
HOUSE BILL 1645

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Green, Hinkle, Goodman, Cody, and Kenney

Read first time 01/27/11. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to transferring certification responsibilities for
2 chemical dependency treatment programs from the department of social
3 and health services to the department of health; amending RCW
4 70.96A.020, 70.96A.020, 70.96A.090, 70.96A.090, 70.96A.095, 70.96A.240,
5 and 70.96A.245; adding a new chapter to Title 70 RCW; creating new
6 sections; providing effective dates; providing an expiration date; and
7 prescribing penalties.

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

9 NEW SECTION. **Sec. 1.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires otherwise.

11 (1) "Approved treatment program" means a discrete program of
12 chemical dependency treatment provided by a treatment program certified
13 by the department as meeting standards adopted under this chapter.

14 (2) "Chemical dependency" means:

15 (a) Alcoholism;

16 (b) Drug addiction; or

17 (c) Dependence on alcohol and one or more other psychoactive
18 chemicals, as the context requires.

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

1 (4) "Secretary" means the secretary of health.

2 (5) "Treatment program" means an organization, institution, or
3 corporation, public or private, engaged in the care, treatment, or
4 rehabilitation of people suffering from chemical dependency.

5 NEW SECTION. **Sec. 2.** The secretary shall:

6 (1) Issue a certification to any treatment program that:

7 (a) Submits payment of the fee established by the secretary;

8 (b) Submits a completed application that demonstrates the ability
9 to comply with the standards established for operating and maintaining
10 a treatment program in statute and rule; and

11 (c) Successfully completes the inspection requirements established
12 in section 3 of this act;

13 (2) Adopt rules establishing standards for treatment programs
14 applying to the department for certification as an approved treatment
15 program. The standards may concern the health standards to be met and
16 standards of services and treatment to be afforded patients;

17 (3) Develop an application form for applicants for a certification
18 to operate a treatment program or to renew a certification;

19 (4) Initiate investigations and enforcement actions for complaints
20 or other information regarding failure to comply with this chapter or
21 the standards and rules adopted under this chapter;

22 (5) Conduct inspections of facilities, including reviews of
23 treatment records and documents required to be maintained under this
24 chapter or rules adopted under this chapter;

25 (6) Establish fees for certification, certification renewal, and
26 other associated costs at an amount that is sufficient to defray the
27 costs of administering the program;

28 (7) Maintain and periodically publish a current list of approved
29 treatment programs; and

30 (8) Adopt any rules necessary to implement this chapter. When
31 considering the adoption of the initial rules, the secretary shall
32 consider those rules adopted by the department of social and health
33 services under chapter 70.96A RCW.

34 NEW SECTION. **Sec. 3.** (1)(a) The department shall inspect

35 applicants for an initial certification and inspect approved public and
36 private treatment programs according to an established schedule.

1 (b) A treatment program originally certified under chapter 70.96A
2 RCW applying for an initial certification renewal with the department
3 is subject to subsection (a) of this section.

4 (2) The department shall deem a public or private treatment program
5 to have met the inspection standards of this section if it submits
6 proof of accreditation by an organization that the department has
7 determined to have substantially equivalent standards to those of the
8 department. An inspection or survey conducted by an approved
9 accrediting organization may substitute for an inspection by the
10 department if:

11 (a) Within thirty days of learning the results of an inspection or
12 survey, the treatment program provides the department with documentary
13 evidence that the treatment program has been accredited as a result of
14 an inspection or survey and the date of the inspection or survey; and

15 (b) The treatment program has satisfactorily completed an
16 inspection by the department in the previous twelve months.

17 (3) Treatment programs shall make the written reports of
18 inspections or surveys conducted by an approved accrediting
19 organization available to the department inspectors during any
20 department inspection, upon request.

21 (4) Nothing in this section prohibits the department from
22 conducting an inspection at any time in the course of investigating a
23 complaint.

24 NEW SECTION. **Sec. 4.** (1) The secretary may deny, suspend, or
25 revoke the certification of any treatment program in any case in which
26 he or she finds the applicant or certified entity knowingly made a
27 false statement of material fact in the application for the
28 certification or any supporting data in any record required by this
29 chapter or matter under investigation by the department.

30 (2) The secretary shall investigate complaints concerning operation
31 of a treatment program without a certification. The secretary may
32 issue a notice of intention to issue a cease and desist order to any
33 person whom the secretary has reason to believe is engaged in the
34 uncertified operation of a treatment program. If the secretary makes
35 a written finding of fact that the public interest will be irreparably
36 harmed by delay in issuing an order, the secretary may issue a
37 temporary cease and desist order. The person receiving a temporary

1 cease and desist order must be provided an opportunity for a prompt
2 hearing. The temporary cease and desist order remains in effect until
3 further order of the secretary. Any person operating a treatment
4 program under this chapter without a certification is guilty of a
5 misdemeanor, and each day of operation of an uncertified treatment
6 program constitutes a separate offense.

7 (3) The secretary is authorized to deny, suspend, revoke, or modify
8 a certification or provisional certification in any case in which it
9 finds that there has been a failure or refusal to comply with the
10 requirements of this chapter or the standards or rules adopted under
11 this chapter. RCW 43.70.115 governs notice of a certification denial,
12 revocation, suspension, or modification and provides the right to an
13 adjudicative proceeding.

14 (4) Pursuant to chapter 34.05 RCW, the secretary may assess
15 monetary penalties of a civil nature not to exceed one thousand dollars
16 per violation.

17 NEW SECTION. **Sec. 5.** (1) No person or governmental unit of the
18 state of Washington, acting separately or jointly with any other person
19 or governmental unit may establish, maintain, or operate a treatment
20 program or advertise or represent itself as an approved treatment
21 program in this state without a certification issued by the department
22 under this chapter.

23 (2) Upon the expiration of an approved treatment program's
24 certification that was issued by the department of social and health
25 services under chapter 70.96A RCW, the approved treatment program shall
26 apply to the secretary for the renewal of the certification.

27 (3) Until July 1, 2013, the department shall recognize the
28 unexpired certification of a treatment program issued by the department
29 of social and health services.

30 NEW SECTION. **Sec. 6.** (1) Certification as an approved treatment
31 program is effective for one calendar year from the date of issuance of
32 the certificate. The certification must specify the types of services
33 provided by the approved treatment program that meet the standards
34 adopted under this chapter. Renewal of certification must be made in
35 accordance with this chapter for initial approval and in accordance
36 with the standards set forth in rules adopted by the secretary.

1 (2) Approved treatment programs may not provide chemical dependency
2 treatment services for which the approved treatment program has not
3 been certified. Approved treatment programs may provide services for
4 which approval has been sought and is pending, if approval for the
5 services has not been previously revoked or denied.

6 NEW SECTION. **Sec. 7.** (1) Each approved treatment program shall
7 file with the department on request, data, statistics, schedules, and
8 information the department reasonably requires. An approved treatment
9 program that without good cause fails to furnish any data, statistics,
10 schedules, or information as requested, or files fraudulent returns
11 thereof, may be removed from the list of approved treatment programs,
12 and its certification revoked or suspended.

13 (2) The department shall use the data provided in subsection (1) of
14 this section to evaluate each program that admits children to inpatient
15 treatment upon application of their parents. The evaluation must be
16 done at least once every twelve months. In addition, the department
17 shall randomly select and review the information on individual children
18 who are admitted on application of the child's parent for the purpose
19 of determining whether the child was appropriately placed into
20 treatment based on an objective evaluation of the child's condition and
21 the outcome of the child's treatment.

22 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
23 a new chapter in Title 70 RCW.

24 **Sec. 9.** RCW 70.96A.020 and 2001 c 13 s 1 are each amended to read
25 as follows:

26 For the purposes of this chapter the following words and phrases
27 shall have the following meanings unless the context clearly requires
28 otherwise:

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

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

1 (3) "Approved treatment program" means a discrete program of
2 chemical dependency treatment provided by a treatment program certified
3 by either the department of health or the department of social and
4 health services as meeting standards adopted under this chapter or
5 chapter 70.--- RCW (the new chapter created in section 8 of this act).

6 (4) "Chemical dependency" means:

7 (a) Alcoholism; (b) drug addiction; or (c) dependence on alcohol
8 and one or more other psychoactive chemicals, as the context requires.

9 (5) "Chemical dependency program" means expenditures and activities
10 of the department designed and conducted to prevent or treat alcoholism
11 and other drug addiction, including reasonable administration and
12 overhead.

13 (6) "Department" means the department of social and health
14 services.

15 (7) "Designated chemical dependency specialist" or "specialist"
16 means a person designated by the county alcoholism and other drug
17 addiction program coordinator designated under RCW 70.96A.310 to
18 perform the commitment duties described in RCW 70.96A.140 and qualified
19 to do so by meeting standards adopted by the department.

20 (8) "Director" means the person administering the chemical
21 dependency program within the department.

22 (9) "Drug addict" means a person who suffers from the disease of
23 drug addiction.

24 (10) "Drug addiction" means a disease characterized by a dependency
25 on psychoactive chemicals, loss of control over the amount and
26 circumstances of use, symptoms of tolerance, physiological or
27 psychological withdrawal, or both, if use is reduced or discontinued,
28 and impairment of health or disruption of social or economic
29 functioning.

30 (11) "Emergency service patrol" means a patrol established under
31 RCW 70.96A.170.

32 (12) "Gravely disabled by alcohol or other psychoactive chemicals"
33 or "gravely disabled" means that a person, as a result of the use of
34 alcohol or other psychoactive chemicals: (a) Is in danger of serious
35 physical harm resulting from a failure to provide for his or her
36 essential human needs of health or safety; or (b) manifests severe
37 deterioration in routine functioning evidenced by a repeated and

1 escalating loss of cognition or volitional control over his or her
2 actions and is not receiving care as essential for his or her health or
3 safety.

4 (13) "History of one or more violent acts" refers to the period of
5 time ten years prior to the filing of a petition under this chapter,
6 excluding any time spent, but not any violent acts committed, in a
7 mental health facility, or a long-term alcoholism or drug treatment
8 facility, or in confinement.

9 (14) "Incapacitated by alcohol or other psychoactive chemicals"
10 means that a person, as a result of the use of alcohol or other
11 psychoactive chemicals, is gravely disabled or presents a likelihood of
12 serious harm to himself or herself, to any other person, or to
13 property.

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

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

19 (17) "Licensed physician" means a person licensed to practice
20 medicine or osteopathic medicine and surgery in the state of
21 Washington.

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

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

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

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

36 (a) Diagnose, arrest, or alleviate a chemical dependency; or (b)
37 prevent the worsening of chemical dependency conditions that endanger
38 life or cause suffering and pain, or result in illness or infirmity or

1 threaten to cause or aggravate a handicap, or cause physical deformity
2 or malfunction, and there is no adequate less restrictive alternative
3 available.

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

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

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

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

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

17 (25) "Secretary" means the secretary of the department of social
18 and health services.

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

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

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

33 **Sec. 10.** RCW 70.96A.020 and 2001 c 13 s 1 are each amended to read
34 as follows:

35 For the purposes of this chapter the following words and phrases
36 shall have the following meanings unless the context clearly requires
37 otherwise:

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

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

8 (3) "Approved treatment program" means a discrete program of
9 chemical dependency treatment provided by a treatment program certified
10 by the department of (~~social and health services as meeting standards~~
11 ~~adopted under this chapter~~) health under chapter 70.--- RCW (the new
12 chapter created in section 8 of this act).

13 (4) "Chemical dependency" means:
14 (a) Alcoholism; (b) drug addiction; or (c) dependence on alcohol
15 and one or more other psychoactive chemicals, as the context requires.

16 (5) "Chemical dependency program" means expenditures and activities
17 of the department designed and conducted to prevent or treat alcoholism
18 and other drug addiction, including reasonable administration and
19 overhead.

20 (6) "Department" means the department of social and health
21 services.

22 (7) "Designated chemical dependency specialist" or "specialist"
23 means a person designated by the county alcoholism and other drug
24 addiction program coordinator designated under RCW 70.96A.310 to
25 perform the commitment duties described in RCW 70.96A.140 and qualified
26 to do so by meeting standards adopted by the department.

27 (8) "Director" means the person administering the chemical
28 dependency program within the department.

29 (9) "Drug addict" means a person who suffers from the disease of
30 drug addiction.

31 (10) "Drug addiction" means a disease characterized by a dependency
32 on psychoactive chemicals, loss of control over the amount and
33 circumstances of use, symptoms of tolerance, physiological or
34 psychological withdrawal, or both, if use is reduced or discontinued,
35 and impairment of health or disruption of social or economic
36 functioning.

37 (11) "Emergency service patrol" means a patrol established under
38 RCW 70.96A.170.

1 (12) "Gravely disabled by alcohol or other psychoactive chemicals"
2 or "gravely disabled" means that a person, as a result of the use of
3 alcohol or other psychoactive chemicals: (a) Is in danger of serious
4 physical harm resulting from a failure to provide for his or her
5 essential human needs of health or safety; or (b) manifests severe
6 deterioration in routine functioning evidenced by a repeated and
7 escalating loss of cognition or volitional control over his or her
8 actions and is not receiving care as essential for his or her health or
9 safety.

10 (13) "History of one or more violent acts" refers to the period of
11 time ten years prior to the filing of a petition under this chapter,
12 excluding any time spent, but not any violent acts committed, in a
13 mental health facility, or a long-term alcoholism or drug treatment
14 facility, or in confinement.

15 (14) "Incapacitated by alcohol or other psychoactive chemicals"
16 means that a person, as a result of the use of alcohol or other
17 psychoactive chemicals, is gravely disabled or presents a likelihood of
18 serious harm to himself or herself, to any other person, or to
19 property.

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

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

25 (17) "Licensed physician" means a person licensed to practice
26 medicine or osteopathic medicine and surgery in the state of
27 Washington.

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

29 (a) A substantial risk that: (i) Physical harm will be inflicted
30 by an individual upon his or her own person, as evidenced by threats or
31 attempts to commit suicide or inflict physical harm on one's self; (ii)
32 physical harm will be inflicted by an individual upon another, as
33 evidenced by behavior that has caused the harm or that places another
34 person or persons in reasonable fear of sustaining the harm; or (iii)
35 physical harm will be inflicted by an individual upon the property of
36 others, as evidenced by behavior that has caused substantial loss or
37 damage to the property of others; or

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

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

5 (a) Diagnose, arrest, or alleviate a chemical dependency; or (b)
6 prevent the worsening of chemical dependency conditions that endanger
7 life or cause suffering and pain, or result in illness or infirmity or
8 threaten to cause or aggravate a handicap, or cause physical deformity
9 or malfunction, and there is no adequate less restrictive alternative
10 available.

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

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

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

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

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

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

26 (26) "Treatment" means the broad range of emergency,
27 detoxification, residential, and outpatient services and care,
28 including diagnostic evaluation, chemical dependency education and
29 counseling, medical, psychiatric, psychological, and social service
30 care, vocational rehabilitation and career counseling, which may be
31 extended to alcoholics and other drug addicts and their families,
32 persons incapacitated by alcohol or other psychoactive chemicals, and
33 intoxicated persons.

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

37 (28) "Violent act" means behavior that resulted in homicide,

1 attempted suicide, nonfatal injuries, or substantial damage to
2 property.

3 **Sec. 11.** RCW 70.96A.090 and 2005 c 70 s 2 are each amended to read
4 as follows:

5 (1) As of July 1, 2012, the department shall no longer issue new or
6 renewal certifications to treatment programs. This section only
7 applies to those approved treatment programs that the department had
8 certified prior to July 1, 2012.

9 (2) The department shall adopt rules establishing standards for
10 approved treatment programs, the process for the review and inspection
11 program applying to the department for certification as an approved
12 treatment program, and fixing the fees to be charged by the department
13 for the required inspections. The standards may concern the health
14 standards to be met and standards of services and treatment to be
15 afforded patients.

16 ~~((+2))~~ (3) The department may suspend, revoke, limit, restrict, or
17 modify an approval, or refuse to grant approval, for failure to meet
18 the provisions of this chapter, or the standards adopted under this
19 chapter. RCW 43.20A.205 governs notice of a license denial,
20 revocation, suspension, or modification and provides the right to an
21 adjudicative proceeding.

22 ~~((+3))~~ (4) No treatment program may advertise or represent itself
23 as an approved treatment program if approval has not been granted, has
24 been denied, suspended, revoked, or canceled.

25 ~~((+4))~~ (5) Certification as an approved treatment program is
26 effective for one calendar year from the date of issuance of the
27 certificate. The certification shall specify the types of services
28 provided by the approved treatment program that meet the standards
29 adopted under this chapter. ~~((Renewal of certification shall be made~~
30 ~~in accordance with this section for initial approval and in accordance~~
31 ~~with the standards set forth in rules adopted by the secretary.~~

32 ~~(+5))~~ (6) Approved treatment programs shall not provide alcoholism
33 or other drug addiction treatment services for which the approved
34 treatment program has not been certified. Approved treatment programs
35 may provide services for which approval has been sought and is pending,
36 if approval for the services has not been previously revoked or denied.

1 ~~((+6+))~~ (7) The department periodically shall inspect approved
2 public and private treatment programs at reasonable times and in a
3 reasonable manner.

4 ~~((+7+))~~ (8) The department shall maintain and periodically publish
5 a current list of approved treatment programs.

6 ~~((+8+))~~ (9) Each approved treatment program shall file with the
7 department on request, data, statistics, schedules, and information the
8 department reasonably requires. An approved treatment program that
9 without good cause fails to furnish any data, statistics, schedules, or
10 information as requested, or files fraudulent returns thereof, may be
11 removed from the list of approved treatment programs, and its
12 certification revoked or suspended.

13 ~~((+9+))~~ (10) The department shall use the data provided in
14 subsection ~~((+8+))~~ (9) of this section to evaluate each program that
15 admits children to inpatient treatment upon application of their
16 parents. The evaluation shall be done at least once every twelve
17 months. In addition, the department shall randomly select and review
18 the information on individual children who are admitted on application
19 of the child's parent for the purpose of determining whether the child
20 was appropriately placed into treatment based on an objective
21 evaluation of the child's condition and the outcome of the child's
22 treatment.

23 ~~((+10+))~~ (11) Upon petition of the department and after a hearing
24 held upon reasonable notice to the facility, the superior court may
25 issue a warrant to an officer or employee of the department authorizing
26 him or her to enter and inspect at reasonable times, and examine the
27 books and accounts of, any approved public or private treatment program
28 refusing to consent to inspection or examination by the department or
29 which the department has reasonable cause to believe is operating in
30 violation of this chapter.

31 ~~((+11+))~~ (12)(a) All approved opiate substitution treatment
32 programs that provide services to women who are pregnant are required
33 to disseminate up-to-date and accurate health education information to
34 all their pregnant clients concerning the possible addiction and health
35 risks that their opiate substitution treatment may have on their baby.
36 All pregnant clients must also be advised of the risks to both them and
37 their baby associated with not remaining on the opiate substitute
38 program. The information must be provided to these clients both

1 verbally and in writing. The health education information provided to
2 the pregnant clients must include referral options for the addicted
3 baby.

4 (b) The department shall adopt rules that require all opiate
5 treatment programs to educate all pregnant women in their program on
6 the benefits and risks of methadone treatment to their fetus before
7 they are provided these medications, as part of their addiction
8 treatment. The department shall meet the requirements under this
9 subsection within the appropriations provided for opiate treatment
10 programs. The department, working with treatment providers and medical
11 experts, shall develop and disseminate the educational materials to all
12 certified opiate treatment programs.

13 **Sec. 12.** RCW 70.96A.090 and 2005 c 70 s 2 are each amended to read
14 as follows:

15 ~~(1) ((The department shall adopt rules establishing standards for
16 approved treatment programs, the process for the review and inspection
17 program applying to the department for certification as an approved
18 treatment program, and fixing the fees to be charged by the department
19 for the required inspections. The standards may concern the health
20 standards to be met and standards of services and treatment to be
21 afforded patients.~~

22 ~~(2) The department may suspend, revoke, limit, restrict, or modify
23 an approval, or refuse to grant approval, for failure to meet the
24 provisions of this chapter, or the standards adopted under this
25 chapter. RCW 43.20A.205 governs notice of a license denial,
26 revocation, suspension, or modification and provides the right to an
27 adjudicative proceeding.~~

28 ~~(3) No treatment program may advertise or represent itself as an
29 approved treatment program if approval has not been granted, has been
30 denied, suspended, revoked, or canceled.~~

31 ~~(4) Certification as an approved treatment program is effective for
32 one calendar year from the date of issuance of the certificate. The
33 certification shall specify the types of services provided by the
34 approved treatment program that meet the standards adopted under this
35 chapter. Renewal of certification shall be made in accordance with
36 this section for initial approval and in accordance with the standards
37 set forth in rules adopted by the secretary.~~

1 ~~(5) Approved treatment programs shall not provide alcoholism or~~
2 ~~other drug addiction treatment services for which the approved~~
3 ~~treatment program has not been certified. Approved treatment programs~~
4 ~~may provide services for which approval has been sought and is pending,~~
5 ~~if approval for the services has not been previously revoked or denied.~~

6 ~~(6) The department periodically shall inspect approved public and~~
7 ~~private treatment programs at reasonable times and in a reasonable~~
8 ~~manner.~~

9 ~~(7) The department shall maintain and periodically publish a~~
10 ~~current list of approved treatment programs.~~

11 ~~(8) Each approved treatment program shall file with the department~~
12 ~~on request, data, statistics, schedules, and information the department~~
13 ~~reasonably requires. An approved treatment program that without good~~
14 ~~cause fails to furnish any data, statistics, schedules, or information~~
15 ~~as requested, or files fraudulent returns thereof, may be removed from~~
16 ~~the list of approved treatment programs, and its certification revoked~~
17 ~~or suspended.~~

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

27 ~~(10) Upon petition of the department and after a hearing held upon~~
28 ~~reasonable notice to the facility, the superior court may issue a~~
29 ~~warrant to an officer or employee of the department authorizing him or~~
30 ~~her to enter and inspect at reasonable times, and examine the books and~~
31 ~~accounts of, any approved public or private treatment program refusing~~
32 ~~to consent to inspection or examination by the department or which the~~
33 ~~department has reasonable cause to believe is operating in violation of~~
34 ~~this chapter.~~

35 ~~(11)(a))~~ All approved opiate substitution treatment programs that
36 provide services to women who are pregnant are required to disseminate
37 up-to-date and accurate health education information to all their
38 pregnant clients concerning the possible addiction and health risks

1 that their opiate substitution treatment may have on their baby. All
2 pregnant clients must also be advised of the risks to both them and
3 their baby associated with not remaining on the opiate substitute
4 program. The information must be provided to these clients both
5 verbally and in writing. The health education information provided to
6 the pregnant clients must include referral options for the addicted
7 baby.

8 ~~((b))~~ (2) The department shall adopt rules that require all
9 opiate treatment programs to educate all pregnant women in their
10 program on the benefits and risks of methadone treatment to their fetus
11 before they are provided these medications, as part of their addiction
12 treatment. The department shall meet the requirements under this
13 subsection within the appropriations provided for opiate treatment
14 programs. The department, working with treatment providers and medical
15 experts, shall develop and disseminate the educational materials to all
16 certified opiate treatment programs.

17 **Sec. 13.** RCW 70.96A.095 and 1998 c 296 s 23 are each amended to
18 read as follows:

19 Any person thirteen years of age or older may give consent for
20 himself or herself to the furnishing of outpatient treatment by ~~((a))~~
21 an approved chemical dependency treatment program ~~((certified by the~~
22 ~~department))~~. Parental authorization is required for any treatment of
23 a minor under the age of thirteen.

24 **Sec. 14.** RCW 70.96A.240 and 1998 c 296 s 26 are each amended to
25 read as follows:

26 (1) The parent of a minor is not liable for payment of inpatient or
27 outpatient chemical dependency treatment unless the parent has joined
28 in the consent to the treatment.

29 (2) The ability of a parent to apply to ~~((a-certified))~~ an approved
30 treatment program for the admission of his or her minor child does not
31 create a right to obtain or benefit from any funds or resources of the
32 state. However, the state may provide services for indigent minors to
33 the extent that funds are available therefor.

34 **Sec. 15.** RCW 70.96A.245 and 1998 c 296 s 27 are each amended to
35 read as follows:

1 (1) A parent may bring, or authorize the bringing of, his or her
2 minor child to (~~a certified~~) an approved treatment program and
3 request that a chemical dependency assessment be conducted by a
4 professional person to determine whether the minor is chemically
5 dependent and in need of inpatient treatment.

6 (2) The consent of the minor is not required for admission,
7 evaluation, and treatment if the parent brings the minor to the
8 program.

9 (3) An appropriately trained professional person may evaluate
10 whether the minor is chemically dependent. The evaluation shall be
11 completed within twenty-four hours of the time the minor was brought to
12 the program, unless the professional person determines that the
13 condition of the minor necessitates additional time for evaluation. In
14 no event shall a minor be held longer than seventy-two hours for
15 evaluation. If, in the judgment of the professional person, it is
16 determined it is a medical necessity for the minor to receive inpatient
17 treatment, the minor may be held for treatment. The facility shall
18 limit treatment to that which the professional person determines is
19 medically necessary to stabilize the minor's condition until the
20 evaluation has been completed. Within twenty-four hours of completion
21 of the evaluation, the professional person shall notify the department
22 if the child is held for treatment and of the date of admission.

23 (4) No provider is obligated to provide treatment to a minor under
24 the provisions of this section. No provider may admit a minor to
25 treatment under this section unless it is medically necessary.

26 (5) No minor receiving inpatient treatment under this section may
27 be discharged from the program based solely on his or her request.

28 NEW SECTION. **Sec. 16.** (1) All powers, duties, and functions of
29 the department of social and health services pertaining to
30 certification of chemical dependency treatment programs are transferred
31 to the department of health. All references to the secretary or the
32 department of social and health services in the Revised Code of
33 Washington shall be construed to mean the secretary or the department
34 of health when referring to the functions transferred in this section.

35 (2)(a) All reports, documents, surveys, books, records, files,
36 papers, or written material in the possession of the department of
37 social and health services pertaining to the powers, functions, and

1 duties transferred shall be delivered to the custody of the department
2 of health. All cabinets, furniture, office equipment, motor vehicles,
3 and other tangible property employed by the department of social and
4 health services in carrying out the powers, functions, and duties
5 transferred shall be made available to the department of health. All
6 funds, credits, or other assets held in connection with the powers,
7 functions, and duties transferred shall be assigned to the department
8 of health.

9 (b) Any appropriations made to the department of social and health
10 services for carrying out the powers, functions, and duties transferred
11 shall, on the effective date of this section, be transferred and
12 credited to the department of health.

13 (c) Whenever any question arises as to the transfer of any
14 personnel, funds, books, documents, records, papers, files, equipment,
15 or other tangible property used or held in the exercise of the powers
16 and the performance of the duties and functions transferred, the
17 director of financial management shall make a determination as to the
18 proper allocation and certify the same to the state agencies concerned.

19 (3) All employees of the department of social and health services
20 engaged in performing the powers, functions, and duties transferred are
21 transferred to the jurisdiction of the department of health. All
22 employees classified under chapter 41.06 RCW, the state civil service
23 law, are assigned to the department of health to perform their usual
24 duties upon the same terms as formerly, without any loss of rights,
25 subject to any action that may be appropriate thereafter in accordance
26 with the laws and rules governing state civil service.

27 (4) All rules and all pending business before the department of
28 social and health services pertaining to the powers, functions, and
29 duties transferred shall be continued and acted upon by the department
30 of health. All existing contracts and obligations shall remain in full
31 force and shall be performed by the department of health.

32 (5) The transfer of the powers, duties, functions, and personnel of
33 the department of social and health services shall not affect the
34 validity of any act performed before the effective date of this
35 section.

36 (6) If apportionments of budgeted funds are required because of the
37 transfers directed by this section, the director of financial
38 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make
2 the appropriate transfer and adjustments in funds and appropriation
3 accounts and equipment records in accordance with the certification.

4 (7) All classified employees of the department of social and health
5 services assigned to the certification of chemical dependency treatment
6 programs under this section whose positions are within an existing
7 bargaining unit description at the certification of chemical dependency
8 treatment programs shall become a part of the existing bargaining unit
9 at the certification of chemical dependency treatment programs and
10 shall be considered an appropriate inclusion or modification of the
11 existing bargaining unit under the provisions of chapter 41.80 RCW.

12 NEW SECTION. **Sec. 17.** Sections 1 through 9, 11, and 13 through 16
13 of this act take effect July 1, 2012.

14 NEW SECTION. **Sec. 18.** Sections 9 and 11 of this act expire July
15 1, 2013.

16 NEW SECTION. **Sec. 19.** Sections 10 and 12 of this act take effect
17 July 1, 2013.

18 NEW SECTION. **Sec. 20.** The secretary of health may take the
19 necessary steps to ensure that this act is implemented on its effective
20 date.

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