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**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.)

AN ACT Relating to increasing the availability of certified sex offender treatment providers; amending RCW 18.155.020, 18.155.030, 18.155.075, and 18.155.080; adding a new section to chapter 18.155 RCW; and decodifying RCW 18.155.900, 18.155.901, and 18.155.902.

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

**Sec.**  RCW 18.155.020 and 2004 c 38 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Certified sex offender treatment provider" means ((~~a licensed, certified, or registered health professional~~)) an individual licensed as a psychologist, psychiatrist, mental health counselor, marriage and family therapist, or social worker who is certified to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW.

(2) "Certified affiliate sex offender treatment provider" means ((~~a licensed, certified, or registered health professional~~)) an individual licensed as a psychologist, psychiatrist, mental health counselor, marriage and family therapist, or social worker who is certified as an affiliate to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW under the supervision of a ((~~certified sex offender treatment provider~~)) qualified supervisor.

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

(4) "Qualified supervisor" means a person who meets the requirements for certification as a sex offender treatment provider whether or not the person is currently certified, or a person who at the time supervision is provided meets a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or at least two years of full-time work in a state-run facility or state-run treatment or education program providing direct sex offender specific treatment and assessment services, and who continues to maintain professional involvement in the field. A qualified supervisor not credentialed by the department as a sex offender treatment provider must sign and submit to the department an attestation form provided by the department stating under penalty of perjury that the qualified supervisor has met education, training, or experience requirements and that the qualified supervisor is able to substantiate the qualified supervisor's claim to have met the requirements for education, training, or experience. A qualified supervisor may be determined retroactively without time limits if the individual has maintained continuous involvement in the field. The department shall not be compelled to require all persons who provide this attestation to provide complete documentation of these requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Educational programs and alternate training, which must consider credit for experience obtained through work in institutional settings in Washington or in another state or territory of the United States;

(2) Examination procedures;

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

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

(ii) They meet a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment or education program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

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

(4) Application method and forms;

(5) Requirements for renewals of certificates;

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

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

(8) In construing the requirements of this section, the applicant must not in all cases be required to submit complete documentation of the applicant's training, but may instead sign attestation forms under penalty of perjury indicating that the applicant has participated in the required training and that the applicant is able to substantiate the applicant's claim to have met the requirements for hours of training if such substantiation is requested. Substantiation may include letters of recommendation from experts in the field with personal knowledge of the applicant's qualifications and experience to treat sex offenders in the community.

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

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

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

(a) One superior court judge;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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