

**ESSB 6641 - H AMD 2182**

By Representative Cody

ADOPTED 03/11/2020

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 18.155.020 and 2004 c 38 s 3 are each amended to  
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter:

7 (1) "Advisory committee" means the sex offender treatment  
8 providers advisory committee established under section 5 of this act.

9 (2) "Certified sex offender treatment provider" means ((a  
10 licensed, certified, or registered health professional)) an  
11 individual who is a licensed psychologist, licensed marriage and  
12 family therapist, licensed social worker, licensed mental health  
13 counselor, or psychiatrist as defined in RCW 71.05.020, who is  
14 certified to examine and treat sex offenders pursuant to chapters  
15 9.94A and 13.40 RCW and sexually violent predators under chapter  
16 71.09 RCW.

17 ((+2)) (3) "Certified affiliate sex offender treatment provider"  
18 means ((a licensed, certified, or registered health professional)) an  
19 individual who is a licensed psychologist, licensed marriage and  
20 family therapist, licensed social worker, licensed mental health  
21 counselor, or psychiatrist as defined in RCW 71.05.020, who is  
22 certified as an affiliate to examine and treat sex offenders pursuant  
23 to chapters 9.94A and 13.40 RCW and sexually violent predators under  
24 chapter 71.09 RCW under the supervision of a ((certified sex offender  
25 treatment provider)) qualified supervisor.

26 ((+3)) (4) "Department" means the department of health.

27 ((+4)) (5)(a) "Qualified supervisor" means:

28 (i) A person who meets the requirements for certification as a  
29 sex offender treatment provider;

30 (ii) A person who meets a lifetime experience threshold of having  
31 provided at least two thousand hours of direct sex offender specific

1 treatment and assessment services and who continues to maintain  
2 professional involvement in the field; or

3 (iii) A person who meets a lifetime experience threshold of at  
4 least two years of full-time work in a state-run facility or state-  
5 run treatment program providing direct sex offender specific  
6 treatment and assessment services and who continues to maintain  
7 professional involvement in the field.

8 (b) A qualified supervisor not credentialed by the department as  
9 a sex offender treatment provider must sign and submit to the  
10 department an attestation form provided by the department stating  
11 under penalty of perjury that the qualified supervisor has met the  
12 requisite education, training, or experience requirements and that  
13 the qualified supervisor is able to substantiate the qualified  
14 supervisor's claim to have met the requirements for education,  
15 training, or experience.

16 (6) "Secretary" means the secretary of health.

17 ~~((5))~~ (7) "Sex offender treatment provider" or "affiliate sex  
18 offender treatment provider" means a person who counsels or treats  
19 sex offenders accused of or convicted of a sex offense as defined by  
20 RCW 9.94A.030.

21 **Sec. 2.** RCW 18.155.030 and 2004 c 38 s 4 are each amended to  
22 read as follows:

23 (1) No person shall represent himself or herself as a certified  
24 sex offender treatment provider or certified affiliate sex offender  
25 treatment provider without first applying for and receiving a  
26 certificate pursuant to this chapter.

27 (2) Only a certified sex offender treatment provider, or  
28 certified affiliate sex offender treatment provider who has completed  
29 at least fifty percent of the required hours under the supervision of  
30 a ~~((certified sex offender treatment provider))~~ qualified supervisor,  
31 may perform or provide the following services:

32 ~~((a) ((Evaluations conducted for the purposes of and pursuant to~~  
33 ~~RCW 9.94A.670 and 13.40.160;~~

34 ~~((b))~~ Treatment or evaluation of convicted level III sex  
35 offenders who are sentenced and ordered into treatment pursuant to  
36 chapter 9.94A RCW and adjudicated level III juvenile sex offenders  
37 who are ordered into treatment pursuant to chapter 13.40 RCW; or

38 ~~((e))~~ (b) Except as provided under subsection (3) of this  
39 section, treatment of sexually violent predators who are

1 conditionally released to a less restrictive alternative pursuant to  
2 chapter 71.09 RCW.

3 (3) A certified sex offender treatment provider, or certified  
4 affiliate sex offender treatment provider who has completed at least  
5 fifty percent of the required hours under the supervision of a  
6 (~~certified sex offender treatment provider~~) qualified supervisor,  
7 may not perform or provide treatment of sexually violent predators  
8 under subsection (2)(~~(e)~~) (b) of this section if the treatment  
9 provider has been:

10 (a) Convicted of a sex offense, as defined in RCW 9.94A.030;

11 (b) Convicted in any other jurisdiction of an offense that under  
12 the laws of this state would be classified as a sex offense as  
13 defined in RCW 9.94A.030; or

14 (c) Suspended or otherwise restricted from practicing any health  
15 care profession by competent authority in any state, federal, or  
16 foreign jurisdiction.

17 (4) Certified sex offender treatment providers and certified  
18 affiliate sex offender treatment providers may perform or provide the  
19 following service: Treatment or evaluation of convicted level I and  
20 level II sex offenders who are sentenced and ordered into treatment  
21 pursuant to chapter 9.94A RCW and adjudicated juvenile level I and  
22 level II sex offenders who are sentenced and ordered into treatment  
23 pursuant to chapter 13.40 RCW.

24 (5) Employees of state-run facilities or state-run treatment  
25 programs are not required to be a certified sex offender treatment  
26 provider or a certified affiliate sex offender treatment provider to  
27 do the work described in this section as part of their job duties if  
28 not pursuing certification under this chapter.

29 (6) Individuals credentialed by the department of health as a  
30 certified sex offender treatment provider or a certified affiliate  
31 sex offender treatment provider prior to the effective date of this  
32 section are considered to have met the requirement of holding an  
33 underlying health license or credential described in RCW 18.155.020  
34 (2) and (3), provided the underlying license or credential remains  
35 active and in good standing.

36 **Sec. 3.** RCW 18.155.075 and 2006 c 134 s 2 are each amended to  
37 read as follows:

38 (1) The department shall issue an affiliate certificate to any  
39 applicant who meets the following requirements:

1       ~~((1))~~ (a) Successful completion of an educational program  
2 approved by the secretary or successful completion of alternate  
3 training which meets the criteria of the secretary;

4       ~~((2))~~ (b) Successful completion of an examination administered  
5 or approved by the secretary;

6       ~~((3))~~ (c) Proof of supervision by a ~~((certified sex offender  
7 ~~treatment provider~~))~~ qualified supervisor;

8       ~~((4))~~ (d) Not having engaged in unprofessional conduct or being  
9 unable to practice with reasonable skill and safety as a result of a  
10 physical or mental impairment;

11       ~~((5))~~ (e) Not convicted of a sex offense, as defined in RCW  
12 9.94A.030 or convicted in any other jurisdiction of an offense that  
13 under the laws of this state would be classified as a sex offense as  
14 defined in RCW 9.94A.030; and

15       ~~((6))~~ (f) Other requirements as may be established by the  
16 secretary that impact the competence of the sex offender treatment  
17 provider.

18       (2) Individuals credentialed by the department of health as a  
19 certified affiliate sex offender treatment provider prior to the  
20 effective date of this section are considered to have met the  
21 requirement of holding an underlying health license or credential  
22 described in RCW 18.155.020(3), provided the underlying license or  
23 credential remains active and in good standing.

24       **Sec. 4.** RCW 18.155.080 and 2004 c 38 s 7 are each amended to  
25 read as follows:

26       The secretary shall establish standards and procedures for  
27 approval of the following:

28       (1) Educational programs and alternate training, which must  
29 consider credit for experience obtained through work in a state-run  
30 facility or state-run treatment program in Washington or in another  
31 state or territory of the United States where the applicant  
32 demonstrates having provided at least two thousand hours of direct  
33 sex offender specific treatment and assessment services, or two years  
34 full-time experience working in a state-run facility or state-run  
35 treatment program providing direct sex offender specific treatment  
36 and assessment services, and continue to maintain professional  
37 involvement in the field;

38       (2) Examination procedures;

1       (3)(a) Certifying applicants who have a comparable certification  
2 in another jurisdiction, who must be allowed to receive consideration  
3 of certification if:

4       (i) They hold or have held within the past thirty-six months a  
5 credential in good standing from another state or territory of the  
6 United States that the secretary, with advice from the advisory  
7 committee, deems to be substantially equivalent to sex offender  
8 treatment provider certification in Washington; or

9       (ii) They meet a lifetime experience threshold of having provided  
10 at least two thousand hours of direct sex offender specific treatment  
11 and assessment services, or two years full-time experience working in  
12 a state-run facility or state-run treatment program providing direct  
13 sex offender specific treatment and assessment services, and continue  
14 to maintain professional involvement in the field;

15       (b) Nothing in (a) of this subsection prohibits the secretary  
16 from requiring background checks as a condition of receiving a  
17 credential;

18       (4) Application method and forms;

19       (5) Requirements for renewals of certificates;

20       (6) Requirements of certified sex offender treatment providers  
21 and certified affiliate sex offender treatment providers who seek  
22 inactive status;

23       (7) Other rules, policies, administrative procedures, and  
24 administrative requirements as appropriate to carry out the purposes  
25 of this chapter.

26       (8) In construing the requirements of this section, the applicant  
27 may sign attestation forms under penalty of perjury indicating that  
28 the applicant has participated in the required training and that the  
29 applicant is able to substantiate the applicant's claim to have met  
30 the requirements for hours of training if such substantiation is  
31 requested. Substantiation may include letters of recommendation from  
32 experts in the field with personal knowledge of the applicant's  
33 qualifications and experience to treat sex offenders in the  
34 community.

35       (9) Employees of a state-run facility or state-run treatment  
36 program may obtain the necessary experience to qualify for this  
37 certification through their work and do not need to be certified as  
38 an affiliate sex offender treatment provider to obtain the necessary  
39 experience requirements upon demonstrating proof of supervision by a  
40 qualified supervisor.

1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 18.155

2    RCW to read as follows:

3        (1) The sex offender treatment providers advisory committee is  
4    established to advise the secretary concerning the administration of  
5    this chapter.

6        (2) The secretary shall appoint the members of the advisory  
7    committee, which shall consist of the following persons:

8        (a) One superior court judge;

9        (b) Three sex offender treatment providers;

10       (c) One mental health practitioner who specializes in treating  
11    victims of sexual assault;

12       (d) One defense attorney with experience in representing persons  
13    charged with sexual offenses;

14       (e) One representative from a statewide association representing  
15    prosecuting attorneys;

16       (f) The secretary of the department of social and health services  
17    or the secretary's designee;

18       (g) The secretary of the department of corrections or the  
19    secretary's designee; and

20       (h) The secretary of the department of children, youth, and  
21    families or the secretary's designee.

22       (3) The advisory committee shall be a permanent body. The members  
23    shall serve staggered six-year terms, to be set by the secretary. No  
24    person other than the members representing the departments of social  
25    and health services, children, youth, and families, and corrections  
26    may serve more than two consecutive terms.

27       (4) The secretary may remove any member of the advisory committee  
28    for cause as specified by rule. In the case of a vacancy, the  
29    secretary shall appoint a person to serve for the remainder of the  
30    unexpired term.

31       (5) The advisory committee shall provide advice to the secretary  
32    concerning:

33       (a) Certification procedures under this chapter and their  
34    implementation;

35       (b) Standards maintained under RCW 18.155.080, and advice on  
36    individual applications for certification;

37       (c) Issues pertaining to maintaining a healthy workforce of  
38    certified sex offender treatment providers to meet the needs of the  
39    state of Washington. In considering workforce issues, the advisory  
40    committee must evaluate options for reducing or eliminating some or

1 all of the certification-related fees, including the feasibility of  
2 requiring that the cost of regulation of persons certified under this  
3 chapter be borne by the professions that are identified as eligible  
4 to be an underlying credential for certification; and

5 (d) Recommendations for reform of regulatory or administrative  
6 practices of the department, the department of social and health  
7 services, or the department of corrections that are within the  
8 purview and expertise of the advisory committee. The advisory  
9 committee may submit recommendations requiring statutory reform to  
10 the office of the governor, the secretary of the senate, and the  
11 chief clerk of the house of representatives.

12 (6) Committee members shall be reimbursed for travel expenses in  
13 accordance with RCW 43.03.050 and 43.03.060.

14 (7) The advisory committee shall elect officers as deemed  
15 necessary to administer its duties. A simple majority of the advisory  
16 committee members currently serving shall constitute a quorum of the  
17 advisory committee.

18 (8) Members of the advisory committee shall be residents of the  
19 state of Washington.

20 (9) Members of the advisory committee who are sex offender  
21 treatment providers must have a minimum of five years of extensive  
22 work experience in treating sex offenders to qualify for appointment  
23 to the advisory committee. The sex offender treatment providers on  
24 the advisory committee must be certified under this chapter.

25 (10) The advisory committee shall meet at times as necessary to  
26 conduct advisory committee business.

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 71.09  
28 RCW to read as follows:

29 To facilitate the equitable geographic distribution of  
30 conditional releases under this chapter, the department shall notify  
31 the secretary of health, or the secretary's designee, whenever a sex  
32 offender treatment provider in an underserved county has been  
33 contracted to provide treatment services to persons on conditional  
34 release under this chapter, in which case the secretary of health  
35 shall waive any fees for the initial issue, renewal, and reissuance  
36 of a credential for the provider under chapter 18.155 RCW. An  
37 underserved county is any county identified by the department as  
38 having an inadequate supply of qualified sex offender treatment

1 providers to achieve equitable geographic distribution of conditional  
2 releases under this chapter.

3 **Sec. 7.** RCW 18.155.040 and 2004 c 38 s 5 are each amended to  
4 read as follows:

5 In addition to any other authority provided by law, the secretary  
6 shall have the following authority:

7 (1) To set administrative procedures, administrative  
8 requirements, and fees in accordance with RCW 43.70.250 (~~and~~),  
9 43.70.280, and section 6 of this act;

10 (2) To establish forms necessary to administer this chapter;

11 (3) To issue a certificate or an affiliate certificate to any  
12 applicant who has met the education, training, and examination  
13 requirements for certification or an affiliate certification and deny  
14 a certificate to applicants who do not meet the minimum  
15 qualifications for certification or affiliate certification.  
16 Proceedings concerning the denial of certificates based on  
17 unprofessional conduct or impaired practice shall be governed by the  
18 uniform disciplinary act, chapter 18.130 RCW;

19 (4) To hire clerical, administrative, and investigative staff as  
20 needed to implement and administer this chapter and to hire  
21 individuals including those certified under this chapter to serve as  
22 examiners or consultants as necessary to implement and administer  
23 this chapter;

24 (5) To maintain the official department record of all applicants  
25 and certifications;

26 (6) To conduct a hearing on an appeal of a denial of a  
27 certificate on the applicant's failure to meet the minimum  
28 qualifications for certification. The hearing shall be conducted  
29 pursuant to chapter 34.05 RCW;

30 (7) To issue subpoenas, statements of charges, statements of  
31 intent to deny certificates, and orders and to delegate in writing to  
32 a designee the authority to issue subpoenas, statements of charges,  
33 and statements of intent to deny certificates;

34 (8) To determine the minimum education, work experience, and  
35 training requirements for certification or affiliate certification,  
36 including but not limited to approval of educational programs;

37 (9) To prepare and administer or approve the preparation and  
38 administration of examinations for certification;



- 1 (10) To establish by rule the procedure for appeal of an  
2 examination failure;
- 3 (11) To adopt rules implementing a continuing competency program;
- 4 (12) To adopt rules in accordance with chapter 34.05 RCW as  
5 necessary to implement this chapter.

- 6 NEW SECTION. **Sec. 8.** The following sections are decodified:
- 7 (1) RCW 18.155.900 (Index, part headings not law—1990 c 3);
- 8 (2) RCW 18.155.901 (Severability—1990 c 3); and
- 9 (3) RCW 18.155.902 (Effective dates—Application—1990 c 3)."

10 Correct the title.

EFFECT: (1) Removes the general reference that requires a sex offender treatment provider or affiliate sex offender treatment provider to be credentialed as a health professional and specifies that they must either be a psychologist, marriage and family therapist, social worker, mental health counselor, or psychiatrist. Considers persons who were certified as either sex offender treatment providers or affiliate sex offender treatment providers prior to the effective date of the section to have met the underlying health credential requirement.

(2) Exempts employees of state-run facilities and treatment programs from having to be certified sex offender treatment providers (in addition to the exemption from having to be certified affiliate sex offender treatment providers). Specifies that the work of an employee at a state-run facility or treatment program may give the employee the necessary experience to qualify for certification. Removes the reference to "education" in the term "state-run treatment and education programs."

(3) Specifies that when the Department of Health is considering applying credit for experience working in a state-run facility or state-run treatment program, the applicants must have accumulated at least 2,000 hours of experience or two years of full-time experience at the facility or program.

(4) Changes the name of the advisory committee to the Sex Offender Treatment Providers Advisory Committee (Advisory Committee). Removes the requirement that one of the members of the Advisory Committee represent the Washington Association for the Treatment of Sexual Abusers. Requires that one member be from a statewide organization representing prosecutors, rather than from the Washington Association of Prosecuting Attorneys.

(5) Instructs the Advisory Committee to consider options for reducing or eliminating certification-related fees, including the feasibility of requiring the underlying professions that the applicants are credentialed as to bear the regulatory costs.

(6) Requires the Department of Social and Health Services to notify the Department of Health whenever a sex offender treatment provider in an underserved county contracts to provide treatment services to a sexually violent predator on conditional release. Directs the Department of Health to waive credentialing fees for sex offender treatment providers practicing in such circumstances. Defines an "underserved county" as a county identified by the

Department of Social and Health Services as having an inadequate supply of qualified sex offender treatment providers to achieve an equitable geographic distribution of conditional releases.

--- **END** ---