
HOUSE BILL 1072

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Moeller and Cody

Prefiled 01/05/11. Read first time 01/10/11. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the assessment and treatment for chemical
2 dependency; and amending RCW 70.96A.020 and 70.96A.090.

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

4 **Sec. 1.** RCW 70.96A.020 and 2001 c 13 s 1 are each amended to read
5 as follows:

6 For the purposes of this chapter the following words and phrases
7 shall have the following meanings unless the context clearly requires
8 otherwise:

9 (1) "Alcoholic" means a person who suffers from the disease of
10 alcoholism.

11 (2) "Alcoholism" means a disease, characterized by a dependency on
12 alcoholic beverages, loss of control over the amount and circumstances
13 of use, symptoms of tolerance, physiological or psychological
14 withdrawal, or both, if use is reduced or discontinued, and impairment
15 of health or disruption of social or economic functioning.

16 (3) "Approved treatment program" means a discrete program of
17 chemical dependency treatment provided by a treatment program certified
18 by the department of social and health services as meeting standards
19 adopted under this chapter.

1 (4) "Chemical dependency" means:
2 (a) Alcoholism; (b) drug addiction; or (c) dependence on alcohol
3 and one or more other psychoactive chemicals, as the context requires.
4 (5) "Chemical dependency program" means expenditures and activities
5 of the department designed and conducted to prevent or treat alcoholism
6 and other drug addiction, including reasonable administration and
7 overhead.
8 (6) "Department" means the department of social and health
9 services.
10 (7) "Designated chemical dependency specialist" or "specialist"
11 means a person designated by the county alcoholism and other drug
12 addiction program coordinator designated under RCW 70.96A.310 to
13 perform the commitment duties described in RCW 70.96A.140 and qualified
14 to do so by meeting standards adopted by the department.
15 (8) "Director" means the person administering the chemical
16 dependency program within the department.
17 (9) "Drug addict" means a person who suffers from the disease of
18 drug addiction.
19 (10) "Drug addiction" means a disease characterized by a dependency
20 on psychoactive chemicals, loss of control over the amount and
21 circumstances of use, symptoms of tolerance, physiological or
22 psychological withdrawal, or both, if use is reduced or discontinued,
23 and impairment of health or disruption of social or economic
24 functioning.
25 (11) "Emergency service patrol" means a patrol established under
26 RCW 70.96A.170.
27 (12) "Gravely disabled by alcohol or other psychoactive chemicals"
28 or "gravely disabled" means that a person, as a result of the use of
29 alcohol or other psychoactive chemicals: (a) Is in danger of serious
30 physical harm resulting from a failure to provide for his or her
31 essential human needs of health or safety; or (b) manifests severe
32 deterioration in routine functioning evidenced by a repeated and
33 escalating loss of cognition or volitional control over his or her
34 actions and is not receiving care as essential for his or her health or
35 safety.
36 (13) "History of one or more violent acts" refers to the period of
37 time ten years prior to the filing of a petition under this chapter,

1 excluding any time spent, but not any violent acts committed, in a
2 mental health facility, or a long-term alcoholism or drug treatment
3 facility, or in confinement.

4 (14) "Incapacitated by alcohol or other psychoactive chemicals"
5 means that a person, as a result of the use of alcohol or other
6 psychoactive chemicals, is gravely disabled or presents a likelihood of
7 serious harm to himself or herself, to any other person, or to
8 property.

9 (15) "Incompetent person" means a person who has been adjudged
10 incompetent by the superior court.

11 (16) "Intoxicated person" means a person whose mental or physical
12 functioning is substantially impaired as a result of the use of alcohol
13 or other psychoactive chemicals.

14 (17) "Licensed physician" means a person licensed to practice
15 medicine or osteopathic medicine and surgery in the state of
16 Washington.

17 (18) "Likelihood of serious harm" means:

18 (a) A substantial risk that: (i) Physical harm will be inflicted
19 by an individual upon his or her own person, as evidenced by threats or
20 attempts to commit suicide or inflict physical harm on one's self; (ii)
21 physical harm will be inflicted by an individual upon another, as
22 evidenced by behavior that has caused the harm or that places another
23 person or persons in reasonable fear of sustaining the harm; or (iii)
24 physical harm will be inflicted by an individual upon the property of
25 others, as evidenced by behavior that has caused substantial loss or
26 damage to the property of others; or

27 (b) The individual has threatened the physical safety of another
28 and has a history of one or more violent acts.

29 (19) "Medical necessity" for inpatient care of a minor means a
30 requested certified inpatient service that is reasonably calculated to:

31 (a) Diagnose, arrest, or alleviate a chemical dependency; or (b)
32 prevent the worsening of chemical dependency conditions that endanger
33 life or cause suffering and pain, or result in illness or infirmity or
34 threaten to cause or aggravate a handicap, or cause physical deformity
35 or malfunction, and there is no adequate less restrictive alternative
36 available.

37 (20) "Minor" means a person less than eighteen years of age.

1 (21) "Parent" means the parent or parents who have the legal right
2 to custody of the child. Parent includes custodian or guardian.

3 (22) "Peace officer" means a law enforcement official of a public
4 agency or governmental unit, and includes persons specifically given
5 peace officer powers by any state law, local ordinance, or judicial
6 order of appointment.

7 (23) "Person" means an individual, including a minor.

8 (24) "Professional person in charge" or "professional person" means
9 a physician or chemical dependency counselor as defined in rule by the
10 department, who is empowered by a certified treatment program with
11 authority to make assessment, admission, continuing care, and discharge
12 decisions on behalf of the certified program.

13 (25) "Secretary" means the secretary of the department of social
14 and health services.

15 (26) "Treatment" means the broad range of emergency,
16 detoxification, residential, and outpatient services and care,
17 including diagnostic evaluation, chemical dependency education and
18 counseling, medical, psychiatric, psychological, and social service
19 care, vocational rehabilitation and career counseling, which may be
20 extended to alcoholics and other drug addicts and their families,
21 persons incapacitated by alcohol or other psychoactive chemicals, and
22 intoxicated persons.

23 (27) "Treatment program" means an organization, institution, or
24 corporation, public or private, engaged in the care, treatment, or
25 rehabilitation of alcoholics or other drug addicts.

26 (28) "Violent act" means behavior that resulted in homicide,
27 attempted suicide, nonfatal injuries, or substantial damage to
28 property.

29 (29) "Health facility" means hospitals licensed under chapter 70.41
30 RCW, rural health care facilities as defined in RCW 70.175.020,
31 psychiatric hospitals licensed under chapter 71.12 RCW, community
32 mental health centers licensed under chapter 71.05 or 71.24 RCW, or
33 ambulatory diagnostic, treatment, or surgical facilities licensed under
34 chapter 70.230 RCW.

35 **Sec. 2.** RCW 70.96A.090 and 2005 c 70 s 2 are each amended to read
36 as follows:

37 (1) The department shall adopt rules establishing standards for

1 approved treatment programs, the process for the review and inspection
2 program applying to the department for certification as an approved
3 treatment program, and fixing the fees to be charged by the department
4 for the required inspections. The standards may concern the health
5 standards to be met and standards of services and treatment to be
6 afforded patients.

7 (2) The department may suspend, revoke, limit, restrict, or modify
8 an approval, or refuse to grant approval, for failure to meet the
9 provisions of this chapter, or the standards adopted under this
10 chapter. RCW 43.20A.205 governs notice of a license denial,
11 revocation, suspension, or modification and provides the right to an
12 adjudicative proceeding.

13 (3) No treatment program may advertise or represent itself as an
14 approved treatment program if approval has not been granted, has been
15 denied, suspended, revoked, or canceled.

16 (4) Certification as an approved treatment program is effective for
17 one calendar year from the date of issuance of the certificate. The
18 certification shall specify the types of services provided by the
19 approved treatment program that meet the standards adopted under this
20 chapter. Renewal of certification shall be made in accordance with
21 this section for initial approval and in accordance with the standards
22 set forth in rules adopted by the secretary.

23 (5) Approved treatment programs shall not provide alcoholism or
24 other drug addiction treatment services for which the approved
25 treatment program has not been certified. Approved treatment programs
26 may provide services for which approval has been sought and is pending,
27 if approval for the services has not been previously revoked or denied.

28 (6) The department periodically shall inspect approved public and
29 private treatment programs at reasonable times and in a reasonable
30 manner.

31 (7) The department shall maintain and periodically publish a
32 current list of approved treatment programs.

33 (8) Each approved treatment program shall file with the department
34 on request, data, statistics, schedules, and information the department
35 reasonably requires. An approved treatment program that without good
36 cause fails to furnish any data, statistics, schedules, or information
37 as requested, or files fraudulent returns thereof, may be removed from

1 the list of approved treatment programs, and its certification revoked
2 or suspended.

3 (9) The department shall use the data provided in subsection (8) of
4 this section to evaluate each program that admits children to inpatient
5 treatment upon application of their parents. The evaluation shall be
6 done at least once every twelve months. In addition, the department
7 shall randomly select and review the information on individual children
8 who are admitted on application of the child's parent for the purpose
9 of determining whether the child was appropriately placed into
10 treatment based on an objective evaluation of the child's condition and
11 the outcome of the child's treatment.

12 (10) Upon petition of the department and after a hearing held upon
13 reasonable notice to the facility, the superior court may issue a
14 warrant to an officer or employee of the department authorizing him or
15 her to enter and inspect at reasonable times, and examine the books and
16 accounts of, any approved public or private treatment program refusing
17 to consent to inspection or examination by the department or which the
18 department has reasonable cause to believe is operating in violation of
19 this chapter.

20 (11)(a) All approved opiate substitution treatment programs that
21 provide services to women who are pregnant are required to disseminate
22 up-to-date and accurate health education information to all their
23 pregnant clients concerning the possible addiction and health risks
24 that their opiate substitution treatment may have on their baby. All
25 pregnant clients must also be advised of the risks to both them and
26 their baby associated with not remaining on the opiate substitute
27 program. The information must be provided to these clients both
28 verbally and in writing. The health education information provided to
29 the pregnant clients must include referral options for the addicted
30 baby.

31 (b) The department shall adopt rules that require all opiate
32 treatment programs to educate all pregnant women in their program on
33 the benefits and risks of methadone treatment to their fetus before
34 they are provided these medications, as part of their addiction
35 treatment. The department shall meet the requirements under this
36 subsection within the appropriations provided for opiate treatment
37 programs. The department, working with treatment providers and medical

1 experts, shall develop and disseminate the educational materials to all
2 certified opiate treatment programs.

3 (12) Unless operated within a health facility, as defined in RCW
4 70.96A.020, no treatment program licensed under chapter 70.96A RCW may
5 provide an individual with both the assessment and treatment for
6 chemical dependency.

--- END ---