
SUBSTITUTE SENATE BILL 5031

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Winsley and Prentice; by request of Department of Social and Health Services)

Read first time 02/10/95.

1 AN ACT Relating to methadone treatment; and amending RCW
2 70.96A.400, 70.96A.410, and 70.96A.420.

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

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

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

15 Because methadone ~~((is))~~ and other like pharmacological drugs, used
16 in the treatment of opiate dependency are addictive and ~~((is))~~ are
17 listed as a schedule II controlled substance in chapter 69.50 RCW, the
18 state of Washington and authorizing counties on behalf of their
19 citizens have the legal obligation and right to regulate the use of

1 ((methadone)) opiate substitution treatment. The state of Washington
2 declares its authority to control and regulate carefully, in
3 cooperation with the authorizing counties, all clinical uses of
4 methadone and other pharmacological drugs used in the treatment of
5 ((opium)) opiate addiction.

6 Further, the state declares that the primary goal of ((methadone))
7 opiate substitution treatment is ((~~drug-free living~~)) total abstinence
8 from chemical dependency for the individuals who participate in the
9 treatment program. The state recognizes that a small percentage of
10 persons who participate in opiate substitute treatment programs require
11 treatment for an extended period of time. Opiate substitution
12 treatment programs shall provide a comprehensive transition program to
13 eliminate chemical dependency; including opiate and opiate substitute
14 addiction of program participants.

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

17 (1) A county legislative authority may prohibit ((methadone))
18 opiate substitution treatment in that county. The department shall not
19 certify ((~~a methadone~~)) an opiate substitution treatment program in a
20 county where the county legislative authority has prohibited
21 ((methadone)) opiate substitution treatment. If a county legislative
22 authority authorizes ((methadone)) opiate substitution treatment
23 programs, it shall limit by ordinance the number of ((methadone))
24 opiate substitution treatment programs operating in that county by
25 limiting the number of licenses granted in that county. If a county
26 has authorized ((methadone)) opiate substitution treatment programs in
27 that county, it shall only license ((methadone)) opiate substitution
28 treatment programs that comply with the department's operating and
29 treatment standards under this section and RCW 70.96A.420. A county
30 that authorizes ((methadone)) opiate substitution treatment may operate
31 the programs directly or through a local health department or health
32 district or it may authorize certified ((methadone)) opiate
33 substitution treatment programs that the county licenses to provide the
34 services within the county. Counties shall monitor ((methadone))
35 opiate substitution treatment programs for compliance with the
36 department's operating and treatment regulations under this section and
37 RCW 70.96A.420.

1 (2) A county that authorizes (~~methadone~~) opiate substitution
2 treatment programs shall develop and enact by ordinance licensing
3 standards, consistent with this chapter and the operating and treatment
4 standards adopted under this chapter, that govern the application for,
5 issuance of, renewal of, and revocation of the licenses. Certified
6 programs existing before May 18, 1987, applying for renewal of
7 licensure in subsequent years, that maintain certification and meet all
8 other requirements for licensure, shall be given preference.

9 (3) In certifying programs, the department shall not discriminate
10 against (~~a methadone~~) an opiate substitution treatment program on the
11 basis of its corporate structure. In licensing programs, the county
12 shall not discriminate against (~~a methadone~~) an opiate substitution
13 treatment program on the basis of its corporate structure.

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

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

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

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

33 (1) The department, in consultation with (~~methadone~~) opiate
34 substitution treatment service providers and counties authorizing
35 (~~methadone~~) opiate substitution treatment programs, shall establish
36 state-wide treatment standards for (~~methadone~~) opiate substitution
37 treatment programs. The department and counties that authorize
38 (~~methadone~~) opiate substitution treatment programs shall enforce

1 these treatment standards. The treatment standards shall include, but
2 not be limited to, reasonable provisions for all appropriate and
3 necessary medical procedures, counseling requirements, urinalysis, and
4 other suitable tests as needed to ensure compliance with this chapter
5 (~~and the treatment standard authorized by this chapter~~). A
6 (~~methadone~~) opiate substitution treatment program shall not have a
7 caseload in excess of three hundred fifty persons.

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

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

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