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ENGROSSED SUBSTITUTE SENATE BILL 6641

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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 licensed,  
11 certified, or registered health professional who is certified to  
12 examine and treat sex offenders pursuant to chapters 9.94A and 13.40  
13 RCW and sexually violent predators under chapter 71.09 RCW.

14 (2) "Certified affiliate sex offender treatment provider" means a  
15 licensed, certified, or registered health professional who is  
16 certified as an affiliate to examine and treat sex offenders pursuant  
17 to chapters 9.94A and 13.40 RCW and sexually violent predators under  
18 chapter 71.09 RCW under the supervision of a (~~certified sex offender~~  
19 ~~treatment provider~~) qualified supervisor.

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

21 (4) (a) "Qualified supervisor" means:

1 (i) A person who meets the requirements for certification as a  
2 sex offender treatment provider;

3 (ii) A person who, at the time supervision is provided, meets a  
4 lifetime experience threshold of having provided at least two  
5 thousand hours of direct sex offender specific treatment and  
6 assessment services and who continues to maintain professional  
7 involvement in the field; or

8 (iii) A person who, at the time supervision is provided, meets a  
9 lifetime experience threshold of at least two years of full-time work  
10 in a state-run facility or state-run treatment program providing  
11 direct sex offender specific treatment and assessment services and  
12 who continues to maintain professional involvement in the field.

13 (b) A qualified supervisor not credentialed by the department as  
14 a sex offender treatment provider must sign and submit to the  
15 department an attestation form provided by the department stating  
16 under penalty of perjury that the qualified supervisor has met the  
17 requisite education, training, or experience requirements and that  
18 the qualified supervisor is able to substantiate the qualified  
19 supervisor's claim to have met the requirements for education,  
20 training, or experience.

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

22 ~~((+5))~~ (6) "Sex offender treatment provider" or "affiliate sex  
23 offender treatment provider" means a person who counsels or treats  
24 sex offenders accused of or convicted of a sex offense as defined by  
25 RCW 9.94A.030.

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

28 (1) No person shall represent himself or herself as a certified  
29 sex offender treatment provider or certified affiliate sex offender  
30 treatment provider without first applying for and receiving a  
31 certificate pursuant to this chapter.

32 (2) Only a certified sex offender treatment provider, or  
33 certified affiliate sex offender treatment provider who has completed  
34 at least fifty percent of the required hours under the supervision of  
35 a ~~((certified sex offender treatment provider))~~ qualified supervisor,  
36 may perform or provide the following services:

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

1       ~~(b))~~) Treatment or evaluation of convicted level III sex  
2 offenders who are sentenced and ordered into treatment pursuant to  
3 chapter 9.94A RCW and adjudicated level III juvenile sex offenders  
4 who are ordered into treatment pursuant to chapter 13.40 RCW; or

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

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

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

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

20       (c) Suspended or otherwise restricted from practicing any health  
21 care profession by competent authority in any state, federal, or  
22 foreign jurisdiction.

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

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

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

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

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

4 (2) Successful completion of an examination administered or  
5 approved by the secretary;

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

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

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

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

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

19 The secretary shall establish standards and procedures for  
20 approval of the following:

21 (1) Educational programs and alternate training, which must  
22 consider credit for experience obtained through work in a state-run  
23 facility or state-run treatment or education program in Washington or  
24 in another state or territory of the United States;

25 (2) Examination procedures;

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

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

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

1 services, and continue to maintain professional involvement in the  
2 field;

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

6 (4) Application method and forms;

7 (5) Requirements for renewals of certificates;

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

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

14 (8) In construing the requirements of this section, the applicant  
15 may sign attestation forms under penalty of perjury indicating that  
16 the applicant has participated in the required training and that the  
17 applicant is able to substantiate the applicant's claim to have met  
18 the requirements for hours of training if such substantiation is  
19 requested. Substantiation may include letters of recommendation from  
20 experts in the field with personal knowledge of the applicant's  
21 qualifications and experience to treat sex offenders in the  
22 community.

23 (9) Employees of a state-run facility or state-run treatment or  
24 education program do not need to be licensed as a certified affiliate  
25 sex offender treatment provider to obtain the necessary experience  
26 requirements upon demonstrating proof of supervision by a qualified  
27 supervisor.

28 NEW SECTION. Sec. 5. A new section is added to chapter 18.155  
29 RCW to read as follows:

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

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

36 (a) One superior court judge;

37 (b) Three sex offender treatment providers, including at least  
38 one representative of the Washington association for the treatment of  
39 sexual abusers;

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

3 (d) One defense attorney with experience in representing persons  
4 charged with sexual offenses;

5 (e) One representative from the Washington association of  
6 prosecuting attorneys;

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

9 (g) The secretary of the department of corrections or the  
10 secretary's designee; and

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

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

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

22 (5) The advisory committee shall provide advice to the secretary  
23 concerning:

24 (a) Certification procedures under this chapter and their  
25 implementation;

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

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

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

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

1 (7) The advisory committee shall elect officers as deemed  
2 necessary to administer its duties. A simple majority of the advisory  
3 committee members currently serving shall constitute a quorum of the  
4 advisory committee.

5 (8) Members of the advisory committee shall be residents of the  
6 state of Washington.

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

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

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

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

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

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

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