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**SUBSTITUTE HOUSE BILL 1645**

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**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** House Health & Human Services Appropriations & Oversight  
(originally sponsored by Representatives Green, Hinkle, Goodman, Cody,  
and Kenney)

READ FIRST TIME 02/23/11.

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 section to chapter 70.96A RCW; adding a  
6 new chapter to Title 70 RCW; creating new sections; providing effective  
7 dates; providing an expiration date; and prescribing penalties.

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

9            NEW SECTION.    **Sec. 1.**    It is the intent of the legislature to  
10 reduce costs and promote efficiency in state government regulation of  
11 chemical dependency treatment facilities and programs.    Chemical  
12 dependency treatment facility and program licensure and regulation  
13 should be consolidated into a single state agency and national  
14 accreditation standards for chemical dependency programs should be used  
15 in state licensure and certification programs to the maximum extent  
16 possible.

17           NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
18 throughout this chapter unless the context clearly requires otherwise.

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

4 (2) "Chemical dependency" means:

5 (a) Alcoholism;

6 (b) Drug addiction; or

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

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

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

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

14 NEW SECTION. **Sec. 3.** The secretary shall:

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

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

17 (b) Submits:

18 (i) A completed application that demonstrates the ability to comply  
19 with the standards established for operating and maintaining a  
20 treatment program in statute and rule; or

21 (ii) Proof of accreditation by the joint commission on  
22 accreditation of health care organizations, the commission on  
23 accreditation of rehabilitation facilities, the council on  
24 accreditation for alcohol and drug abuse prevention programs, or any  
25 other organization that the department has determined to have  
26 substantially equivalent standards to those of the department; and

27 (c) Successfully completes the inspection requirements established  
28 in section 4 of this act;

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

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

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

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

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

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

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

13 NEW SECTION. **Sec. 4.** (1)(a) The department shall inspect  
14 applicants for an initial certification and inspect approved public and  
15 private treatment programs according to an established schedule.

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

19 (2) The department may deem a public or private treatment program  
20 to have met the inspection standards of this section if it submits  
21 proof of accreditation by an organization referenced in section  
22 3(1)(b)(ii) of this act.

23 (3) Treatment programs shall make the written reports of  
24 inspections or surveys conducted by an approved accrediting  
25 organization available to the department inspectors during any  
26 department inspection, upon request.

27 (4) Nothing in this section prohibits the department from  
28 conducting an inspection at any time in the course of investigating a  
29 complaint or other information which indicates potential failure of a  
30 program to comply with the requirements of this chapter or the  
31 standards or rules adopted under this chapter.

32 NEW SECTION. **Sec. 5.** (1) The secretary may deny, suspend, or  
33 revoke the certification of any treatment program in any case in which  
34 he or she finds the applicant or certified entity knowingly made a  
35 false statement of material fact in the application for the

1 certification or any supporting data in any record required by this  
2 chapter or matter under investigation by the department.

3 (2) The secretary shall investigate complaints concerning operation  
4 of a treatment program without a certification. The secretary may  
5 issue a notice of intention to issue a cease and desist order to any  
6 person whom the secretary has reason to believe is engaged in the  
7 uncertified operation of a treatment program. If the secretary makes  
8 a written finding of fact that the public interest will be irreparably  
9 harmed by delay in issuing an order, the secretary may issue a  
10 temporary cease and desist order. The person receiving a temporary  
11 cease and desist order must be provided an opportunity for a prompt  
12 hearing. The temporary cease and desist order remains in effect until  
13 further order of the secretary. Any person operating a treatment  
14 program under this chapter without a certification is guilty of a  
15 misdemeanor, and each day of operation of an uncertified treatment  
16 program constitutes a separate offense.

17 (3) The secretary is authorized to deny, suspend, revoke, or modify  
18 a certification or provisional certification in any case in which it  
19 finds that there has been a failure or refusal to comply with the  
20 requirements of this chapter or the standards or rules adopted under  
21 this chapter. RCW 43.70.115 governs notice of a certification denial,  
22 revocation, suspension, or modification and provides the right to an  
23 adjudicative proceeding.

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

27 NEW SECTION. **Sec. 6.** (1) No person or governmental unit of the  
28 state of Washington, acting separately or jointly with any other person  
29 or governmental unit may establish, maintain, or operate a treatment  
30 program or advertise or represent itself as an approved treatment  
31 program in this state without a certification issued by the department  
32 under this chapter.

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

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

4 NEW SECTION. **Sec. 7.** (1) Certification as an approved treatment  
5 program is effective for one calendar year from the date of issuance of  
6 the certificate. The certification must specify the types of services  
7 provided by the approved treatment program that meet the standards  
8 adopted under this chapter. Renewal of certification must be made in  
9 accordance with this chapter for initial approval and in accordance  
10 with the standards set forth in rules adopted by the secretary.

11 (2) Approved treatment programs may not provide chemical dependency  
12 treatment services for which the approved treatment program has not  
13 been certified. Approved treatment programs may provide services for  
14 which approval has been sought and is pending, if approval for the  
15 services has not been previously revoked or denied.

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

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

20 For the purposes of this chapter the following words and phrases  
21 shall have the following meanings unless the context clearly requires  
22 otherwise:

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

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

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

35 (4) "Chemical dependency" means:

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

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

7 (6) "Department" means the department of social and health  
8 services.

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

14 (8) "Director" means the person administering the chemical  
15 dependency program within the department.

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

18 (10) "Drug addiction" means a disease characterized by a dependency  
19 on psychoactive chemicals, loss of control over the amount and  
20 circumstances of use, symptoms of tolerance, physiological or  
21 psychological withdrawal, or both, if use is reduced or discontinued,  
22 and impairment of health or disruption of social or economic  
23 functioning.

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

26 (12) "Gravely disabled by alcohol or other psychoactive chemicals"  
27 or "gravely disabled" means that a person, as a result of the use of  
28 alcohol or other psychoactive chemicals: (a) Is in danger of serious  
29 physical harm resulting from a failure to provide for his or her  
30 essential human needs of health or safety; or (b) manifests severe  
31 deterioration in routine functioning evidenced by a repeated and  
32 escalating loss of cognition or volitional control over his or her  
33 actions and is not receiving care as essential for his or her health or  
34 safety.

35 (13) "History of one or more violent acts" refers to the period of  
36 time ten years prior to the filing of a petition under this chapter,  
37 excluding any time spent, but not any violent acts committed, in a

1 mental health facility, or a long-term alcoholism or drug treatment  
2 facility, or in confinement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 For the purposes of this chapter the following words and phrases  
30 shall have the following meanings unless the context clearly requires  
31 otherwise:

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

34 (2) "Alcoholism" means a disease, characterized by a dependency on  
35 alcoholic beverages, loss of control over the amount and circumstances  
36 of use, symptoms of tolerance, physiological or psychological



1 withdrawal, or both, if use is reduced or discontinued, and impairment  
2 of health or disruption of social or economic functioning.

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

8 (4) "Chemical dependency" means:

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

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

15 (6) "Department" means the department of social and health  
16 services.

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

22 (8) "Director" means the person administering the chemical  
23 dependency program within the department.

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

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

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

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

1 deterioration in routine functioning evidenced by a repeated and  
2 escalating loss of cognition or volitional control over his or her  
3 actions and is not receiving care as essential for his or her health or  
4 safety.

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

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

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

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

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

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

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

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

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

37 (a) Diagnose, arrest, or alleviate a chemical dependency; or (b)  
38 prevent the worsening of chemical dependency conditions that endanger

1 life or cause suffering and pain, or result in illness or infirmity or  
2 threaten to cause or aggravate a handicap, or cause physical deformity  
3 or malfunction, and there is no adequate less restrictive alternative  
4 available.

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

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

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

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

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

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

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

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

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

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

36 (1) As of July 1, 2012, the department shall no longer issue new or

1 renewal certifications to treatment programs. This section only  
2 applies to those approved treatment programs that the department had  
3 certified prior to July 1, 2012.

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

11 ((+2)) (3) The department may suspend, revoke, limit, restrict, or  
12 modify an approval, or refuse to grant approval, for failure to meet  
13 the provisions of this chapter, or the standards adopted under this  
14 chapter. RCW 43.20A.205 governs notice of a license denial,  
15 revocation, suspension, or modification and provides the right to an  
16 adjudicative proceeding.

17 ((+3)) (4) No treatment program may advertise or represent itself  
18 as an approved treatment program if approval has not been granted, has  
19 been denied, suspended, revoked, or canceled.

20 ((+4)) (5) Certification as an approved treatment program is  
21 effective for one calendar year from the date of issuance of the  
22 certificate. The certification shall specify the types of services  
23 provided by the approved treatment program that meet the standards  
24 adopted under this chapter. ~~((Renewal of certification shall be made  
25 in accordance with this section for initial approval and in accordance  
26 with the standards set forth in rules adopted by the secretary.~~

27 (+5)) (6) Approved treatment programs shall not provide alcoholism  
28 or other drug addiction treatment services for which the approved  
29 treatment program has not been certified. Approved treatment programs  
30 may provide services for which approval has been sought and is pending,  
31 if approval for the services has not been previously revoked or denied.

32 ((+6)) (7) The department periodically shall inspect approved  
33 public and private treatment programs at reasonable times and in a  
34 reasonable manner.

35 ((+7)) (8) The department shall maintain and periodically publish  
36 a current list of approved treatment programs.

37 ~~((+8) Each approved treatment program shall file with the  
38 department on request, data, statistics, schedules, and information the~~

1 department reasonably requires. An approved treatment program that  
2 without good cause fails to furnish any data, statistics, schedules, or  
3 information as requested, or files fraudulent returns thereof, may be  
4 removed from the list of approved treatment programs, and its  
5 certification revoked or suspended.

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

15 ~~(10))~~ (9) Upon petition of the department and after a hearing held  
16 upon reasonable notice to the facility, the superior court may issue a  
17 warrant to an officer or employee of the department authorizing him or  
18 her to enter and inspect at reasonable times, and examine the books and  
19 accounts of, any approved public or private treatment program refusing  
20 to consent to inspection or examination by the department or which the  
21 department has reasonable cause to believe is operating in violation of  
22 this chapter.

23 ~~((11))~~ (10)(a) All approved opiate substitution treatment  
24 programs that provide services to women who are pregnant are required  
25 to disseminate up-to-date and accurate health education information to  
26 all their pregnant clients concerning the possible addiction and health  
27 risks that their opiate substitution treatment may have on their baby.  
28 All pregnant clients must also be advised of the risks to both them and  
29 their baby associated with not remaining on the opiate substitute  
30 program. The information must be provided to these clients both  
31 verbally and in writing. The health education information provided to  
32 the pregnant clients must include referral options for the addicted  
33 baby.

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

1 subsection within the appropriations provided for opiate treatment  
2 programs. The department, working with treatment providers and medical  
3 experts, shall develop and disseminate the educational materials to all  
4 certified opiate treatment programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

10        NEW SECTION.    **Sec. 13.** A new section is added to chapter 70.96A  
11        RCW to read as follows:

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

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

28        **Sec. 14.** RCW 70.96A.095 and 1998 c 296 s 23 are each amended to  
29        read as follows:

30        Any person thirteen years of age or older may give consent for  
31        himself or herself to the furnishing of outpatient treatment by ~~((a))~~  
32        an approved chemical dependency treatment program ~~((certified by the~~  
33        ~~department))~~. Parental authorization is required for any treatment of  
34        a minor under the age of thirteen.



1           **Sec. 15.** RCW 70.96A.240 and 1998 c 296 s 26 are each amended to  
2 read as follows:

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

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

11           **Sec. 16.** RCW 70.96A.245 and 1998 c 296 s 27 are each amended to  
12 read as follows:

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

18           (2) The consent of the minor is not required for admission,  
19 evaluation, and treatment if the parent brings the minor to the  
20 program.

21           (3) An appropriately trained professional person may evaluate  
22 whether the minor is chemically dependent. The evaluation shall be  
23 completed within twenty-four hours of the time the minor was brought to  
24 the program, unless the professional person determines that the  
25 condition of the minor necessitates additional time for evaluation. In  
26 no event shall a minor be held longer than seventy-two hours for  
27 evaluation. If, in the judgment of the professional person, it is  
28 determined it is a medical necessity for the minor to receive inpatient  
29 treatment, the minor may be held for treatment. The facility shall  
30 limit treatment to that which the professional person determines is  
31 medically necessary to stabilize the minor's condition until the  
32 evaluation has been completed. Within twenty-four hours of completion  
33 of the evaluation, the professional person shall notify the department  
34 if the child is held for treatment and of the date of admission.

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

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

3 NEW SECTION. **Sec. 17.** (1) All powers, duties, and functions of  
4 the department of social and health services pertaining to  
5 certification of chemical dependency treatment programs are transferred  
6 to the department of health. All references to the secretary or the  
7 department of social and health services in the Revised Code of  
8 Washington shall be construed to mean the secretary or the department  
9 of health when referring to the functions transferred in this section.

10 (2)(a) All reports, documents, surveys, books, records, files,  
11 papers, or written material in the possession of the department of  
12 social and health services pertaining to the powers, functions, and  
13 duties transferred shall be delivered to the custody of the department  
14 of health. All cabinets, furniture, office equipment, motor vehicles,  
15 and other tangible property employed by the department of social and  
16 health services in carrying out the powers, functions, and duties  
17 transferred shall be made available to the department of health. All  
18 funds, credits, or other assets held in connection with the powers,  
19 functions, and duties transferred shall be assigned to the department  
20 of health.

21 (b) Any appropriations made to the department of social and health  
22 services for carrying out the powers, functions, and duties transferred  
23 shall, on the effective date of this section, be transferred and  
24 credited to the department of health.

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

31 (3) All employees of the department of social and health services  
32 engaged in performing the powers, functions, and duties transferred are  
33 transferred to the jurisdiction of the department of health. All  
34 employees classified under chapter 41.06 RCW, the state civil service  
35 law, are assigned to the department of health to perform their usual  
36 duties upon the same terms as formerly, without any loss of rights,

1 subject to any action that may be appropriate thereafter in accordance  
2 with the laws and rules governing state civil service.

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

8 (5) The transfer of the powers, duties, functions, and personnel of  
9 the department of social and health services shall not affect the  
10 validity of any act performed before the effective date of this  
11 section.

12 (6) If apportionments of budgeted funds are required because of the  
13 transfers directed by this section, the director of financial  
14 management shall certify the apportionments to the agencies affected,  
15 the state auditor, and the state treasurer. Each of these shall make  
16 the appropriate transfer and adjustments in funds and appropriation  
17 accounts and equipment records in accordance with the certification.

18 (7) All classified employees of the department of social and health  
19 services assigned to the certification of chemical dependency treatment  
20 programs under this section whose positions are within an existing  
21 bargaining unit description at the certification of chemical dependency  
22 treatment programs shall become a part of the existing bargaining unit  
23 at the certification of chemical dependency treatment programs and  
24 shall be considered an appropriate inclusion or modification of the  
25 existing bargaining unit under the provisions of chapter 41.80 RCW.

26 NEW SECTION. **Sec. 18.** Sections 1 through 9, 11, and 13 through 17  
27 of this act take effect July 1, 2012.

28 NEW SECTION. **Sec. 19.** Sections 9 and 11 of this act expire July  
29 1, 2013.

30 NEW SECTION. **Sec. 20.** Sections 10 and 12 of this act take effect  
31 July 1, 2013.

32 NEW SECTION. **Sec. 21.** The secretary of health may take the

1 necessary steps to ensure that this act is implemented on its effective  
2 date.

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