AN ACT Relating to methadone treatment; and amending RCW 70.96A.400, 70.96A.410, and 70.96A.420.

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

Sec. 1. RCW 70.96A.400 and 1989 c 270 s 20 are each amended to read as follows:

The state of Washington declares that there is no fundamental right to ((methadone)) opiate substitution treatment. The state of Washington further declares that while methadone ((is an)) and other like pharmacological drugs, used in the treatment of opiate dependency are addictive substances, that ((it)) they nevertheless ((has)) have several legal, important, and justified uses and that one of ((its)) their appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the treatment of persons addicted to or habituated to opioids.

Because methadone ((is)) and other like pharmacological drugs, used in the treatment of opiate dependency are addictive and ((is)) are listed as a schedule II controlled substance in chapter 69.50 RCW, the state of Washington and authorizing counties on behalf of their citizens have the legal obligation and right to regulate the use of...
opiate substitution treatment. The state of Washington declares its authority to control and regulate carefully, in cooperation with the authorizing counties, all clinical uses of methadone and other pharmacological drugs used in the treatment of opiate addiction.

Further, the state declares that the primary goal of opiate substitution treatment is total abstinence from chemical dependency for the individuals who participate in the treatment program. The state recognizes that a small percentage of persons who participate in opiate substitute treatment programs require treatment for an extended period of time. Opiate substitution treatment programs shall provide a comprehensive transition program to eliminate chemical dependency; including opiate and opiate substitute addiction of program participants.

Sec. 2. RCW 70.96A.410 and 1989 c 270 s 21 are each amended to read as follows:

(1) A county legislative authority may prohibit opiate substitution treatment in that county. The department shall not certify an opiate substitution treatment program in a county where the county legislative authority has prohibited opiate substitution treatment. If a county legislative authority authorizes opiate substitution treatment programs, it shall limit by ordinance the number of opiate substitution treatment programs operating in that county by limiting the number of licenses granted in that county. If a county has authorized opiate substitution treatment programs in that county, it shall only license opiate substitution treatment programs that comply with the department’s operating and treatment standards under this section and RCW 70.96A.420. A county that authorizes opiate substitution treatment may operate the programs directly or through a local health department or health district or it may authorize certified opiate substitution treatment programs that the county licenses to provide the services within the county. Counties shall monitor opiate substitution treatment programs for compliance with the department’s operating and treatment regulations under this section and RCW 70.96A.420.
(2) A county that authorizes opiate substitution treatment programs shall develop and enact by ordinance licensing standards, consistent with this chapter and the operating and treatment standards adopted under this chapter, that govern the application for, issuance of, renewal of, and revocation of the licenses. Certified programs existing before May 18, 1987, applying for renewal of licensure in subsequent years, that maintain certification and meet all other requirements for licensure, shall be given preference.

(3) In certifying programs, the department shall not discriminate against an opiate substitution treatment program on the basis of its corporate structure. In licensing programs, the county shall not discriminate against an opiate substitution treatment program on the basis of its corporate structure.

(4) A program applying for certification from the department and a program applying for a contract from a state agency that has been denied the certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial. A program applying for a license or a contract from a county that has been denied the license or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(5) A license is effective for one calendar year from the date of issuance. The license shall be renewed in accordance with the provisions of this section for initial approval; the goals for treatment programs under RCW 70.96A.400; the standards set forth in RCW 70.96A.420; and the rules adopted by the secretary.

(6) For the purpose of this chapter, opiate substitution treatment means dispensing an opiate substitution drug approved by the Federal Drug Administration for the treatment of opiate addiction and providing a comprehensive range of medical and rehabilitative services.

Sec. 3. RCW 70.96A.420 and 1989 c 270 s 22 are each amended to read as follows:

(1) The department, in consultation with opiate substitution treatment service providers and counties authorizing opiate substitution treatment programs, shall establish state-wide treatment standards for opiate substitution treatment programs. The department and counties that authorize opiate substitution treatment programs shall enforce
these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter ((and the treatment standard authorized by this chapter)). A ((methadone)) opiate substitution treatment program shall not have a caseload in excess of three hundred fifty persons.

(2) The department, in consultation with ((methadone)) opiate substitution treatment programs and counties authorizing ((methadone)) opiate substitution treatment programs, shall establish state-wide operating standards for ((methadone)) opiate substitution treatment programs. The department and counties that authorize ((methadone)) opiate substitution treatment programs shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and authorizing counties to monitor certified and licensed ((methadone)) opiate substitution treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the ((methadone)) opiate substitution treatment programs upon the business and residential neighborhoods in which the program is located.

(3) The department shall establish criteria for evaluating the compliance of opiate substitute treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis. The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Before January 1 of each year, the department shall submit an annual report to the legislature, including the outcome analysis of each treatment program.

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