

SHB 1427 - H AMD 219

By Representative Cody

ADOPTED 03/03/2017

1 Beginning on page 3, line 17, strike all of section 3 and insert
2 the following:

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

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

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

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

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

21 (c) Not discriminate in its certification decision on the basis
22 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 certify only
25 applicants whose programs meet the necessary treatment needs of that
26 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;~~

1 ~~(f)~~) Consider the availability of other certified opioid
2 treatment programs near the area in which the applicant proposes to
3 locate the program;

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

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

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

25 (2) A county may impose a maximum capacity for a program of not
26 less than three hundred fifty participants if necessary to address
27 specific local conditions cited by the county.

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

32 ~~((3))~~ (4) For the purpose of this chapter, ~~((opiate~~
33 ~~substitution))~~ 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."

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

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

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

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

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

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

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

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

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

31 ~~((f))~~ Consider the availability of other licensed or certified
32 opioid treatment programs near the area in which the applicant
33 proposes to locate the program;

34 ~~((g))~~ (f) Consider the transportation systems that would
35 provide service to the program and whether the systems will provide
36 reasonable opportunities to access the program for persons in need of
37 treatment;

38 ~~((h))~~ (g) Consider whether the applicant has, or has
39 demonstrated in the past, the capability to provide the appropriate
40 services to assist the persons who utilize the program in meeting

1 goals established by the legislature, including ~~((abstinence from~~
2 ~~opiates and opiate substitutes,))~~ obtaining ~~((mental))~~ behavioral
3 health treatment services, improving economic independence, and
4 reducing adverse consequences associated with illegal use of
5 controlled substances. The department shall prioritize licensing or
6 certification to applicants who have demonstrated such capability;

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

15 (2) A county may impose a maximum capacity for a program of not
16 less than three hundred fifty participants if necessary to address
17 specific local conditions cited by the county.

18 (3) A program applying for licensing or certification from the
19 department and a program applying for a contract from a state agency
20 that has been denied the licensing or certification or contract shall
21 be provided with a written notice specifying the rationale and
22 reasons for the denial.

23 ~~((3))~~ (4) For the purpose of this chapter, ~~((opiate~~
24 ~~substitution))~~ opioid treatment program means:

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

28 (b) Providing a comprehensive range of medical and rehabilitative
29 services."

30 Renumber the remaining section consecutively and correct any
31 internal references accordingly.

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

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

35 (1) The department, in consultation with ~~((opiate substitution))~~
36 opioid treatment program service providers and counties and cities,
37 shall establish statewide treatment standards for licensed or

1 certified (~~opiate substitution~~) opioid treatment programs. The
2 department shall enforce these treatment standards. The treatment
3 standards shall include, but not be limited to, reasonable provisions
4 for all appropriate and necessary medical procedures, counseling
5 requirements, urinalysis, and other suitable tests as needed to
6 ensure compliance with this chapter.

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

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

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

36 NEW SECTION. Sec. 7. Sections 4 and 6 of this act take effect
37 only if Substitute House Bill No. 1388 (including any later
38 amendments or substitutes) or Substitute Senate Bill No. 5259

1 (including any later amendments or substitutes) is signed into law by
2 the governor by the effective date of this section."

3 Correct the title.

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

Specifies that one hearing (rather than at least one hearing) must be held in the community (rather than the county) in which the program would be located.

Makes a technical correction by moving the provision regarding imposition of a participant cap from subsection (1) to subsection (2).

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