**5476.E AMH DAVI H1630.1 - NOT FOR FLOOR USE**

**ESB 5476** - H AMD TO APP COMM AMD (H-1622.1/21) **765**

By Representative Davis

**ADOPTED 04/24/2021**

On page 1, beginning on line 3, strike all of section 1 and insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority, in collaboration with the substance use recovery services advisory committee established in subsection (2) of this section, shall establish a substance use recovery services plan. The purpose of the plan is to implement measures to assist persons with substance use disorder in accessing outreach, treatment, and recovery support services that are low barrier, person centered, informed by people with lived experience, and culturally and linguistically appropriate. The plan must articulate the manner in which continual, rapid, and widespread access to a comprehensive continuum of care will be provided to all persons with substance use disorder.

(2)(a) The authority shall establish the substance use recovery services advisory committee to collaborate with the authority in the development and implementation of the substance use recovery services plan under this section. The authority must appoint members to the advisory committee who have relevant background related to the needs of persons with substance use disorder. The advisory committee shall be reflective of the community of individuals living with substance use disorder, including persons who are Black, indigenous, and persons of color, persons with co-occurring substance use disorders and mental health conditions, as well as persons who represent the unique needs of rural communities. The advisory committee shall be convened and chaired by the director of the authority, or the director's designee. In addition to the member from the authority, the advisory committee shall include:

(i) One member and one alternate from each of the two largest caucuses of the house of representatives, as appointed by the speaker of the house of representatives;

(ii) One member and one alternate from each of the two largest caucuses of the senate, as appointed by the president of the senate;

(iii) One representative of the governor's office;

(iv) At least one adult in recovery from substance use disorder who has experienced criminal legal consequences as a result of substance use;

(v) At least one youth in recovery from substance use disorder who has experienced criminal legal consequences as a result of substance use;

(vi) One expert from the addictions, drug, and alcohol institute at the University of Washington;

(vii) One outreach services provider;

(viii) One substance use disorder treatment provider;

(ix) One peer recovery services provider;

(x) One recovery housing provider;

(xi) One expert in serving persons with co-occurring substance use disorders and mental health conditions;

(xii) One expert in antiracism and equity in health care delivery systems;

(xiii) One employee who provides substance use disorder treatment or services as a member of a labor union representing workers in the behavioral health field;

(xiv) One representative of the association of Washington health plans;

(xv) One expert in diversion from the criminal legal system to community-based care for persons with substance use disorder;

(xvi) One representative of public defenders;

(xvii) One representative of prosecutors;

(xviii) One representative of sheriffs and police chiefs;

(xix) One representative of a federally recognized tribe; and

(xx) One representative of local governments.

(b) The advisory committee may create subcommittees with expanded participation.

(c) In its collaboration with the advisory committee to develop the substance use recovery services plan, the authority must give due consideration to the recommendations of the advisory committee. If the authority determines that any of the advisory committee's recommendations are not feasible to adopt and implement, the authority must notify the advisory committee and offer an explanation.

(d) The advisory committee must convene as necessary for the development of the substance use recovery services plan and to provide consultation and advice related to the development and adoption of rules to implement the plan. The advisory committee must convene to monitor implementation of the plan and advise the authority.

(3) The plan must consider:

(a) The points of intersection that persons with substance use disorder have with the health care, behavioral health, criminal, civil legal, and child welfare systems as well as the various locations in which persons with untreated substance use disorder congregate, including homeless encampments, motels, and casinos;

(b) New community-based care access points, including crisis stabilization services and the safe station model in partnership with fire departments;

(c) Current regional capacity for substance use disorder assessments, including capacity for persons with co-occurring substance use disorders and mental health conditions, each of the American society of addiction medicine levels of care, and recovery support services;

(d) Barriers to accessing the existing behavioral health system and recovery support services for persons with untreated substance use disorder, especially indigent youth and adult populations, persons with co-occurring substance use disorders and mental health conditions, and populations chronically exposed to criminal legal system responses, and possible innovations that could improve the quality and accessibility of care for those populations;

(e) Evidence-based, research-based, and promising treatment and recovery services appropriate for target populations, including persons with co-occurring substance use disorders and mental health conditions;

(f) Options for leveraging existing integrated managed care, medicaid waiver, American Indian or Alaska Native fee-for-service behavioral health benefits, and private insurance service capacity for substance use disorders, including but not limited to coordination with managed care organizations, behavioral health administrative services organizations, the Washington health benefit exchange, accountable communities of health, and the office of the insurance commissioner;

(g) Framework and design assistance for jurisdictions to assist in compliance with the requirements of RCW 10.31.110 for diversion of individuals with complex or co-occurring behavioral health conditions to community-based care whenever possible and appropriate, and identifying resource gaps that impede jurisdictions in fully realizing the potential impact of this approach;

(h) The design of recovery navigator programs in section 2 of this act, including reporting requirements by behavioral health administrative services organizations to monitor the effectiveness of the programs and recommendations for program improvement;

(i) The proposal of a funding framework in which, over time, resources are shifted from punishment sectors to community-based care interventions such that community-based care becomes the primary strategy for addressing and resolving public order issues related to behavioral health conditions;

(j) Strategic grant making to community organizations to promote public understanding and eradicate stigma and prejudice against persons with substance use disorder by promoting hope, empathy, and recovery;

(k) Recommendations for diversion to community-based care for individuals with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, across all points of the sequential intercept model;

(l) Recommendations regarding the appropriate criminal legal system response, if any, to possession of controlled substances;

(m) Recommendations regarding the collection and reporting of data that identifies the number of persons law enforcement officers and prosecutors engage related to drug possession and disparities across geographic areas, race, ethnicity, gender, age, sexual orientation, and income. The recommendations shall include, but not be limited to, the number and rate of persons who are diverted from charges to recovery navigator services or other services, who receive services and what type of services, who are charged with simple possession, and who are taken into custody; and

(n) The design of a mechanism for referring persons with substance use disorder or problematic behaviors resulting from substance use into the supportive services described in section 2 of this act.

(4) The plan and related rules adopted by the authority must give due consideration to persons with co-occurring substance use disorders and mental health conditions and the needs of youth. The plan must include the substance use outreach, treatment, and recovery services outlined in sections 2 through 4 of this act which must be available in or accessible by all jurisdictions. These services must be equitably distributed across urban and rural settings. If feasible and appropriate, service initiation shall be made available on demand through 24-hour, seven days a week peer recovery coach response, behavioral health walk-in centers, or other innovative rapid response models. These services must, at a minimum, incorporate the following principles: Establish low barriers to entry and reentry; improve the health and safety of the individual; reduce the harm of substance use and related activity for the public; include integrated and coordinated services; incorporate structural competency and antiracism; use noncoercive methods of engaging and retaining people in treatment and recovery services, including contingency management; consider the unique needs of rural communities; and have a focus on services that increase social determinants of health.

(5) In developing the plan, the authority shall:

(a) Align the components of the plan with previous and ongoing studies, plans, and reports, including the Washington state opioid overdose and response plan, published by the authority, the roadmap to recovery planning grant strategy being developed by the authority, and plans associated with federal block grants; and

(b) Coordinate its work with the efforts of the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems and the crisis response improvement strategy committee established in chapter . . ., Laws of 2021 (Engrossed Second Substitute House Bill No. 1477).

(6) The authority must submit a preliminary report by December 1, 2021, regarding progress toward the substance use recovery services plan. The authority must submit the final substance use recovery services plan to the governor and the legislature by December 1, 2022. After submitting the plan, the authority shall adopt rules and enter into contracts with providers to implement the plan by December 1, 2023. In addition to seeking public comment under chapter 34.05 RCW, the authority must adopt rules in accordance with the recommendations of the substance use recovery services advisory committee as provided in subsection (2) of this section.

(7) In consultation with the substance use recovery services advisory committee, the authority must submit a report on the implementation of the substance use recovery services plan to the appropriate committees of the legislature and governor by December 1st of each year, beginning in 2023. This report shall include progress on the substance use disorder continuum of care, including availability of outreach, treatment, and recovery support services statewide.

(8) For the purposes of this section, "recovery support services" means a collection of resources that sustain long-term recovery from substance use disorder, including for persons with co-occurring substance use disorders and mental health conditions, recovery housing, permanent supportive housing, employment and education pathways, peer supports and recovery coaching, family education, technological recovery supports, transportation and child care assistance, and social connectedness.

(9) This section expires December 31, 2026."

On page 5, line 20, after "disorder" insert ", including for persons with co-occurring substance use disorders and mental health conditions,"

On page 5, at the beginning of line 35, strike "disorder" and insert "disorders, including persons with co-occurring substance use disorders and mental health conditions,"

On page 5, line 38, after "behalf of" strike "an individual with substance use disorder" and insert "persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions,"

On page 6, line 2, after "homeless" insert "persons, including those living unsheltered or in"

On page 7, line 23, after "Opioid" insert "use disorder"

On page 8, beginning on line 11, after "January 1," strike all material through "2022" on line 12 and insert "2023, and begin distributing grant funds by March 1, 2023"

On page 8, line 24, after "use" strike "disorder" and insert "disorders, including individuals with co-occurring substance use disorders and mental health conditions,"

On page 8, line 29, after "placement" insert ", including evidence-based supported employment program services"

On page 9, line 3, after "use" strike "disorder" and insert "disorders, including individuals with co-occurring substance use disorders and mental health conditions"

On page 9, line 7, after "regional" strike "access standards" and insert "expanded recovery plans"

On page 9, beginning on line 12, after "January 1," strike all material through "2022" on line 13 and insert "2023, and begin distributing grant funds by March 1, 2023"

On page 10, beginning on line 6, after "January 1," strike all material through "2022" on line 7 and insert "2024, and begin distributing grant funds by March 1, 2024"

On page 10, beginning on line 35, after "January 1," strike all material through "2022" on line 36 and insert "2024, and begin distributing grant funds by March 1, 2024"

On page 11, beginning on line 4, after "January 1," strike "2022" and insert "2024"

On page 11, line 23, after "to" strike "suffer from" and insert "((~~suffer from~~)) have"

EFFECT: Specifies the membership of the Substance Use Recovery Services Advisory Committee (Advisory Committee) to include the Director of the Health Care Authority (Authority), or the Director's designee, to serve as chair and to convene the committee; four legislators; at least one adult and one youth in recovery from substance use disorder who has experienced criminal legal consequences due to substance use; one expert from the Addictions, Drug, and Alcohol Institute at the University of Washington; one outreach services provider; one substance use disorder treatment provider; one peer recovery services provider; one recovery housing provider; one expert in serving persons with co-occurring substance use disorders and mental health conditions; one expert in antiracism and equity in health care delivery systems; one employee who provides substance use disorder treatment or services as a member of a labor union representing workers in the behavioral health field; one representative of the Association of Washington Health Plans; one expert in diversion from the criminal legal system to community-based care for persons with substance use disorder; one representative of public defenders; one representative of prosecutors; one representative of sheriffs and police chiefs; one representative of a federally recognized tribe; and one representative of local governments. Requires Advisory Committee members to be reflective of the community of persons living with substance use disorders. Removes the requirement that the Authority, when making appointments, consult with the University of Washington Department of Psychiatry and Behavioral Sciences and an organization that represents the interests of people who have been directly impacted by substance use and the criminal legal system. Authorizes the Advisory Committee to create subcommittees.

Eliminates items of the Substance Use Recovery Services Plan (Plan) related to: The manner in which persons with substance use disorder access the behavioral health system; workforce needs for the behavioral health services sector; the design of research regarding the types of services desired by people with substance use disorders; and innovative mechanisms for outreach and engagement to persons in active substance use disorder. Adds items to the Plan related to: Recommendations regarding the appropriate criminal legal system response, if any, to possession of controlled substances, recommendations regarding the collection and reporting of data that identifies the number of persons law enforcement officers and prosecutors engage related to drug possession and disparities, and the design of a mechanism for referring persons with substance use disorder or problematic behaviors resulting from substance use into the supportive services.

Requires that the Authority submit a preliminary report by December 1, 2021, and extends the submission of the final Plan from December 1, 2021, until December 1, 2022. Extends the date by which the Authority must adopt rules and enter into contracts to implement the Plan from December 1, 2022, until December 1, 2023.

Adds references to persons with co-occurring substance use disorders and mental health conditions to the scope of the Plan and several Plan topics, to the persons served by the Recovery Navigator Program, and to the Expanded Recovery Support Services Program.

Extends the establishment of the grant program for behavioral health treatment services not covered by medical assistance and for those not eligible for medical assistance and the Expanded Recovery Support Services program from January 1, 2022, until January 1, 2023.

Extends the establishment of the Homeless Outreach Stabilization Transition programs and the Project for Psychiatric Outreach to the Homeless programs from January 1, 2022, until January 1, 2024, and the distribution of funds from March 1, 2022, until March 1, 2024.

Extends the completion of a plan for implementing a comprehensive statewide substance misuse prevention effort from January 1, 2022, until January 1, 2024.