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## Health Care & Wellness Committee

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### ESSB 6641

**Brief Description:** Increasing the availability of certified sex offender treatment providers.

**Sponsors:** Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators O'Ban, Conway and Wilson, C.).

#### Brief Summary of Engrossed Substitute Bill

- Expands the qualifications for who may be a supervisor of certified affiliate sex offender treatment providers by allowing supervision by persons who are not certified sex offender treatment providers, but have a minimum amount of experience providing direct sex offender specific treatment and assessment services.
- Allows persons to become certified sex offender treatment providers if they held a similar credential in another state, have provided at least 2,000 hours of direct sex offender specific treatment and assessment services, or have two years of full-time experience providing direct sex offender specific treatment and assessment services in a state-operated facility or state-operated treatment or education program.
- Establishes the Sexual Offender Treatment Provider Advisory Committee to provide advice to the Secretary of the Department of Health regarding issues related to the certification of sex offender treatment providers and maintenance of the sex offender treatment provider workforce.

**Hearing Date:** 2/27/20

**Staff:** Chris Blake (786-7392).

#### **Background:**

Sex offender treatment providers are credentialed health professionals who are certified by the Department of Health to counsel or treat sex offenders accused of, or convicted of, a sex offense. To become certified, a credentialed health care provider must have completed a master's or doctoral program in a behavioral health-related field or a physician or osteopathic physician

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degree program, completed at least 2,000 hours of supervised treatment and evaluation experience, and passed an examination.

Affiliate sex offender treatment providers are certified by the Department of Health as having met the education and examination requirements for becoming certified as a sex offender treatment provider and are working toward the completion of their experience hours under the supervision of a certified sex offender treatment provider. Supervising sex offender treatment providers assume full ethical and legal responsibility for the quality of work of the affiliate sex offender treatment provider. A supervising sex offender treatment provider may not supervise more than two affiliate sex offender treatment providers. Supervision involves regular, direct, face-to-face contact, including sitting in sessions and audio and video recordings.

Certified sex offender treatment providers and certified affiliate sex offender treatment providers who have completed at least half of their supervised experience hours may conduct evaluations under the special sexual offender sentencing alternative or the special sexual offender disposition alternative, provide treatment to Level I through III sex offenders, and treat sexually violent predators who are conditionally released to a less restrictive alternative. Certified affiliate sex offender treatment providers who have completed less than half of their supervised experience hours may only treat Level I and Level II sex offenders who have been sentenced and ordered into treatment and adjudicated juvenile Level I and Level II sex offenders who are sentenced and ordered into treatment.

#### **Summary of Bill:**

The requirement that certified affiliate sex offender treatment providers practice under the supervision of a certified sex offender treatment provider is changed to require the supervision be provided by a qualified supervisor. A "qualified supervisor" may be a person who either: (1) meets the requirements for certification as a sex offender treatment provider; (2) has provided at least 2,000 hours of direct sex offender specific treatment and assessment services and maintains professional involvement in the field; or (3) has at least two years of full-time work in a state-operated facility or state-operated treatment or education program providing direct sex offender specific treatment and assessment services and maintains professional involvement in the field. Qualified supervisors who are not certified by the Department of Health (Department) as a sex offender treatment provider must sign and submit an attestation to the Department that they meet the requirements to provide supervision.

Certified affiliate sex offender treatment providers who have completed less than half of their supervised experience hours may, in addition to providing treatment, conduct evaluations of: (1) convicted Level I and Level II sex offenders who have been sentenced and ordered into treatment; and (2) adjudicated juvenile Level I and Level II sex offenders who are sentenced and ordered into treatment. Employees of state-operated facilities and state-operated treatment or education programs may perform the work of a certified sex offender treatment provider without being certified.

The Department's standards for approving alternative training must consider credit for experience obtained while working in a state-operated facility or state-operated treatment or education program in Washington or another state. The Department must consider an applicant for certification who has held a comparable credential in another state if the applicant:

- held a credential within the previous 36 months in another state deemed to be substantially equivalent to sex offender certification in Washington;
- provided at least 2,000 hours of direct sex offender specific treatment and assessment services and maintains professional involvement in the field; or
- has two years of full-time work in a state-operated facility or state-operated treatment or education program providing direct sex offender specific treatment and assessment services and maintains professional involvement in the field.

Employees of state-operated facilities and state-operated treatment or education programs do not need to be certified affiliate sex offender treatment providers to obtain experience requirements if they demonstrate proof of supervision by a qualified supervisor.

The Sexual Offender Treatment Provider Advisory Committee (Advisory Committee) is established to advise the Secretary of the Department. The members of the Advisory Committee are appointed by the Secretary of the Department and include:

- a superior court judge;
- three sex offender treatment providers, including one representative of the Washington Association for the Treatment of Sexual Abusers;
- a mental health practitioner who specializes in the treatment of victims of sexual assault;
- a representative from the Washington Association of Prosecuting Attorneys;
- the Secretary of the Department of Social and Health Services, or the Secretary's designee;
- the Secretary of the Department of Corrections, or the Secretary's designee; and
- the Secretary of the Department of Children, Youth, and Families, or the Secretary's designee.

The Advisory Committee must provide advice to the Secretary of the Department regarding certification standards and procedures, maintenance of an adequate workforce, and reform of agency regulatory practices.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 24, 2020.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.