
SUBSTITUTE HOUSE BILL 1427

State of Washington 65th Legislature 2017 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Peterson, and Pollet)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to opioid treatment programs; and amending RCW
2 71.24.560, 71.24.585, 71.24.590, and 71.24.595.

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

4 **Sec. 1.** RCW 71.24.560 and 2016 sp.s. c 29 s 506 are each amended
5 to read as follows:

6 (1) All approved (~~opiate substitution~~) opioid treatment
7 programs that provide services to women who are pregnant are required
8 to disseminate up-to-date and accurate health education information
9 to all their pregnant clients concerning the possible addiction and
10 health risks that their (~~opiate substitution~~) treatment may have on
11 their baby. All pregnant clients must also be advised of the risks to
12 both them and their baby associated with not remaining on the
13 (~~opiate substitute~~) opioid treatment program. The information must
14 be provided to these clients both verbally and in writing. The health
15 education information provided to the pregnant clients must include
16 referral options for the (~~addicted~~) substance-exposed baby.

17 (2) The department shall adopt rules that require all (~~opiate~~)
18 opioid treatment programs to educate all pregnant women in their
19 program on the benefits and risks of (~~methadone~~) medication-
20 assisted treatment to their fetus before they are provided these
21 medications, as part of their (~~addiction~~) treatment. The department

1 shall meet the requirements under this subsection within the
2 appropriations provided for (~~opiate~~) opioid treatment programs. The
3 department, working with treatment providers and medical experts,
4 shall develop and disseminate the educational materials to all
5 certified (~~opiate~~) opioid treatment programs.

6 **Sec. 2.** RCW 71.24.585 and 2016 sp.s. c 29 s 519 are each amended
7 to read as follows:

8 ~~((The state of Washington declares that there is no fundamental
9 right to opiate substitution treatment. The state of Washington
10 further declares that while opiate substitution drugs used in the
11 treatment of opiate dependency are addictive substances, that they
12 nevertheless have several legal, important, and justified uses and
13 that one of their appropriate and legal uses is, in conjunction with
14 other required therapeutic procedures, in the treatment of persons
15 addicted to or habituated to opioids. Opiate substitution treatment
16 should only be used for participants who are deemed appropriate to
17 need this level of intervention and should not be the first treatment
18 intervention for all opiate addicts))~~ The state of Washington
19 recognizes as evidence-based for the management of opioid use
20 disorders the treatment approaches acknowledged by the University of
21 Washington alcohol and drug abuse institute, as well as the
22 medications approved by the federal food and drug administration for
23 the treatment of opioid use disorder.

24 Because (~~opiate substitution drugs, used in the treatment of
25 opiate dependency are addictive and are listed as a schedule II))
26 some such medications are controlled substances in chapter 69.50 RCW,
27 the state of Washington (~~has~~) maintains the legal obligation and
28 right to regulate the (~~use of opiate substitution treatment. The
29 state of Washington declares its authority to control and regulate
30 carefully, in consultation with counties and cities, all clinical
31 uses of opiate substitution drugs used in the treatment of opiate
32 addiction~~) clinical uses of these medications in the treatment of
33 opioid use disorder.~~

34 The state declares that choices between recognized treatment
35 options for opioid use disorder should be patient-centered and
36 determined by shared decision making between patients and their
37 health care providers.

38 Further, the state declares that a person lawfully possessing or
39 using lawfully prescribed medication for the treatment of opioid use

1 disorder must be treated the same in judicial and administrative
2 proceedings as a person lawfully possessing or using other lawfully
3 prescribed medications.

4 Further, the state declares that the primary goals of (~~opiate~~
5 ~~substitution treatment is total abstinence from substance use for the~~
6 ~~individuals who participate in the treatment program. The state~~
7 ~~recognizes that a small percentage of persons who participate in~~
8 ~~opiate substitution treatment programs require treatment for an~~
9 ~~extended period of time. Opiate substitution treatment programs shall~~
10 ~~provide a comprehensive transition program to eliminate substance~~
11 ~~use, including opiate and opiate substitute addiction of program~~
12 ~~participants)) treatment for persons with opioid use disorder is the
13 cessation of unprescribed opioid use, reduced morbidity, and
14 restoration of the ability to lead a productive and fulfilling life.~~

15 Nothing in this chapter creates an entitlement to medication
16 assisted treatment.

17 **Sec. 3.** RCW 71.24.590 and 2001 c 242 s 2 are each amended to
18 read as follows:

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

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

25 (a) Consult with the county legislative authorities in the area
26 in which an applicant proposes to locate a program and the city
27 legislative authority in any city in which an applicant proposes to
28 locate a program;

29 (b) Certify only programs that will be sited in accordance with
30 the appropriate county or city land use ordinances. Counties and
31 cities may require conditional (~~or special~~) use permits with
32 reasonable conditions for the siting of programs. Pursuant to RCW
33 36.70A.200, no local comprehensive plan or development regulation may
34 preclude the siting of essential public facilities;

35 (c) Not discriminate in its certification decision on the basis
36 of the corporate structure of the applicant;

37 (d) Consider the size of the population in need of treatment in
38 the area in which the program would be located and certify only

1 applicants whose programs meet the necessary treatment needs of that
2 population;

3 ~~(e) ((Demonstrate a need in the community for opiate substitution~~
4 ~~treatment and not certify more program slots than justified by the~~
5 ~~need in that community. No program shall exceed three hundred fifty~~
6 ~~participants unless specifically authorized by the county in which~~
7 ~~the program is certified))~~ A county may impose a maximum capacity for
8 the program of not less than three hundred fifty participants if
9 necessary to address specific local conditions cited by the county;

10 (f) Consider the availability of other certified opioid treatment
11 programs near the area in which the applicant proposes to locate the
12 program;

13 (g) Consider the transportation systems that would provide
14 service to the program and whether the systems will provide
15 reasonable opportunities to access the program for persons in need of
16 treatment;

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

26 (i) Hold at least one public hearing in the county in which the
27 facility is proposed to be located ~~((and one hearing in the area in~~
28 ~~which the facility is proposed to be located))~~. The hearing shall be
29 held at a time and location that are most likely to permit the
30 largest number of interested persons to attend and present testimony.
31 The department shall notify all appropriate media outlets of the
32 time, date, and location of the hearing at least three weeks in
33 advance of the hearing.

34 (2) A program applying for certification from the department and
35 a program applying for a contract from a state agency that has been
36 denied the certification or contract shall be provided with a written
37 notice specifying the rationale and reasons for the denial.

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

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

4 (b) Providing a comprehensive range of medical and rehabilitative
5 services.

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

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

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

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

1 required for other substance use disorder treatment programs, as
2 described in this chapter.

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