

SHB 1427 - H AMD 170

By Representative Cody

WITHDRAWN 03/03/2017

1 On page 5, after line 5, insert the following:

2 "Sec. 4. RCW 71.24.590 and 2001 c 242 s 2 are each amended to
3 read as follows:

4 (1) (~~For purposes of this section, "area" means the county in
5 which an applicant proposes to locate a certified program and
6 counties adjacent, or near to, the county in which the program is
7 proposed to be located.~~)

8 When making a decision on an application for licensing or
9 certification of a program, the department shall:

10 (a) Consult with the county legislative authorities in the area
11 in which an applicant proposes to locate a program and the city
12 legislative authority in any city in which an applicant proposes to
13 locate a program;

14 (b) License or certify only programs that will be sited in
15 accordance with the appropriate county or city land use ordinances.
16 Counties and cities may require conditional (~~or special~~) use
17 permits with reasonable conditions for the siting of programs.
18 Pursuant to RCW 36.70A.200, no local comprehensive plan or
19 development regulation may preclude the siting of essential public
20 facilities;

21 (c) Not discriminate in its licensing or certification decision
22 on the basis of the corporate structure of the applicant;

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

27 (e) (~~Demonstrate a need in the community for opiate substitution
28 treatment and not certify more program slots than justified by the
29 need in that community. No program shall exceed three hundred fifty
30 participants unless specifically authorized by the county in which
31 the program is certified~~) A county may impose a maximum capacity for

1 the program of not less than three hundred fifty participants if
2 necessary to address specific local conditions cited by the county;

3 (f) Consider the availability of other licensed or certified
4 opioid treatment programs near the area in which the applicant
5 proposes to locate the program;

6 (g) Consider the transportation systems that would provide
7 service to the program and whether the systems will provide
8 reasonable opportunities to access the program for persons in need of
9 treatment;

10 (h) Consider whether the applicant has, or has demonstrated in
11 the past, the capability to provide the appropriate services to
12 assist the persons who utilize the program in meeting goals
13 established by the legislature, including (~~abstinence from opiates~~
14 ~~and opiate substitutes,~~) obtaining (~~mental~~) behavioral health
15 treatment services, improving economic independence, and reducing
16 adverse consequences associated with illegal use of controlled
17 substances. The department shall prioritize licensing or
18 certification to applicants who have demonstrated such capability;

19 (i) Hold at least one public hearing in the county in which the
20 facility is proposed to be located (~~and one hearing in the area in~~
21 ~~which the facility is proposed to be located~~). The hearing shall be
22 held at a time and location that are most likely to permit the
23 largest number of interested persons to attend and present testimony.
24 The department shall notify all appropriate media outlets of the
25 time, date, and location of the hearing at least three weeks in
26 advance of the hearing.

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

32 (3) For the purpose of this chapter, (~~opiate substitution~~)
33 opioid treatment program means:

34 (a) Dispensing (~~an opiate substitution drug~~) a medication
35 approved by the federal drug administration for the treatment of
36 (~~opiate addiction~~) opioid use disorder; and

37 (b) Providing a comprehensive range of medical and rehabilitative
38 services."

1 Renumber the remaining section consecutively and correct any
2 internal references accordingly.

3 On page 6, after line 2, insert the following:

4 "Sec. 5. RCW 71.24.595 and 2003 c 207 s 6 are each amended to
5 read as follows:

6 (1) The department, in consultation with (~~opiate substitution~~)
7 opioid treatment program service providers and counties and cities,
8 shall establish statewide treatment standards for licensed or
9 certified (~~opiate substitution~~) opioid treatment programs. The
10 department shall enforce these treatment standards. The treatment
11 standards shall include, but not be limited to, reasonable provisions
12 for all appropriate and necessary medical procedures, counseling
13 requirements, urinalysis, and other suitable tests as needed to
14 ensure compliance with this chapter.

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

27 (~~(3) (The department shall establish criteria for evaluating the~~
28 ~~compliance of opiate substitution treatment programs with the goals~~
29 ~~and standards established under this chapter. As a condition of~~
30 ~~certification, opiate substitution programs shall submit an annual~~
31 ~~report to the department and county legislative authority, including~~
32 ~~data as specified by the department necessary for outcome analysis.~~
33 ~~The department shall analyze and evaluate the data submitted by each~~
34 ~~treatment program and take corrective action where necessary to~~
35 ~~ensure compliance with the goals and standards enumerated under this~~
36 ~~chapter.)~~ Opioid treatment programs are subject to the oversight
37 required for other substance use disorder treatment programs, as
38 described in this chapter.

1 NEW SECTION. **Sec. 6.** Sections 3 and 5 of this act take effect
2 only if neither Substitute House Bill No. 1388 (including any later
3 amendments or substitutes) nor Substitute Senate Bill No. 5259
4 (including any later amendments or substitutes) is signed into law by
5 the governor by the effective date of this section.

6 NEW SECTION. **Sec. 7.** Sections 4 and 6 of this act take effect
7 only if Substitute House Bill No. 1388 (including any later
8 amendments or substitutes) or Substitute Senate Bill No. 5259
9 (including any later amendments or substitutes) is signed into law by
10 the governor by the effective date of this section."

11 Correct the title.

EFFECT: Provides for consistent agency designations in the event that either HB 1388 or SB 5259, relating to transferring responsibilities for behavioral health services from the DSHS to the Health Care Authority and the Department of Health, is enacted.

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