 monitoring. The offender shall pay the cost of electronic home
38 monitoring. The county or municipality in which the penalty is being

1 imposed shall determine the cost. The court may also require the
2 offender's electronic home monitoring device or other separate
3 alcohol monitoring device to include an alcohol detection
4 breathalyzer, and the court may restrict the amount of alcohol the
5 offender may consume during the time the offender is on electronic
6 home monitoring; and

7 (ii) By a fine of not less than three hundred fifty dollars nor
8 more than five thousand dollars. Three hundred fifty dollars of the
9 fine may not be suspended unless the court finds the offender to be
10 indigent; or

11 (b) **Penalty for alcohol concentration at least 0.15.** In the case
12 of a person whose alcohol concentration was at least 0.15, or for
13 whom by reason of the person's refusal to take a test offered
14 pursuant to RCW 46.20.308 there is no test result indicating the
15 person's alcohol concentration:

16 (i) By imprisonment for not less than two days nor more than
17 three hundred sixty-four days. Forty-eight consecutive hours of the
18 imprisonment may not be suspended unless the court finds that the
19 imposition of this mandatory minimum sentence would impose a
20 substantial risk to the offender's physical or mental well-being.
21 Whenever the mandatory minimum sentence is suspended, the court shall
22 state in writing the reason for granting the suspension and the facts
23 upon which the suspension is based. In lieu of the mandatory minimum
24 term of imprisonment required under this subsection (1)(b)(i), the
25 court may order not less than thirty days of electronic home
26 monitoring. The offender shall pay the cost of electronic home
27 monitoring. The county or municipality in which the penalty is being
28 imposed shall determine the cost. The court may also require the
29 offender's electronic home monitoring device to include an alcohol
30 detection breathalyzer or other separate alcohol monitoring device,
31 and the court may restrict the amount of alcohol the offender may
32 consume during the time the offender is on electronic home
33 monitoring; and

34 (ii) By a fine of not less than five hundred dollars nor more
35 than five thousand dollars. Five hundred dollars of the fine may not
36 be suspended unless the court finds the offender to be indigent.

37 (2) **One prior offense in seven years.** Except as provided in RCW
38 46.61.502(6) or 46.61.504(6), a person who is convicted of a
39 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense
40 within seven years shall be punished as follows:

1 (a) **Penalty for alcohol concentration less than 0.15.** In the case
2 of a person whose alcohol concentration was less than 0.15, or for
3 whom for reasons other than the person's refusal to take a test
4 offered pursuant to RCW 46.20.308 there is no test result indicating
5 the person's alcohol concentration:

6 (i) By imprisonment for not less than thirty days nor more than
7 three hundred sixty-four days and sixty days of electronic home
8 monitoring. In lieu of the mandatory minimum term of sixty days
9 electronic home monitoring, the court may order at least an
10 additional four days in jail or, if available in that county or city,
11 a six-month period of 24/7 sobriety program monitoring pursuant to
12 RCW 36.28A.300 through 36.28A.390, and the court shall order an
13 expanded alcohol assessment and treatment, if deemed appropriate by
14 the assessment. The offender shall pay for the cost of the electronic
15 monitoring. The county or municipality where the penalty is being
16 imposed shall determine the cost. The court may also require the
17 offender's electronic home monitoring device include an alcohol
18 detection breathalyzer or other separate alcohol monitoring device,
19 and may restrict the amount of alcohol the offender may consume
20 during the time the offender is on electronic home monitoring. Thirty
21 days of imprisonment and sixty days of electronic home monitoring may
22 not be suspended unless the court finds that the imposition of this
23 mandatory minimum sentence would impose a substantial risk to the
24 offender's physical or mental well-being. Whenever the mandatory
25 minimum sentence is suspended, the court shall state in writing the
26 reason for granting the suspension and the facts upon which the
27 suspension is based; and

28 (ii) By a fine of not less than five hundred dollars nor more
29 than five thousand dollars. Five hundred dollars of the fine may not
30 be suspended unless the court finds the offender to be indigent; or

31 (b) **Penalty for alcohol concentration at least 0.15.** In the case
32 of a person whose alcohol concentration was at least 0.15, or for
33 whom by reason of the person's refusal to take a test offered
34 pursuant to RCW 46.20.308 there is no test result indicating the
35 person's alcohol concentration:

36 (i) By imprisonment for not less than forty-five days nor more
37 than three hundred sixty-four days and ninety days of electronic home
38 monitoring. In lieu of the mandatory minimum term of ninety days
39 electronic home monitoring, the court may order at least an
40 additional six days in jail or, if available in that county or city,

1 a six-month period of 24/7 sobriety program monitoring pursuant to
2 RCW 36.28A.300 through 36.28A.390, and the court shall order an
3 expanded alcohol assessment and treatment, if deemed appropriate by
4 the assessment. The offender shall pay for the cost of the electronic
5 monitoring. The county or municipality where the penalty is being
6 imposed shall determine the cost. The court may also require the
7 offender's electronic home monitoring device include an alcohol
8 detection breathalyzer or other separate alcohol monitoring device,
9 and may restrict the amount of alcohol the offender may consume
10 during the time the offender is on electronic home monitoring. Forty-
11 five days of imprisonment and ninety days of electronic home
12 monitoring may not be suspended unless the court finds that the
13 imposition of this mandatory minimum sentence would impose a
14 substantial risk to the offender's physical or mental well-being.
15 Whenever the mandatory minimum sentence is suspended, the court shall
16 state in writing the reason for granting the suspension and the facts
17 upon which the suspension is based; and

18 (ii) By a fine of not less than seven hundred fifty dollars nor
19 more than five thousand dollars. Seven hundred fifty dollars of the
20 fine may not be suspended unless the court finds the offender to be
21 indigent.

22 (3) **Two or three prior offenses in seven years.** Except as
23 provided in RCW 46.61.502(6) or 46.61.504(6), a person who is
24 convicted of a violation of RCW 46.61.502 or 46.61.504 and who has
25 two or three prior offenses within seven years shall be punished as
26 follows:

27 (a) **Penalty for alcohol concentration less than 0.15.** In the case
28 of a person whose alcohol concentration was less than 0.15, or for
29 whom for reasons other than the person's refusal to take a test
30 offered pursuant to RCW 46.20.308 there is no test result indicating
31 the person's alcohol concentration:

32 (i) By imprisonment for not less than ninety days nor more than
33 three hundred sixty-four days, if available in that county or city, a
34 six-month period of 24/7 sobriety program monitoring pursuant to RCW
35 36.28A.300 through 36.28A.390, and one hundred twenty days of
36 electronic home monitoring. In lieu of the mandatory minimum term of
37 one hundred twenty days of electronic home monitoring, the court may
38 order at least an additional eight days in jail. The court shall
39 order an expanded alcohol assessment and treatment, if deemed
40 appropriate by the assessment. The offender shall pay for the cost of

1 the electronic monitoring. The county or municipality where the
2 penalty is being imposed shall determine the cost. The court may also
3 require the offender's electronic home monitoring device include an
4 alcohol detection breathalyzer or other separate alcohol monitoring
5 device, and may restrict the amount of alcohol the offender may
6 consume during the time the offender is on electronic home
7 monitoring. Ninety days of imprisonment and one hundred twenty days
8 of electronic home monitoring may not be suspended unless the court
9 finds that the imposition of this mandatory minimum sentence would
10 impose a substantial risk to the offender's physical or mental well-
11 being. Whenever the mandatory minimum sentence is suspended, the
12 court shall state in writing the reason for granting the suspension
13 and the facts upon which the suspension is based; and

14 (ii) By a fine of not less than one thousand dollars nor more
15 than five thousand dollars. One thousand dollars of the fine may not
16 be suspended unless the court finds the offender to be indigent; or

17 (b) **Penalty for alcohol concentration at least 0.15.** In the case
18 of a person whose alcohol concentration was at least 0.15, or for
19 whom by reason of the person's refusal to take a test offered
20 pursuant to RCW 46.20.308 there is no test result indicating the
21 person's alcohol concentration:

22 (i) By imprisonment for not less than one hundred twenty days nor
23 more than three hundred sixty-four days, if available in that county
24 or city, a six-month period of 24/7 sobriety program monitoring
25 pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty
26 days of electronic home monitoring. In lieu of the mandatory minimum
27 term of one hundred fifty days of electronic home monitoring, the
28 court may order at least an additional ten days in jail. The offender
29 shall pay for the cost of the electronic monitoring. The court shall
30 order an expanded alcohol assessment and treatment, if deemed
31 appropriate by the assessment. The county or municipality where the
32 penalty is being imposed shall determine the cost. The court may also
33 require the offender's electronic home monitoring device include an
34 alcohol detection breathalyzer or other separate alcohol monitoring
35 device, and may restrict the amount of alcohol the offender may
36 consume during the time the offender is on electronic home
37 monitoring. One hundred twenty days of imprisonment and one hundred
38 fifty days of electronic home monitoring may not be suspended unless
39 the court finds that the imposition of this mandatory minimum
40 sentence would impose a substantial risk to the offender's physical

1 or mental well-being. Whenever the mandatory minimum sentence is
2 suspended, the court shall state in writing the reason for granting
3 the suspension and the facts upon which the suspension is based; and

4 (ii) By a fine of not less than one thousand five hundred dollars
5 nor more than five thousand dollars. One thousand five hundred
6 dollars of the fine may not be suspended unless the court finds the
7 offender to be indigent.

8 (4) **Four or more prior offenses in ten years.** A person who is
9 convicted of a violation of RCW 46.61.502 or 46.61.504 shall be
10 punished under chapter 9.94A RCW if:

11 (a) The person has four or more prior offenses within ten years;
12 or

13 (b) The person has ever previously been convicted of:

14 (i) A violation of RCW 46.61.520 committed while under the
15 influence of intoxicating liquor or any drug;

16 (ii) A violation of RCW 46.61.522 committed while under the
17 influence of intoxicating liquor or any drug;

18 (iii) An out-of-state offense comparable to the offense specified
19 in (b)(i) or (ii) of this subsection; or

20 (iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

21 (5) **Monitoring.**

22 (a) **Ignition interlock device.** The court shall require any person
23 convicted of a violation of RCW 46.61.502 or 46.61.504 or an
24 equivalent local ordinance to comply with the rules and requirements
25 of the department regarding the installation and use of a functioning
26 ignition interlock device installed on all motor vehicles operated by
27 the person.

28 (b) **Monitoring devices.** If the court orders that a person refrain
29 from consuming any alcohol, the court may order the person to submit
30 to alcohol monitoring through an alcohol detection breathalyzer
31 device, transdermal sensor device, or other technology designed to
32 detect alcohol in a person's system. The person shall pay for the
33 cost of the monitoring, unless the court specifies that the cost of
34 monitoring will be paid with funds that are available from an
35 alternative source identified by the court. The county or
36 municipality where the penalty is being imposed shall determine the
37 cost.

38 (c) **Ignition interlock device substituted for 24/7 sobriety**
39 **program monitoring.** In any county or city where a 24/7 sobriety

1 program is available and verified by the Washington association of
2 sheriffs and police chiefs, the court shall:

3 (i) Order the person to install and use a functioning ignition
4 interlock or other device in lieu of such period of 24/7 sobriety
5 program monitoring;

6 (ii) Order the person to a period of 24/7 sobriety program
7 monitoring pursuant to subsections (1) through (3) of this section;
8 or

9 (iii) Order the person to install and use a functioning ignition
10 interlock or other device in addition to a period of 24/7 sobriety
11 program monitoring pursuant to subsections (1) through (3) of this
12 section.

13 (6) **Penalty for having a minor passenger in vehicle.** If a person
14 who is convicted of a violation of RCW 46.61.502 or 46.61.504
15 committed the offense while a passenger under the age of sixteen was
16 in the vehicle, the court shall:

17 (a) Order the use of an ignition interlock or other device for an
18 additional six months;

19 (b) In any case in which the person has no prior offenses within
20 seven years, and except as provided in RCW 46.61.502(6) or
21 46.61.504(6), order an additional twenty-four hours of imprisonment
22 and a fine of not less than one thousand dollars and not more than
23 five thousand dollars. One thousand dollars of the fine may not be
24 suspended unless the court finds the offender to be indigent;

25 (c) In any case in which the person has one prior offense within
26 seven years, and except as provided in RCW 46.61.502(6) or
27 46.61.504(6), order an additional five days of imprisonment and a
28 fine of not less than two thousand dollars and not more than five
29 thousand dollars. One thousand dollars of the fine may not be
30 suspended unless the court finds the offender to be indigent;

31 (d) In any case in which the person has two or three prior
32 offenses within seven years, and except as provided in RCW
33 46.61.502(6) or 46.61.504(6), order an additional ten days of
34 imprisonment and a fine of not less than three thousand dollars and
35 not more than ten thousand dollars. One thousand dollars of the fine
36 may not be suspended unless the court finds the offender to be
37 indigent.

38 (7) **Other items courts must consider while setting penalties.** In
39 exercising its discretion in setting penalties within the limits

1 allowed by this section, the court shall particularly consider the
2 following:

3 (a) Whether the person's driving at the time of the offense was
4 responsible for injury or damage to another or another's property;

5 (b) Whether at the time of the offense the person was driving or
6 in physical control of a vehicle with one or more passengers;

7 (c) Whether the driver was driving in the opposite direction of
8 the normal flow of traffic on a multiple lane highway, as defined by
9 RCW 46.04.350, with a posted speed limit of forty-five miles per hour
10 or greater; and

11 (d) Whether a child passenger under the age of sixteen was an
12 occupant in the driver's vehicle.

13 (8) **Treatment and information school.** An offender punishable
14 under this section is subject to the alcohol assessment and treatment
15 provisions of RCW 46.61.5056.

16 (9) **Driver's license privileges of the defendant.** The license,
17 permit, or nonresident privilege of a person convicted of driving or
18 being in physical control of a motor vehicle while under the
19 influence of intoxicating liquor or drugs must:

20 (a) **Penalty for alcohol concentration less than 0.15.** If the
21 person's alcohol concentration was less than 0.15, or if for reasons
22 other than the person's refusal to take a test offered under RCW
23 46.20.308 there is no test result indicating the person's alcohol
24 concentration:

25 (i) Where there has been no prior offense within seven years, be
26 suspended or denied by the department for ninety days;

27 (ii) Where there has been one prior offense within seven years,
28 be revoked or denied by the department for two years; or

29 (iii) Where there have been two or more prior offenses within
30 seven years, be revoked or denied by the department for three years;

31 (b) **Penalty for alcohol concentration at least 0.15.** If the
32 person's alcohol concentration was at least 0.15:

33 (i) Where there has been no prior offense within seven years, be
34 revoked or denied by the department for one year;

35 (ii) Where there has been one prior offense within seven years,
36 be revoked or denied by the department for nine hundred days; or

37 (iii) Where there have been two or more prior offenses within
38 seven years, be revoked or denied by the department for four years;

39 or

1 (c) **Penalty for refusing to take test.** If by reason of the
2 person's refusal to take a test offered under RCW 46.20.308, there is
3 no test result indicating the person's alcohol concentration:

4 (i) Where there have been no prior offenses within seven years,
5 be revoked or denied by the department for two years;

6 (ii) Where there has been one prior offense within seven years,
7 be revoked or denied by the department for three years; or

8 (iii) Where there have been two or more previous offenses within
9 seven years, be revoked or denied by the department for four years.

10 The department shall grant credit on a day-for-day basis for any
11 portion of a suspension, revocation, or denial already served under
12 this subsection for a suspension, revocation, or denial imposed under
13 RCW 46.20.3101 arising out of the same incident.

14 Upon its own motion or upon motion by a person, a court may find,
15 on the record, that notice to the department under RCW 46.20.270 has
16 been delayed for three years or more as a result of a clerical or
17 court error. If so, the court may order that the person's license,
18 permit, or nonresident privilege shall not be revoked, suspended, or
19 denied for that offense. The court shall send notice of the finding
20 and order to the department and to the person. Upon receipt of the
21 notice from the court, the department shall not revoke, suspend, or
22 deny the license, permit, or nonresident privilege of the person for
23 that offense.

24 For purposes of this subsection (9), the department shall refer
25 to the driver's record maintained under RCW 46.52.120 when
26 determining the existence of prior offenses.

27 (10) **Probation of driving privilege.** After expiration of any
28 period of suspension, revocation, or denial of the offender's
29 license, permit, or privilege to drive required by this section, the
30 department shall place the offender's driving privilege in
31 probationary status pursuant to RCW 46.20.355.

32 (11) **Conditions of probation.** (a) In addition to any
33 nonsuspendable and nondeferrable jail sentence required by this
34 section, whenever the court imposes up to three hundred sixty-four
35 days in jail, the court shall also suspend but shall not defer a
36 period of confinement for a period not exceeding five years. The
37 court shall impose conditions of probation that include: (i) Not
38 driving a motor vehicle within this state without a valid license to
39 drive and proof of liability insurance or other financial
40 responsibility for the future pursuant to RCW 46.30.020; (ii) not

1 driving or being in physical control of a motor vehicle within this
2 state while having an alcohol concentration of 0.08 or more or a THC
3 concentration of 5.00 nanograms per milliliter of whole blood or
4 higher, within two hours after driving; and (iii) not refusing to
5 submit to a test of his or her breath or blood to determine alcohol
6 or drug concentration upon request of a law enforcement officer who
7 has reasonable grounds to believe the person was driving or was in
8 actual physical control of a motor vehicle within this state while
9 under the influence of intoxicating liquor or drug. The court may
10 impose conditions of probation that include nonrepetition,
11 installation of an ignition interlock device on the probationer's
12 motor vehicle, alcohol or drug treatment, supervised probation, or
13 other conditions that may be appropriate. The sentence may be imposed
14 in whole or in part upon violation of a condition of probation during
15 the suspension period.

16 (b) For each violation of mandatory conditions of probation under
17 (a)(i), (ii), or (iii) of this subsection, the court shall order the
18 convicted person to be confined for thirty days, which shall not be
19 suspended or deferred.

20 (c) For each incident involving a violation of a mandatory
21 condition of probation imposed under this subsection, the license,
22 permit, or privilege to drive of the person shall be suspended by the
23 court for thirty days or, if such license, permit, or privilege to
24 drive already is suspended, revoked, or denied at the time the
25 finding of probation violation is made, the suspension, revocation,
26 or denial then in effect shall be extended by thirty days. The court
27 shall notify the department of any suspension, revocation, or denial
28 or any extension of a suspension, revocation, or denial imposed under
29 this subsection.

30 (12) **Waiver of electronic home monitoring.** A court may waive the
31 electronic home monitoring requirements of this chapter when:

32 (a) The offender does not have a dwelling, telephone service, or
33 any other necessity to operate an electronic home monitoring system.
34 However, if a court determines that an alcohol monitoring device
35 utilizing wireless reporting technology is reasonably available, the
36 court may require the person to obtain such a device during the
37 period of required electronic home monitoring;

38 (b) The offender does not reside in the state of Washington; or

1 (c) The court determines that there is reason to believe that the
2 offender would violate the conditions of the electronic home
3 monitoring penalty.

4 Whenever the mandatory minimum term of electronic home monitoring
5 is waived, the court shall state in writing the reason for granting
6 the waiver and the facts upon which the waiver is based, and shall
7 impose an alternative sentence with similar punitive consequences.
8 The alternative sentence may include, but is not limited to, use of
9 an ignition interlock device, the 24/7 sobriety program monitoring,
10 additional jail time, work crew, or work camp.

11 Whenever the combination of jail time and electronic home
12 monitoring or alternative sentence would exceed three hundred sixty-
13 four days, the offender shall serve the jail portion of the sentence
14 first, and the electronic home monitoring or alternative portion of
15 the sentence shall be reduced so that the combination does not exceed
16 three hundred sixty-four days.

17 (13) **Extraordinary medical placement.** An offender serving a
18 sentence under this section, whether or not a mandatory minimum term
19 has expired, may be granted an extraordinary medical placement by the
20 jail administrator subject to the standards and limitations set forth
21 in RCW 9.94A.728(3).

22 (14) **Definitions.** For purposes of this section and RCW 46.61.502
23 and 46.61.504:

24 (a) A "prior offense" means any of the following:

25 (i) A conviction for a violation of RCW 46.61.502 or an
26 equivalent local ordinance;

27 (ii) A conviction for a violation of RCW 46.61.504 or an
28 equivalent local ordinance;

29 (iii) A conviction for a violation of RCW 46.25.110 or an
30 equivalent local ordinance;

31 (iv) A conviction for a violation of RCW 79A.60.040 or an
32 equivalent local ordinance;

33 (v) A conviction for a violation of RCW 47.68.220 or an
34 equivalent local ordinance;

35 (vi) A conviction for a violation of RCW 46.09.470(2) or an
36 equivalent local ordinance;

37 (vii) A conviction for a violation of RCW 46.10.490(2) or an
38 equivalent local ordinance;

39 (viii) A conviction for a violation of RCW 46.61.520 committed
40 while under the influence of intoxicating liquor or any drug, or a

1 conviction for a violation of RCW 46.61.520 committed in a reckless
2 manner or with the disregard for the safety of others if the
3 conviction is the result of a charge that was originally filed as a
4 violation of RCW 46.61.520 committed while under the influence of
5 intoxicating liquor or any drug;

6 (ix) A conviction for a violation of RCW 46.61.522 committed
7 while under the influence of intoxicating liquor or any drug, or a
8 conviction for a violation of RCW 46.61.522 committed in a reckless
9 manner or with the disregard for the safety of others if the
10 conviction is the result of a charge that was originally filed as a
11 violation of RCW 46.61.522 committed while under the influence of
12 intoxicating liquor or any drug;

13 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or
14 9A.36.050 or an equivalent local ordinance, if the conviction is the
15 result of a charge that was originally filed as a violation of RCW
16 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW
17 46.61.520 or 46.61.522;

18 (xi) An out-of-state conviction for a violation that would have
19 been a violation of (a)(i), (ii), (viii), (ix), or (x) of this
20 subsection if committed in this state;

21 (xii) A deferred prosecution under chapter 10.05 RCW granted in a
22 prosecution for a violation of RCW 46.61.502, 46.61.504, or an
23 equivalent local ordinance;

24 (xiii) A deferred prosecution under chapter 10.05 RCW granted in
25 a prosecution for a violation of RCW 46.61.5249, or an equivalent
26 local ordinance, if the charge under which the deferred prosecution
27 was granted was originally filed as a violation of RCW 46.61.502 or
28 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
29 46.61.522;

30 (xiv) A deferred prosecution granted in another state for a
31 violation of driving or having physical control of a vehicle while
32 under the influence of intoxicating liquor or any drug if the out-of-
33 state deferred prosecution is equivalent to the deferred prosecution
34 under chapter 10.05 RCW, including a requirement that the defendant
35 participate in a chemical dependency treatment program; or

36 (xv) A deferred sentence imposed in a prosecution for a violation
37 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local
38 ordinance, if the charge under which the deferred sentence was
39 imposed was originally filed as a violation of RCW 46.61.502 or

1 46.61.504, or an equivalent local ordinance, or a violation of RCW
2 46.61.520 or 46.61.522;

3 If a deferred prosecution is revoked based on a subsequent
4 conviction for an offense listed in this subsection (14)(a), the
5 subsequent conviction shall not be treated as a prior offense of the
6 revoked deferred prosecution for the purposes of sentencing;

7 (b) "Treatment" means (~~alcohol or drug~~) substance use disorder
8 treatment approved by the department of social and health services;

9 (c) "Within seven years" means that the arrest for a prior
10 offense occurred within seven years before or after the arrest for
11 the current offense; and

12 (d) "Within ten years" means that the arrest for a prior offense
13 occurred within ten years before or after the arrest for the current
14 offense.

15 **Sec. 39.** RCW 46.61.5056 and 2011 c 293 s 13 are each amended to
16 read as follows:

17 (1) A person subject to alcohol assessment and treatment under
18 RCW 46.61.5055 shall be required by the court to complete a course in
19 an alcohol information school approved by the department of social
20 and health services or to complete more intensive treatment in a
21 substance use disorder treatment program approved by the department
22 of social and health services, as determined by the court. The court
23 shall notify the department of licensing whenever it orders a person
24 to complete a course or treatment program under this section.

25 (2) A diagnostic evaluation and treatment recommendation shall be
26 prepared under the direction of the court by an alcoholism agency
27 approved by the department of social and health services or a
28 qualified probation department approved by the department of social
29 and health services. A copy of the report shall be forwarded to the
30 court and the department of licensing. Based on the diagnostic
31 evaluation, the court shall determine whether the person shall be
32 required to complete a course in an alcohol information school
33 approved by the department of social and health services or more
34 intensive treatment in a substance use disorder treatment program
35 approved by the department of social and health services.

36 (3) Standards for approval for alcohol treatment programs shall
37 be prescribed by the department of social and health services. The
38 department of social and health services shall periodically review
39 the costs of alcohol information schools and treatment programs.

1 (4) Any agency that provides treatment ordered under RCW
2 46.61.5055, shall immediately report to the appropriate probation
3 department where applicable, otherwise to the court, and to the
4 department of licensing any noncompliance by a person with the
5 conditions of his or her ordered treatment. The court shall notify
6 the department of licensing and the department of social and health
7 services of any failure by an agency to so report noncompliance. Any
8 agency with knowledge of noncompliance that fails to so report shall
9 be fined two hundred fifty dollars by the department of social and
10 health services. Upon three such failures by an agency within one
11 year, the department of social and health services shall revoke the
12 agency's approval under this section.

13 (5) The department of licensing and the department of social and
14 health services may adopt such rules as are necessary to carry out
15 this section.

16 NEW SECTION. **Sec. 40.** The following acts or parts of acts, as
17 now existing or hereafter amended, are each repealed, effective April
18 1, 2016:

19 (1) RCW 70.96A.030 (Substance use disorder program) and 2014 c
20 225 s 21, 1989 c 270 s 4, & 1972 ex.s. c 122 s 3;

21 (2) RCW 70.96A.045 (Funding prerequisites, facilities, plans, or
22 programs receiving financial assistance) and 1989 c 270 s 10;

23 (3) RCW 70.96A.060 (Interdepartmental coordinating committee) and
24 2014 c 225 s 24, 1989 c 270 s 8, 1979 c 158 s 220, & 1972 ex.s. c 122
25 s 6;

26 (4) RCW 70.96A.150 (Records of persons treated for alcoholism and
27 drug addiction) and 1990 c 151 s 1, 1989 c 162 s 1, & 1972 ex.s. c
28 122 s 15;

29 (5) RCW 70.96A.300 (Counties may create alcoholism and other drug
30 addiction board—Generally) and 2014 c 225 s 31 & 1989 c 270 s 15;

31 (6) RCW 70.96A.310 (County alcoholism and other drug addiction
32 program—Chief executive officer of program to be program coordinator)
33 and 1989 c 270 s 16;

34 (7) RCW 70.96A.320 (Alcoholism and other drug addiction program—
35 Generally) and 2014 c 225 s 32, 2013 c 320 s 8, 1990 c 151 s 9, &
36 1989 c 270 s 17; and

37 (8) RCW 70.96A.325 (Methamphetamine addiction programs—Counties
38 authorized to seek state funding) and 2006 c 339 s 101.

1 NEW SECTION. **Sec. 41.** RCW 70.96A.035, 70.96A.037, 70.96A.040,
2 70.96A.043, 70.96A.047, 70.96A.050, 70.96A.055, 70.96A.080,
3 70.96A.085, 70.96A.090, 70.96A.095, 70.96A.096, 70.96A.097,
4 70.96A.170, 70.96A.180, 70.96A.230, 70.96A.235, 70.96A.240,
5 70.96A.245, 70.96A.250, 70.96A.255, 70.96A.260, 70.96A.265,
6 70.96A.350, 70.96A.400, 70.96A.410, 70.96A.420, 70.96A.430,
7 70.96A.500, 70.96A.510, 70.96A.520, 70.96A.800, 70.96A.905, and
8 70.96C.010 are each recodified as sections in chapter 71.24 RCW.

9 NEW SECTION. **Sec. 42.** This act takes effect April 1, 2016.

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