
SUBSTITUTE SENATE BILL 6641

State of Washington

66th Legislature

2020 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators O'Ban, Conway, and Wilson, C.)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to increasing the availability of certified sex
2 offender treatment providers; amending RCW 18.155.020, 18.155.030,
3 18.155.075, and 18.155.080; adding a new section to chapter 18.155
4 RCW; and decodifying RCW 18.155.900, 18.155.901, and 18.155.902.

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

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

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter:

10 (1) "Certified sex offender treatment provider" means ((a
11 ~~licensed, certified, or registered health professional~~) an
12 individual licensed as a psychologist, psychiatrist, mental health
13 counselor, marriage and family therapist, or social worker 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) "Certified affiliate sex offender treatment provider" means
18 ((a ~~licensed, certified, or registered health professional~~) an
19 individual licensed as a psychologist, psychiatrist, mental health
20 counselor, marriage and family therapist, or social worker who is
21 certified as an affiliate to examine and treat sex offenders pursuant

1 to chapters 9.94A and 13.40 RCW and sexually violent predators under
2 chapter 71.09 RCW under the supervision of a (~~certified sex offender~~
3 ~~treatment provider~~) qualified supervisor.

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

5 (4) "Qualified supervisor" means a person who meets the
6 requirements for certification as a sex offender treatment provider
7 whether or not the person is currently certified, or a person who at
8 the time supervision is provided meets a lifetime experience
9 threshold of having provided at least two thousand hours of direct
10 sex offender specific treatment and assessment services, or at least
11 two years of full-time work in a state-run facility or state-run
12 treatment or education program providing direct sex offender specific
13 treatment and assessment services, and who continues to maintain
14 professional involvement in the field. A qualified supervisor not
15 credentialed by the department as a sex offender treatment provider
16 must sign and submit to the department an attestation form provided
17 by the department stating under penalty of perjury that the qualified
18 supervisor has met education, training, or experience requirements
19 and that the qualified supervisor is able to substantiate the
20 qualified supervisor's claim to have met the requirements for
21 education, training, or experience. A qualified supervisor may be
22 determined retroactively without time limits if the individual has
23 maintained continuous involvement in the field. The department shall
24 not be compelled to require all persons who provide this attestation
25 to provide complete documentation of these requirements.

26 (5) "Secretary" means the secretary of health.

27 (~~(5)~~) (6) "Sex offender treatment provider" or "affiliate sex
28 offender treatment provider" means a person who counsels or treats
29 sex offenders accused of or convicted of a sex offense as defined by
30 RCW 9.94A.030.

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

33 (1) No person shall represent himself or herself as a certified
34 sex offender treatment provider or certified affiliate sex offender
35 treatment provider without first applying for and receiving a
36 certificate pursuant to this chapter.

37 (2) Only a certified sex offender treatment provider, or
38 certified affiliate sex offender treatment provider who has completed
39 at least fifty percent of the required hours under the supervision of

1 a (~~certified sex offender treatment provider~~) qualified supervisor,
2 may perform or provide the following services:

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

5 ~~(b)~~) Treatment of convicted level III sex offenders who are
6 sentenced and ordered into treatment pursuant to chapter 9.94A RCW
7 and adjudicated level III juvenile sex offenders who are ordered into
8 treatment pursuant to chapter 13.40 RCW; or

9 (~~(e)~~) (b) Except as provided under subsection (3) of this
10 section, treatment of sexually violent predators who are
11 conditionally released to a less restrictive alternative pursuant to
12 chapter 71.09 RCW.

13 (3) A certified sex offender treatment provider, or certified
14 affiliate sex offender treatment provider who has completed at least
15 fifty percent of the required hours under the supervision of a
16 (~~certified sex offender treatment provider~~) qualified supervisor,
17 may not perform or provide treatment of sexually violent predators
18 under subsection (2) (~~(e)~~) (b) of this section if the treatment
19 provider has been:

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

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

24 (c) Suspended or otherwise restricted from practicing any health
25 care profession by competent authority in any state, federal, or
26 foreign jurisdiction.

27 (4) Certified sex offender treatment providers and certified
28 affiliate sex offender treatment providers may perform or provide the
29 following service: Treatment of convicted level I and level II sex
30 offenders who are sentenced and ordered into treatment pursuant to
31 chapter 9.94A RCW and adjudicated juvenile level I and level II sex
32 offenders who are sentenced and ordered into treatment pursuant to
33 chapter 13.40 RCW.

34 (5) Employees of state-run facility or state-run treatment or
35 education programs are not required to be a certified affiliate
36 provider to do the work described in this section as part of their
37 job duties if not pursuing certification under this chapter.

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

1 The department shall issue an affiliate certificate to any
2 applicant who meets the following requirements:

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

6 (2) Successful completion of an examination administered or
7 approved by the secretary;

8 (3) Proof of supervision by a (~~certified sex offender treatment~~
9 ~~provider~~) qualified supervisor;

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

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

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

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

21 The secretary shall establish standards and procedures for
22 approval of the following:

23 (1) Educational programs and alternate training, which must
24 consider credit for experience obtained through work in institutional
25 settings in Washington or in another state or territory of the United
26 States;

27 (2) Examination procedures;

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

31 (i) They hold or have held within the past thirty-six months a
32 credential in good standing from another state or territory of the
33 United States that the secretary with advice from the board under
34 section 5 of this act deems to be substantially equivalent to sex
35 offender treatment provider certification in Washington; or

36 (ii) They meet a lifetime experience threshold of having provided
37 at least two thousand hours of direct sex offender specific treatment
38 and assessment services, or two years full-time experience working in
39 a state-run facility or state-run treatment or education program

1 providing direct sex offender specific treatment and assessment
2 services, and continue to maintain professional involvement in the
3 field;

4 (b) Nothing in (a) of this subsection prohibits the secretary
5 from requiring background checks as a condition of receiving a
6 credential;

7 (4) Application method and forms;

8 (5) Requirements for renewals of certificates;

9 (6) Requirements of certified sex offender treatment providers
10 and certified affiliate sex offender treatment providers who seek
11 inactive status;

12 (7) Other rules, policies, administrative procedures, and
13 administrative requirements as appropriate to carry out the purposes
14 of this chapter.

15 (8) In construing the requirements of this section, the applicant
16 must not in all cases be required to submit complete documentation of
17 the applicant's training, but may instead sign attestation forms
18 under penalty of perjury indicating that the applicant has
19 participated in the required training and that the applicant is able
20 to substantiate the applicant's claim to have met the requirements
21 for hours of training if such substantiation is requested.
22 Substantiation may include letters of recommendation from experts in
23 the field with personal knowledge of the applicant's qualifications
24 and experience to treat sex offenders in the community.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.155
26 RCW to read as follows:

27 (1) The sexual offender treatment providers advisory committee,
28 originally created under chapter 3, section 805, Laws of 1990, is
29 reestablished to advise the secretary concerning the administration
30 of this chapter.

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

33 (a) One superior court judge;

34 (b) Three sex offender treatment providers, including at least
35 one representative of the Washington association for the treatment of
36 sexual abusers;

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

1 (d) One defense attorney with experience in representing persons
2 charged with sexual offenses;

3 (e) One representative from the Washington association of
4 prosecuting attorneys;

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

7 (g) The secretary of the department of corrections or the
8 secretary's designee; and

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

11 (3) The advisory committee shall be a permanent body. The members
12 shall serve staggered six-year terms, to be set by the secretary. No
13 person other than the members representing the departments of social
14 and health services and corrections may serve more than two
15 consecutive terms.

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

20 (5) The advisory committee shall provide advice to the secretary
21 concerning:

22 (a) Certification procedures under this chapter and their
23 implementation;

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

26 (c) Issues pertaining to maintaining a healthy workforce of
27 certified sex offender treatment providers to meet the needs of the
28 state of Washington; and

29 (d) Recommendations for reform of regulatory or administrative
30 practices of the department, the department of social and health
31 services, or the department of corrections that are within the
32 purview and expertise of the advisory committee. The advisory
33 committee may submit recommendations requiring statutory reform to
34 the office of the governor, the secretary of the senate, and the
35 chief clerk of the house of representatives.

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

38 (7) The advisory committee shall elect officers as deemed
39 necessary to administer its duties. A simple majority of the advisory

1 committee members currently serving shall constitute a quorum of the
2 advisory committee.

3 (8) Members of the advisory committee shall be residents of the
4 state of Washington.

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

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

12 NEW SECTION. **Sec. 6.** The following sections are decodified:

13 (1) RCW 18.155.900 (Index, part headings not law—1990 c 3);

14 (2) RCW 18.155.901 (Severability—1990 c 3); and

15 (3) RCW 18.155.902 (Effective dates—Application—1990 c 3).

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