

# FINAL BILL REPORT

## ESSB 6641

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Synopsis as Enacted

**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.).

**Senate Committee on Human Services, Reentry & Rehabilitation**  
**House Committee on Health Care & Wellness**

**Background:** The Department of Health (DOH) certifies sex offender treatment providers (SOTPs), who are registered health professionals certified to examine and treat sex offenders and sexually violent predators (SVPs). Only a certified SOTP or certified affiliate SOTP who is training under a certified SOTP and has completed at least 50 percent of their training hours may:

- conduct evaluations under the Special Sexual Offender Sentencing Alternative (SOSA) or the Special Sexual Offender Disposition Alternative (SSODA);
- perform treatment of level III adult and juvenile sex offenders; or
- perform treatment of conditionally released SVPs.

An SOTP Advisory Committee was created in law in 1990, to develop SOTP certification standards and to provide ongoing advice to DOH in matters relating to SOTP certification. The statute establishing the SOTP Advisory Committee was repealed in 2009.

The SSOSA and SSODA are sentencing or disposition alternatives available to defendants who are willing to affirmatively admit guilt, who have no prior convictions of a sex offense, and who undergo an examination by a certified SOTP to determine if they are amenable to treatment. If accepted into a SSOSA, an adult must serve up to one year in custody and undergo up to five years of sex offender treatment. If accepted into a SSODA, a juvenile must serve up to 30 days of confinement and complete up to two years of sex offender treatment. Other eligibility requirements apply.

An SVP is a person who has been convicted of or charged with a sexually violent offense who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory acts of sexual violence if not confined to a secure facility. When it appears a person may meet the criteria of an SVP, a prosecuting agency may file a petition to confine the person civilly based on the SVP allegation. An SVP must be confined in the least

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restrictive alternative setting that will protect their needs and the needs of the community, which may include community placement.

**Summary:** A certified SOTP or certified affiliate SOTP must be licensed as a psychologist, marriage and family therapist, social worker, mental health counselor, psychologist, or psychiatrist. Persons who are certified as of the effective date of this act may continue to be certified under their current health care license as long as it remains in good standing.

DOH must certify an affiliate SOTP if they have completed prescribed education and examination requirements and provide proof of supervision by a qualified supervisor, who does not need to be a certified SOTP.

A certified affiliate SOTP may perform SSOSA or SSODA evaluations without regard to the number of required hours of supervision they have completed. Employees of a state-run facility, treatment program, or education program may perform SSOSA or SSODA evaluations or provide treatment to level III sex offenders and persons committed as SVPs as part of their job duties.

A qualified supervisor is a person who:

- meets the requirements for certification as an SOTP;
- meets a lifetime experience threshold of having provided at least 2000 hours of direct sex offender specific treatment and assessment services and continues to maintain professional involvement in the field; or
- meets a lifetime experience threshold of at least two years of full time work in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services and continues to maintain professional involvement in the field.

A qualified supervisor may sign an attestation form stating under penalty of perjury that they have met requisite education, training, and experience requirements.

The SOTP Advisory Committee is reestablished as a permanent body with members appointed by DOH to include:

- one superior court judge;
- three certified SOTPs with a minimum of five years experience treating sex offenders;
- one mental health practitioner with experience treating victims of sexual assault;
- one defense attorney with experience representing persons charged with sex offenses;
- one representative of the Washington Association of Prosecuting Attorneys;
- the secretary of the Department of Social and Health Services (DSHS) or their designee;
- the secretary of the Department of Children, Youth, and Families or their designee; and
- the secretary of the Department of Corrections (DOC) or their designee.

The Advisory Committee must provide advice to DOH concerning:

- SOTP certification procedures;
- maintaining a healthy workforce of SOTPs;

- options to reduce or eliminate some or all of the certification fees, including the feasibility of having the certification cost be borne by professions eligible to apply for certification;
- reform of regulatory practices of DOH, DSHS, or DOC; and
- recommendations for statutory reform.

DOH must establish educational programs and alternate training requirements for certified SOTPs that consider credit for experience gained through work in institutional settings in Washington State or another state or territory of the United States. Applicants to become a certified SOTP who have a comparable certification in another jurisdiction must be allowed to receive consideration of certification by DOH if:

- they hold, or held in good standing within the past three years, a credential in good standing which DOH with advice from the SOTP Advisory Committee deems to be substantially equivalent to an SOTP certification in Washington;
- they meet a lifetime experience threshold of at least 2000 hours of direct sex offender specific treatment and assessment services and continue to maintain professional involvement in the field; or
- they meet a lifetime experience threshold of two years full-time experience working in a state-run facility, treatment program, or education program providing direct sex offender specific treatment and assessment services and continue to maintain professional involvement in the field.

An applicant to become a certified SOTP or certified affiliate SOTP may sign an attestation form under penalty of perjury that they have met the training requirements and would be able to substantiate that claim.

DSHS must notify DOH when it contracts with an SOTP in an underserved county, meaning a county that has an inadequate supply of SOTPs to achieve equitable geographical distribution of conditional releases of persons committed as SVPs, to provide treatment services to a conditionally released person who has been committed as an SVP. DOH must waive credentialing fees for the SOTP.

**Votes on Final Passage:**

Senate	48	0	
House	96	1	(House amended) (Senate refused to concur/asked House to recede)
House	96	1	(House receded/amended)
Senate	48	0	(Senate concurred)

**Effective:** June 11, 2020