

**2SHB 1168** - S COMM AMD  
By Committee on Ways & Means

ADOPTED AND ENGROSSED 04/07/2023

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) Fetal alcohol spectrum disorders are lifelong physical,  
5 developmental, behavioral, and intellectual disabilities caused by  
6 prenatal alcohol exposure;

7 (2) According to the federal centers for disease control and  
8 prevention, fetal alcohol spectrum disorders affect as many as one in  
9 20 people in the United States;

10 (3) The health care authority estimates that one percent of  
11 births, or approximately 870 children each year, are born with fetal  
12 alcohol spectrum disorders;

13 (4) In addition to alcohol use, other substances consumed during  
14 pregnancy may result in prenatal substance exposure affecting the  
15 physical, developmental, behavioral, and intellectual abilities of  
16 the exposed child;

17 (5) Washington has limited diagnostic capacity and currently  
18 lacks the capacity to diagnose and treat every child who needs  
19 support and treatment due to prenatal substance exposure;

20 (6) Without appropriate treatment and supports, children born  
21 with fetal alcohol spectrum disorders and other prenatal substance  
22 disorders are likely to experience adverse outcomes. According to  
23 current statistics, these children face adverse outcomes such as:

24 (a) 61 percent of children with fetal alcohol spectrum disorders  
25 are suspended or expelled from school by age 12;

26 (b) 90 percent of persons with fetal alcohol spectrum disorders  
27 develop comorbid mental health conditions; and

28 (c) 60 percent of youth with fetal alcohol spectrum disorders are  
29 involved in the justice system;

30 (7) Untreated and unsupported prenatal substance exposure results  
31 in higher costs for the state and worse outcomes for children and  
32 their families;

1 (8) Investing in prevention and earlier intervention, including  
2 diagnostic capacity, treatment, and services for children and  
3 supports for families and caregivers will improve school outcomes;  
4 and

5 (9) Effective prenatal substance exposure response requires  
6 effective and ongoing cross-agency strategic planning and  
7 coordination.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05  
9 RCW to read as follows:

10 (1) By January 1, 2024, the authority, on behalf of clients or  
11 potential clients of the department of children, youth, and families  
12 as described in this subsection, shall contract with a provider with  
13 expertise in comprehensive prenatal substance exposure treatment and  
14 family supports to offer services to children over the age of three  
15 and families who are or have been involved in the child welfare  
16 system or who are at risk of becoming involved in the child welfare  
17 system. This contract shall maximize the number of families that can  
18 be served through referrals by authority employees and other  
19 community partners in order to keep families together, reduce the  
20 number of placements, and prevent adverse outcomes for impacted  
21 children.

22 (2) By January 1, 2025, the authority, on behalf of clients or  
23 potential clients of the department of children, youth, and families  
24 as described in this subsection, shall contract with up to three  
25 providers across the state, in addition to the contracted provider in  
26 subsection (1) of this section, to offer comprehensive treatment  
27 services for prenatal substance exposure and family supports for  
28 children who were prenatally exposed to substances and who are, or  
29 have been, involved in the child welfare system.

30 (3) Comprehensive treatment and family supports must be trauma-  
31 informed and may include:

- 32 (a) Occupational, speech, and language therapy;
- 33 (b) Behavioral health counseling and caregiver counseling;
- 34 (c) Sensory processing support;
- 35 (d) Educational advocacy, psychoeducation, social skills support,  
36 and groups;
- 37 (e) Linkages to community resources; and

1 (f) Family supports and education, including the programs for  
2 parents, caregivers, and families recommended by the federal centers  
3 for disease control and prevention.

4 (4) The authority shall contract with the provider referenced in  
5 subsection (1) of this section to support the providers under  
6 contract in subsection (2) of this section by:

7 (a) Creating education and training programs for providers  
8 working with children who had prenatal substance exposure; and

9 (b) Offering ongoing coaching and support in creating a safe and  
10 healing environment, free from judgment, where families are supported  
11 through the challenges of care for children with prenatal substance  
12 exposure.

13 (5) The authority, in collaboration with the department of  
14 children, youth, and families, shall work with the contracted  
15 providers and families to collect relevant outcome data and provide a  
16 report on the expansion of services under the contracts and the  
17 outcomes experienced by persons receiving services under this  
18 section. The authority shall submit the report to the legislature  
19 with any recommendations related to improving availability of and  
20 access to services and ways to improve outcomes by June 1, 2028.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.24  
22 RCW to read as follows:

23 (1) By June 1, 2024, the authority shall submit to the  
24 legislature recommendations on ways to increase access to diagnoses,  
25 treatment, services, and supports for children who were exposed to  
26 alcohol or other substances during pregnancy and their families and  
27 caregivers. In creating the recommendations, the authority shall  
28 consult with service providers, medical professionals with expertise  
29 in diagnosing and treating prenatal substance exposure, families of  
30 children who were exposed to alcohol or other substances during  
31 pregnancy, communities affected by prenatal substance exposure, and  
32 advocates.

33 (2) The recommendations adopted under subsection (1) of this  
34 section shall, at a minimum, address:

35 (a) Increasing the availability of evaluation and diagnosis  
36 services for children and youth for fetal alcohol spectrum disorders  
37 and other prenatal substance disorders, including assuring an  
38 adequate payment rate for the interdisciplinary team required for

1 diagnosis and developing sufficient capacity in rural and urban areas  
2 so that every child is able to access diagnosis services; and

3 (b) Increasing the availability of treatment for fetal alcohol  
4 spectrum disorders and other prenatal substance disorders for all  
5 children and youth including all treatments and services recommended  
6 by the federal centers for disease control and prevention. The  
7 authority shall review all barriers to accessing treatment and make  
8 recommendations on removing those barriers, including recommendations  
9 related to the definition of medical necessity, prior authorization  
10 requirements for diagnosis and treatment services, and limitations of  
11 treatment procedure codes and insurance coverage.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 71.24  
13 RCW to read as follows:

14 Subject to the availability of amounts appropriated for this  
15 specific purpose, the authority shall contract with a statewide  
16 nonprofit entity with expertise in fetal alcohol spectrum disorders  
17 and experience in supporting parents and caregivers to offer free  
18 support groups for individuals living with fetal alcohol spectrum  
19 disorders and their parents and caregivers.

20 **Sec. 5.** RCW 71.24.610 and 2018 c 201 s 4049 are each amended to  
21 read as follows:

22 The authority, the department of social and health services, the  
23 department (~~(of health)~~), the department of corrections, the  
24 department of children, youth, and families, and the office of the  
25 superintendent of public instruction shall execute an interagency  
26 agreement to ensure the coordination of identification, prevention,  
27 and intervention programs for children who have fetal alcohol  
28 exposure and other prenatal substance exposures, and for women who  
29 are at high risk of having children with fetal alcohol exposure or  
30 other prenatal substance exposures.

31 The interagency agreement shall provide a process for community  
32 advocacy groups to participate in the review and development of  
33 identification, prevention, and intervention programs administered or  
34 contracted for by the agencies executing this agreement.

35 NEW SECTION. **Sec. 6.** If specific funding for the purposes of  
36 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2023, in the omnibus appropriations act, this  
2 act is null and void."

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3 On page 1, line 2 of the title, after "exposure;" strike the  
4 remainder of the title and insert "amending RCW 71.24.610; adding a  
5 new section to chapter 41.05 RCW; adding new sections to chapter  
6 71.24 RCW; and creating new sections."

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