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SECOND SUBSTITUTE HOUSE BILL 1916

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State of Washington

64th Legislature

2015 Regular Session

By House Appropriations (originally sponsored by Representatives Cody and Harris)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to integrating administrative provisions for  
2 chemical dependency and mental health; amending RCW 71.24.035,  
3 70.96A.050, 71.24.037, 70.96A.090, 71.24.385, 70.96A.350, 70.96A.035,  
4 70.96C.010, 70.96A.037, 70.96A.047, 70.96A.055, 70.96A.087,  
5 70.96A.170, 70.96A.180, 70.96A.095, 70.96A.096, 70.96A.097,  
6 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.250, 70.96A.265,  
7 70.96A.400, 70.96A.800, 70.96A.905, 71.24.300, 71.24.350, 2.28.170,  
8 9.94A.660, 10.05.020, 10.05.030, 10.05.150, 46.61.5055, and  
9 46.61.5056; reenacting and amending RCW 71.24.025 and 70.96A.020;  
10 adding new sections to chapter 71.24 RCW; recodifying RCW 70.96A.035,  
11 70.96A.037, 70.96A.040, 70.96A.043, 70.96A.047, 70.96A.050,  
12 70.96A.055, 70.96A.080, 70.96A.085, 70.96A.090, 70.96A.095,  
13 70.96A.096, 70.96A.097, 70.96A.170, 70.96A.180, 70.96A.230,  
14 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.250, 70.96A.255,  
15 70.96A.260, 70.96A.265, 70.96A.350, 70.96A.400, 70.96A.410,  
16 70.96A.420, 70.96A.430, 70.96A.500, 70.96A.510, 70.96A.520,  
17 70.96A.800, 70.96A.905, and 70.96C.010; decodifying RCW 43.135.03901;  
18 repealing RCW 70.96A.030, 70.96A.045, 70.96A.060, 70.96A.150,  
19 70.96A.300, 70.96A.310, 70.96A.320, and 70.96A.325; and providing an  
20 effective date.

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

1       **Sec. 1.** RCW 71.24.025 and 2014 c 225 s 10 are each reenacted and  
2 amended to read as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "Acutely mentally ill" means a condition which is limited to  
6 a short-term severe crisis episode of:

7       (a) A mental disorder as defined in RCW 71.05.020 or, in the case  
8 of a child, as defined in RCW 71.34.020;

9       (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
10 case of a child, a gravely disabled minor as defined in RCW  
11 71.34.020; or

12       (c) Presenting a likelihood of serious harm as defined in RCW  
13 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

14       (2) "Available resources" means funds appropriated for the  
15 purpose of providing community mental health programs, federal funds,  
16 except those provided according to Title XIX of the Social Security  
17 Act, and state funds appropriated under this chapter or chapter 71.05  
18 RCW by the legislature during any biennium for the purpose of  
19 providing residential services, resource management services,  
20 community support services, and other mental health services. This  
21 does not include funds appropriated for the purpose of operating and  
22 administering the state psychiatric hospitals.

23       (3) "Behavioral health organization" means any county authority  
24 or group of county authorities or other entity recognized by the  
25 secretary in contract in a defined region.

26       (4) "Behavioral health services" means mental health services as  
27 described in this chapter and chapter 71.36 RCW and (~~chemical~~  
28 ~~dependency~~) substance use disorder treatment services as described  
29 in this chapter and chapter 70.96A RCW.

30       (5) "Child" means a person under the age of eighteen years.

31       (6) "Chronically mentally ill adult" or "adult who is chronically  
32 mentally ill" means an adult who has a mental disorder and meets at  
33 least one of the following criteria:

34       (a) Has undergone two or more episodes of hospital care for a  
35 mental disorder within the preceding two years; or

36       (b) Has experienced a continuous psychiatric hospitalization or  
37 residential treatment exceeding six months' duration within the  
38 preceding year; or

39       (c) Has been unable to engage in any substantial gainful activity  
40 by reason of any mental disorder which has lasted for a continuous

1 period of not less than twelve months. "Substantial gainful activity"  
2 shall be defined by the department by rule consistent with Public Law  
3 92-603, as amended.

4 (7) "Clubhouse" means a community-based program that provides  
5 rehabilitation services and is certified by the department of social  
6 and health services.

7 (~~(8)~~) (~~"Community mental health program" means all mental health~~  
8 ~~services, activities, or programs using available resources.~~

9 ~~(9)~~) "Community mental health service delivery system" means  
10 public, private, or tribal agencies that provide services  
11 specifically to persons with mental disorders as defined under RCW  
12 71.05.020 and receive funding from public sources.

13 (~~(10)~~) (9) "Community support services" means services  
14 authorized, planned, and coordinated through resource management  
15 services including, at a minimum, assessment, diagnosis, emergency  
16 crisis intervention available twenty-four hours, seven days a week,  
17 prescreening determinations for persons who are mentally ill being  
18 considered for placement in nursing homes as required by federal law,  
19 screening for patients being considered for admission to residential  
20 services, diagnosis and treatment for children who are acutely  
21 mentally ill or severely emotionally disturbed discovered under  
22 screening through the federal Title XIX early and periodic screening,  
23 diagnosis, and treatment program, investigation, legal, and other  
24 nonresidential services under chapter 71.05 RCW, case management  
25 services, psychiatric treatment including medication supervision,  
26 counseling, psychotherapy, assuring transfer of relevant patient  
27 information between service providers, recovery services, and other  
28 services determined by behavioral health organizations.

29 (~~(11)~~) (10) "Consensus-based" means a program or practice that  
30 has general support among treatment providers and experts, based on  
31 experience or professional literature, and may have anecdotal or case  
32 study support, or that is agreed but not possible to perform studies  
33 with random assignment and controlled groups.

34 (~~(12)~~) (11) "County authority" means the board of county  
35 commissioners, county council, or county executive having authority  
36 to establish a community mental health program, or two or more of the  
37 county authorities specified in this subsection which have entered  
38 into an agreement to provide a community mental health program.

39 (~~(13)~~) (12) "Department" means the department of social and  
40 health services.

1       (~~(14)~~) (13) "Designated mental health professional" means a  
2 mental health professional designated by the county or other  
3 authority authorized in rule to perform the duties specified in this  
4 chapter.

5       (~~(15)~~) (14) "Emerging best practice" or "promising practice"  
6 means a program or practice that, based on statistical analyses or a  
7 well established theory of change, shows potential for meeting the  
8 evidence-based or research-based criteria, which may include the use  
9 of a program that is evidence-based for outcomes other than those  
10 listed in subsection (~~(16)~~) (15) of this section.

11       (~~(16)~~) (15) "Evidence-based" means a program or practice that  
12 has been tested in heterogeneous or intended populations with  
13 multiple randomized, or statistically controlled evaluations, or  
14 both; or one large multiple site randomized, or statistically  
15 controlled evaluation, or both, where the weight of the evidence from  
16 a systemic review demonstrates sustained improvements in at least one  
17 outcome. "Evidence-based" also means a program or practice that can  
18 be implemented with a set of procedures to allow successful  
19 replication in Washington and, when possible, is determined to be  
20 cost-beneficial.

21       (~~(17)~~) (16) "Licensed service provider" means an entity  
22 licensed according to this chapter or chapter 71.05 or 70.96A RCW or  
23 an entity deemed to meet state minimum standards as a result of  
24 accreditation by a recognized behavioral health accrediting body  
25 recognized and having a current agreement with the department, or  
26 tribal attestation that meets state minimum standards, or persons  
27 licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it  
28 applies to registered nurses and advanced registered nurse  
29 practitioners.

30       (~~(18)~~) (17) "Long-term inpatient care" means inpatient services  
31 for persons committed for, or voluntarily receiving intensive  
32 treatment for, periods of ninety days or greater under chapter 71.05  
33 RCW. "Long-term inpatient care" as used in this chapter does not  
34 include: (a) Services for individuals committed under chapter 71.05  
35 RCW who are receiving services pursuant to a conditional release or a  
36 court-ordered less restrictive alternative to detention; or (b)  
37 services for individuals voluntarily receiving less restrictive  
38 alternative treatment on the grounds of the state hospital.

1       (~~(19)~~) (18) "Mental health services" means all services  
2 provided by behavioral health organizations and other services  
3 provided by the state for persons who are mentally ill.

4       (~~(20)~~) (19) "Mentally ill persons," "persons who are mentally  
5 ill," and "the mentally ill" mean persons and conditions defined in  
6 subsections (1), (6), (27), and (28)(~~(, and (29))~~) of this section.

7       (~~(21)~~) (20) "Recovery" means the process in which people are  
8 able to live, work, learn, and participate fully in their  
9 communities.

10       (~~(22)~~) (21) "Registration records" include all the records of  
11 the department, behavioral health organizations, treatment  
12 facilities, and other persons providing services to the department,  
13 county departments, or facilities which identify persons who are  
14 receiving or who at any time have received services for mental  
15 illness.

16       (~~(23)~~) (22) "Research-based" means a program or practice that  
17 has been tested with a single randomized, or statistically controlled  
18 evaluation, or both, demonstrating sustained desirable outcomes; or  
19 where the weight of the evidence from a systemic review supports  
20 sustained outcomes as described in subsection (~~(16)~~) (15) of this  
21 section but does not meet the full criteria for evidence-based.

22       (~~(24)~~) (23) "Residential services" means a complete range of  
23 residences and supports authorized by resource management services  
24 and which may involve a facility, a distinct part thereof, or  
25 services which support community living, for persons who are acutely  
26 mentally ill, adults who are chronically mentally ill, children who  
27 are severely emotionally disturbed, or adults who are seriously  
28 disturbed and determined by the behavioral health organization to be  
29 at risk of becoming acutely or chronically mentally ill. The services  
30 shall include at least evaluation and treatment services as defined  
31 in chapter 71.05 RCW, acute crisis respite care, long-term adaptive  
32 and rehabilitative care, and supervised and supported living  
33 services, and shall also include any residential services developed  
34 to service persons who are mentally ill in nursing homes, assisted  
35 living facilities, and adult family homes, and may include outpatient  
36 services provided as an element in a package of services in a  
37 supported housing model. Residential services for children in out-of-  
38 home placements related to their mental disorder shall not include  
39 the costs of food and shelter, except for children's long-term  
40 residential facilities existing prior to January 1, 1991.

1        ~~((25))~~ (24) "Resilience" means the personal and community  
2 qualities that enable individuals to rebound from adversity, trauma,  
3 tragedy, threats, or other stresses, and to live productive lives.

4        ~~((26))~~ (25) "Resource management services" mean the planning,  
5 coordination, and authorization of residential services and community  
6 support services administered pursuant to an individual service plan  
7 for: (a) Adults and children who are acutely mentally ill; (b) adults  
8 who are chronically mentally ill; (c) children who are severely  
9 emotionally disturbed; or (d) adults who are seriously disturbed and  
10 determined solely by a behavioral health organization to be at risk  
11 of becoming acutely or chronically mentally ill. Such planning,  
12 coordination, and authorization shall include mental health screening  
13 for children eligible under the federal Title XIX early and periodic  
14 screening, diagnosis, and treatment program. Resource management  
15 services include seven day a week, twenty-four hour a day  
16 availability of information regarding enrollment of adults and  
17 children who are mentally ill in services and their individual  
18 service plan to designated mental health professionals, evaluation  
19 and treatment facilities, and others as determined by the behavioral  
20 health organization.

21        ~~((27))~~ (26) "Secretary" means the secretary of social and  
22 health services.

23        ~~((28))~~ (27) "Seriously disturbed person" means a person who:  
24        (a) Is gravely disabled or presents a likelihood of serious harm  
25 to himself or herself or others, or to the property of others, as a  
26 result of a mental disorder as defined in chapter 71.05 RCW;  
27        (b) Has been on conditional release status, or under a less  
28 restrictive alternative order, at some time during the preceding two  
29 years from an evaluation and treatment facility or a state mental  
30 health hospital;  
31        (c) Has a mental disorder which causes major impairment in  
32 several areas of daily living;  
33        (d) Exhibits suicidal preoccupation or attempts; or  
34        (e) Is a child diagnosed by a mental health professional, as  
35 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
36 is clearly interfering with the child's functioning in family or  
37 school or with peers or is clearly interfering with the child's  
38 personality development and learning.

39        ~~((29))~~ (28) "Severely emotionally disturbed child" or "child  
40 who is severely emotionally disturbed" means a child who has been

1 determined by the behavioral health organization to be experiencing a  
2 mental disorder as defined in chapter 71.34 RCW, including those  
3 mental disorders that result in a behavioral or conduct disorder,  
4 that is clearly interfering with the child's functioning in family or  
5 school or with peers and who meets at least one of the following  
6 criteria:

7 (a) Has undergone inpatient treatment or placement outside of the  
8 home related to a mental disorder within the last two years;

9 (b) Has undergone involuntary treatment under chapter 71.34 RCW  
10 within the last two years;

11 (c) Is currently served by at least one of the following child-  
12 serving systems: Juvenile justice, child-protection/welfare, special  
13 education, or developmental disabilities;

14 (d) Is at risk of escalating maladjustment due to:

15 (i) Chronic family dysfunction involving a caretaker who is  
16 mentally ill or inadequate;

17 (ii) Changes in custodial adult;

18 (iii) Going to, residing in, or returning from any placement  
19 outside of the home, for example, psychiatric hospital, short-term  
20 inpatient, residential treatment, group or foster home, or a  
21 correctional facility;

22 (iv) Subject to repeated physical abuse or neglect;

23 (v) Drug or alcohol abuse; or

24 (vi) Homelessness.

25 (~~(30)~~) (29) "State minimum standards" means minimum  
26 requirements established by rules adopted by the secretary and  
27 necessary to implement this chapter for: (a) Delivery of mental  
28 health services; (b) licensed service providers for the provision of  
29 mental health services; (c) residential services; and (d) community  
30 support services and resource management services.

31 (~~(31)~~) (30) Mental health "treatment records" include  
32 registration and all other records concerning persons who are  
33 receiving or who at any time have received services for mental  
34 illness, which are maintained by the department, by behavioral health  
35 organizations and their staffs, and by treatment facilities.  
36 Treatment records do not include notes or records maintained for  
37 personal use by a person providing treatment services for the  
38 department, behavioral health organizations, or a treatment facility  
39 if the notes or records are not available to others.

1        ~~((32))~~ (31) "Tribal authority," for the purposes of this  
2 section and RCW 71.24.300 only, means: The federally recognized  
3 Indian tribes and the major Indian organizations recognized by the  
4 secretary insofar as these organizations do not have a financial  
5 relationship with any behavioral health organization that would  
6 present a conflict of interest.

7        (32) "Alcoholism" means a disease, characterized by a dependency  
8 on alcoholic beverages, loss of control over the amount and  
9 circumstances of use, symptoms of tolerance, physiological or  
10 psychological withdrawal, or both, if use is reduced or discontinued,  
11 and impairment of health or disruption of social or economic  
12 functioning.

13        (33) "Approved substance use disorder treatment program" means a  
14 program for persons with a substance use disorder provided by a  
15 treatment program certified by the department of social and health  
16 services as meeting standards adopted under this chapter.

17        (34) "Behavioral health program" means all expenditures,  
18 services, activities, or programs, including reasonable  
19 administration and overhead, designed and conducted to prevent or  
20 treat chemical dependency and mental illness.

21        (35) "Substance use disorder" means a cluster of cognitive,  
22 behavioral, and physiological symptoms indicating that an individual  
23 continues using the substance despite significant substance-related  
24 problems. The diagnosis of a substance use disorder is based on a  
25 pathological pattern of behaviors related to the use of the  
26 substances.

27        (36) "Designated chemical dependency specialist" means a person  
28 designated by the behavioral health organization or by the county  
29 alcoholism and other drug addiction program coordinator designated by  
30 the behavioral health organization to perform the commitment duties  
31 described in RCW 70.96A.140 and qualified to do so by meeting  
32 standards adopted by the department.

33        (37) "Drug addiction" means a disease characterized by a  
34 dependency on psychoactive chemicals, loss of control over the amount  
35 and circumstances of use, symptoms of tolerance, physiological or  
36 psychological withdrawal, or both, if use is reduced or discontinued,  
37 and impairment of health or disruption of social or economic  
38 functioning.

39        (38) "Early adopter" means a behavioral health organization that  
40 is recognized by the secretary in contract to provide fully



1 integrated purchasing of medical and behavioral health services under  
2 RCW 71.24.380(6).

3 (39) "Licensed physician" means a person licensed to practice  
4 medicine or osteopathic medicine and surgery in the state of  
5 Washington.

6 **Sec. 2.** RCW 71.24.035 and 2014 c 225 s 11 are each amended to  
7 read as follows:

8 (1) The department is designated as the state (~~mental~~)  
9 behavioral health authority which includes recognition as the single  
10 state authority for substance use disorders and state mental health  
11 authority.

12 (2) The secretary shall provide for public, client, tribal, and  
13 licensed service provider participation in developing the state  
14 (~~mental~~) behavioral health program, developing contracts with  
15 behavioral health organizations, and any waiver request to the  
16 federal government under medicaid.

17 (3) The secretary shall provide for participation in developing  
18 the state (~~mental~~) behavioral health program for children and other  
19 underserved populations, by including representatives on any  
20 committee established to provide oversight to the state (~~mental~~)  
21 behavioral health program.

22 (4) The secretary shall be designated as the behavioral health  
23 organization if the behavioral health organization fails to meet  
24 state minimum standards or refuses to exercise responsibilities under  
25 its contract or RCW 71.24.045, until such time as a new behavioral  
26 health organization is designated.

27 (5) The secretary shall:

28 (a) Develop a biennial state (~~mental~~) behavioral health program  
29 that incorporates regional biennial needs assessments and regional  
30 mental health service plans and state services for adults and  
31 children with mental (~~illness~~) disorders or substance use disorders  
32 or both;

33 (b) Assure that any behavioral health organization or county  
34 community (~~mental~~) behavioral health program provides medically  
35 necessary services to medicaid recipients consistent with the state's  
36 medicaid state plan or federal waiver authorities, and nonmedicaid  
37 services consistent with priorities established by the department;

1 (c) Develop and adopt rules establishing state minimum standards  
2 for the delivery of (~~mental~~) behavioral health services pursuant to  
3 RCW 71.24.037 including, but not limited to:

4 (i) Licensed service providers. These rules shall permit a  
5 county-operated (~~mental~~) behavioral health program to be licensed  
6 as a service provider subject to compliance with applicable statutes  
7 and rules. The secretary shall provide for deeming of compliance with  
8 state minimum standards for those entities accredited by recognized  
9 behavioral health accrediting bodies recognized and having a current  
10 agreement with the department;

11 (ii) Inpatient services, evaluation and treatment services and  
12 facilities under chapter 71.05 RCW, resource management services, and  
13 community support services;

14 (d) Assure that the special needs of persons who are minorities,  
15 elderly, disabled, children, low-income, and parents who are  
16 respondents in dependency cases are met within the priorities  
17 established in this section;

18 (e) Establish a standard contract or contracts, consistent with  
19 state minimum standards which shall be used in contracting with  
20 behavioral health organizations. The standard contract shall include  
21 a maximum fund balance, which shall be consistent with that required  
22 by federal regulations or waiver stipulations;

23 (f) Make contracts necessary or incidental to the performance of  
24 its duties and the execution of its powers, including managed care  
25 contracts for behavioral health services, contracts entered into  
26 under RCW 74.09.522, and contracts with public and private agencies,  
27 organizations, and individuals to pay them for behavioral health  
28 services;

29 (g) Establish, to the extent possible, a standardized auditing  
30 procedure which is designed to assure compliance with contractual  
31 agreements authorized by this chapter and minimizes paperwork  
32 requirements of behavioral health organizations and licensed service  
33 providers. The audit procedure shall focus on the outcomes of service  
34 as provided in RCW 43.20A.895, 70.320.020, and 71.36.025;

35 (~~g~~) (h) Develop and maintain an information system to be used  
36 by the state and behavioral health organizations that includes a  
37 tracking method which allows the department and behavioral health  
38 organizations to identify (~~mental~~) behavioral health clients'  
39 participation in any (~~mental~~) behavioral health service or public  
40 program on an immediate basis. The information system shall not

1 include individual patient's case history files. Confidentiality of  
2 client information and records shall be maintained as provided in  
3 this chapter and chapter 70.02 RCW;

4 ~~((h))~~ (i) License service providers who meet state minimum  
5 standards;

6 ~~((i))~~ (j) Periodically monitor the compliance of behavioral  
7 health organizations and their network of licensed service providers  
8 for compliance with the contract between the department, the  
9 behavioral health organization, and federal and state rules at  
10 reasonable times and in a reasonable manner;

11 ~~((j))~~ (k) Fix fees to be paid by evaluation and treatment  
12 centers to the secretary for the required inspections;

13 ~~((k))~~ (l) Monitor and audit behavioral health organizations and  
14 licensed service providers as needed to assure compliance with  
15 contractual agreements authorized by this chapter;

16 ~~((l))~~ (m) Adopt such rules as are necessary to implement the  
17 department's responsibilities under this chapter;

18 ~~((m))~~ (n) License or certify crisis stabilization units that  
19 meet state minimum standards;

20 ~~((n))~~ (o) License or certify clubhouses that meet state minimum  
21 standards; ~~(and~~

22 ~~(+))~~ (p) License or certify triage facilities that meet state  
23 minimum standards; and

24 (q) Administer or supervise the administration of the provisions  
25 relating to persons with substance use disorders and intoxicated  
26 persons of any state plan submitted for federal funding pursuant to  
27 federal health, welfare, or treatment legislation.

28 (6) The secretary shall use available resources only for  
29 behavioral health organizations, except:

30 (a) To the extent authorized, and in accordance with any  
31 priorities or conditions specified, in the biennial appropriations  
32 act; or

33 (b) To incentivize improved performance with respect to the  
34 client outcomes established in RCW 43.20A.895, 70.320.020, and  
35 71.36.025, integration of behavioral health and medical services at  
36 the clinical level, and improved care coordination for individuals  
37 with complex care needs.

38 (7) Each behavioral health organization and licensed service  
39 provider shall file with the secretary, on request, such data,  
40 statistics, schedules, and information as the secretary reasonably

1 requires. A behavioral health organization or licensed service  
2 provider which, without good cause, fails to furnish any data,  
3 statistics, schedules, or information as requested, or files  
4 fraudulent reports thereof, may be subject to the behavioral health  
5 organization contractual remedies in RCW 43.20A.894 or may have its  
6 service provider certification or license revoked or suspended.

7 (8) The secretary may suspend, revoke, limit, or restrict a  
8 certification or license, or refuse to grant a certification or  
9 license for failure to conform to: (a) The law; (b) applicable rules  
10 and regulations; (c) applicable standards; or (d) state minimum  
11 standards.

12 (9) The superior court may restrain any behavioral health  
13 organization or service provider from operating without a contract,  
14 certification, or a license or any other violation of this section.  
15 The court may also review, pursuant to procedures contained in  
16 chapter 34.05 RCW, any denial, suspension, limitation, restriction,  
17 or revocation of certification or license, and grant other relief  
18 required to enforce the provisions of this chapter.

19 (10) Upon petition by the secretary, and after hearing held upon  
20 reasonable notice to the facility, the superior court may issue a  
21 warrant to an officer or employee of the secretary authorizing him or  
22 her to enter at reasonable times, and examine the records, books, and  
23 accounts of any behavioral health organization(~~(s-[organization])~~) or  
24 service provider refusing to consent to inspection or examination by  
25 the authority.

26 (11) Notwithstanding the existence or pursuit of any other  
27 remedy, the secretary may file an action for an injunction or other  
28 process against any person or governmental unit to restrain or  
29 prevent the establishment, conduct, or operation of a behavioral  
30 health organization or service provider without a contract,  
31 certification, or a license under this chapter.

32 ~~(12) ((The standards for certification or licensure of evaluation  
33 and treatment facilities shall include standards relating to  
34 maintenance of good physical and mental health and other services to  
35 be afforded persons pursuant to this chapter and chapters 71.05 and  
36 71.34 RCW, and shall otherwise assure the effectuation of the  
37 purposes of these chapters.~~

38 ~~(13) The standards for certification or licensure of crisis  
39 stabilization units shall include standards that:~~

1 ~~(a) Permit location of the units at a jail facility if the unit~~  
2 ~~is physically separate from the general population of the jail;~~

3 ~~(b) Require administration of the unit by mental health~~  
4 ~~professionals who direct the stabilization and rehabilitation~~  
5 ~~efforts; and~~

6 ~~(c) Provide an environment affording security appropriate with~~  
7 ~~the alleged criminal behavior and necessary to protect the public~~  
8 ~~safety.~~

9 ~~(14) The standards for certification or licensure of a clubhouse~~  
10 ~~shall at a minimum include:~~

11 ~~(a) The facilities may be peer-operated and must be~~  
12 ~~recovery-focused;~~

13 ~~(b) Members and employees must work together;~~

14 ~~(c) Members must have the opportunity to participate in all the~~  
15 ~~work of the clubhouse, including administration, research, intake and~~  
16 ~~orientation, outreach, hiring, training and evaluation of staff,~~  
17 ~~public relations, advocacy, and evaluation of clubhouse~~  
18 ~~effectiveness;~~

19 ~~(d) Members and staff and ultimately the clubhouse director must~~  
20 ~~be responsible for the operation of the clubhouse, central to this~~  
21 ~~responsibility is the engagement of members and staff in all aspects~~  
22 ~~of clubhouse operations;~~

23 ~~(e) Clubhouse programs must be comprised of structured activities~~  
24 ~~including but not limited to social skills training, vocational~~  
25 ~~rehabilitation, employment training and job placement, and community~~  
26 ~~resource development;~~

27 ~~(f) Clubhouse programs must provide in-house educational programs~~  
28 ~~that significantly utilize the teaching and tutoring skills of~~  
29 ~~members and assist members by helping them to take advantage of adult~~  
30 ~~education opportunities in the community;~~

31 ~~(g) Clubhouse programs must focus on strengths, talents, and~~  
32 ~~abilities of its members;~~

33 ~~(h) The work-ordered day may not include medication clinics, day~~  
34 ~~treatment, or other therapy programs within the clubhouse.~~

35 ~~(15))~~ The department shall distribute appropriated state and  
36 federal funds in accordance with any priorities, terms, or conditions  
37 specified in the appropriations act.

38 ~~((16))~~ (13) The secretary shall assume all duties assigned to  
39 the nonparticipating behavioral health organizations under chapters  
40 71.05 and 71.34 RCW and this chapter. Such responsibilities shall

1 include those which would have been assigned to the nonparticipating  
2 counties in regions where there are not participating behavioral  
3 health organizations.

4 The behavioral health organizations, or the secretary's  
5 assumption of all responsibilities under chapters 71.05 and 71.34 RCW  
6 and this chapter, shall be included in all state and federal plans  
7 affecting the state (~~((mental))~~) behavioral health program including at  
8 least those required by this chapter, the medicaid program, and P.L.  
9 99-660. Nothing in these plans shall be inconsistent with the intent  
10 and requirements of this chapter.

11 (~~((17))~~) (14) The secretary shall:

12 (a) Disburse funds for the behavioral health organizations within  
13 sixty days of approval of the biennial contract. The department must  
14 either approve or reject the biennial contract within sixty days of  
15 receipt.

16 (b) Enter into biennial contracts with behavioral health  
17 organizations. The contracts shall be consistent with available  
18 resources. No contract shall be approved that does not include  
19 progress toward meeting the goals of this chapter by taking  
20 responsibility for: (i) Short-term commitments; (ii) residential  
21 care; and (iii) emergency response systems.

22 (c) Notify behavioral health organizations of their allocation of  
23 available resources at least sixty days prior to the start of a new  
24 biennial contract period.

25 (d) Deny all or part of the funding allocations to behavioral  
26 health organizations based solely upon formal findings of  
27 noncompliance with the terms of the behavioral health organization's  
28 contract with the department. Behavioral health organizations  
29 disputing the decision of the secretary to withhold funding  
30 allocations are limited to the remedies provided in the department's  
31 contracts with the behavioral health organizations.

32 (~~((18))~~) (15) The department, in cooperation with the state  
33 congressional delegation, shall actively seek waivers of federal  
34 requirements and such modifications of federal regulations as are  
35 necessary to allow federal medicaid reimbursement for services  
36 provided by freestanding evaluation and treatment facilities  
37 certified under chapter 71.05 RCW. The department shall periodically  
38 report its efforts to the appropriate committees of the senate and  
39 the house of representatives.

40 (16) The department may:

1 (a) Plan, establish, and maintain substance use disorder  
2 prevention and substance use disorder treatment programs as necessary  
3 or desirable;

4 (b) Coordinate its activities and cooperate with behavioral  
5 programs in this and other states, and make contracts and other joint  
6 or cooperative arrangements with state, local, or private agencies in  
7 this and other states for behavioral health services and for the  
8 common advancement of substance use disorder programs;

9 (c) Solicit and accept for use any gift of money or property made  
10 by will or otherwise, and any grant of money, services, or property  
11 from the federal government, the state, or any political subdivision  
12 thereof or any private source, and do all things necessary to  
13 cooperate with the federal government or any of its agencies in  
14 making an application for any grant;

15 (d) Keep records and engage in research and the gathering of  
16 relevant statistics; and

17 (e) Acquire, hold, or dispose of real property or any interest  
18 therein, and construct, lease, or otherwise provide substance use  
19 disorder treatment programs.

20 **Sec. 3.** RCW 70.96A.050 and 2014 c 225 s 23 are each amended to  
21 read as follows:

22 The department shall:

23 (1) Develop, encourage, and foster statewide, regional, and local  
24 plans and programs for the prevention of alcoholism and other drug  
25 addiction, treatment of persons with substance use disorders and  
26 their families, persons incapacitated by alcohol or other  
27 psychoactive chemicals, and intoxicated persons in cooperation with  
28 public and private agencies, organizations, and individuals and  
29 provide technical assistance and consultation services for these  
30 purposes;

31 (2) Assure that any behavioral health organization managed care  
32 contract, or managed care contract under RCW 74.09.522 for behavioral  
33 health services or programs for the treatment of persons with  
34 substance use disorders and their families, persons incapacitated by  
35 alcohol or other psychoactive chemicals, and intoxicated persons  
36 provides medically necessary services to medicaid recipients. This  
37 must include a continuum of mental health and (~~chemical dependency~~)  
38 substance use disorder services consistent with the state's medicaid

1 plan or federal waiver authorities, and nonmedicaid services  
2 consistent with priorities established by the department;

3 (3) Coordinate the efforts and enlist the assistance of all  
4 public and private agencies, organizations, and individuals  
5 interested in prevention of alcoholism and drug addiction, and  
6 treatment of persons with substance use disorders and their families,  
7 persons incapacitated by alcohol or other psychoactive chemicals, and  
8 intoxicated persons;

9 (4) Cooperate with public and private agencies in establishing  
10 and conducting programs to provide treatment for persons with  
11 substance use disorders and their families, persons incapacitated by  
12 alcohol or other psychoactive chemicals, and intoxicated persons who  
13 are clients of the correctional system;

14 (5) Cooperate with the superintendent of public instruction,  
15 state board of education, schools, police departments, courts, and  
16 other public and private agencies, organizations and individuals in  
17 establishing programs for the prevention of (~~alcoholism and other~~  
18 ~~drug addiction~~) substance use disorders, treatment of persons with  
19 substance use disorders and their families, persons incapacitated by  
20 alcohol or other psychoactive chemicals, and intoxicated persons, and  
21 preparing curriculum materials thereon for use at all levels of  
22 school education;

23 (6) Prepare, publish, evaluate, and disseminate educational  
24 material dealing with the nature and effects of alcohol and other  
25 psychoactive chemicals and the consequences of their use;

26 (7) Develop and implement, as an integral part of substance use  
27 disorder treatment programs, an educational program for use in the  
28 treatment of persons with substance use disorders, persons  
29 incapacitated by alcohol or other psychoactive chemicals, and  
30 intoxicated persons, which program shall include the dissemination of  
31 information concerning the nature and effects of alcohol and other  
32 psychoactive chemicals, the consequences of their use, the principles  
33 of recovery, and HIV and AIDS;

34 (8) Organize and foster training programs for persons engaged in  
35 treatment of persons with substance use disorders, persons  
36 incapacitated by alcohol or other psychoactive chemicals, and  
37 intoxicated persons;

38 (9) Sponsor and encourage research into the causes and nature of  
39 (~~alcoholism and other drug addiction~~) substance use disorders,  
40 treatment of persons with substance use disorders, persons



1 incapacitated by alcohol or other psychoactive chemicals, and  
2 intoxicated persons, and serve as a clearinghouse for information  
3 relating to (~~alcoholism or other drug addiction~~) substance use  
4 disorders;

5 (10) Specify uniform methods for keeping statistical information  
6 by public and private agencies, organizations, and individuals, and  
7 collect and make available relevant statistical information,  
8 including number of persons treated, frequency of admission and  
9 readmission, and frequency and duration of treatment;

10 (11) Advise the governor in the preparation of a comprehensive  
11 plan for treatment of persons with substance use disorders, persons  
12 incapacitated by alcohol or other psychoactive chemicals, and  
13 intoxicated persons for inclusion in the state's comprehensive health  
14 plan;

15 (12) Review all state health, welfare, and treatment plans to be  
16 submitted for federal funding under federal legislation, and advise  
17 the governor on provisions to be included relating to substance use  
18 disorders;

19 (13) Assist in the development of, and cooperate with, programs  
20 for alcohol and other psychoactive chemical education and treatment  
21 for employees of state and local governments and businesses and  
22 industries in the state;

23 (14) Use the support and assistance of interested persons in the  
24 community to encourage persons with substance use disorders  
25 voluntarily to undergo treatment;

26 (15) Cooperate with public and private agencies in establishing  
27 and conducting programs designed to deal with the problem of persons  
28 operating motor vehicles while intoxicated;

29 (16) Encourage general hospitals and other appropriate health  
30 facilities to admit without discrimination persons with substance use  
31 disorders, persons incapacitated by alcohol or other psychoactive  
32 chemicals, and intoxicated persons and to provide them with adequate  
33 and appropriate treatment;

34 (17) Encourage all health and disability insurance programs to  
35 include (~~alcoholism and other drug addiction~~) substance use  
36 disorders as a covered illness; and

37 (18) Organize and sponsor a statewide program to help court  
38 personnel, including judges, better understand (~~the disease of~~  
39 ~~alcoholism and other drug addiction~~) substance use disorders and the

1 uses of (~~chemical dependency~~) substance use disorder treatment  
2 programs.

3 **Sec. 4.** RCW 71.24.037 and 2001 c 323 s 11 are each amended to  
4 read as follows:

5 (1) The secretary shall by rule establish state minimum standards  
6 for licensed behavioral health service providers and services,  
7 whether those service providers and services are licensed to provide  
8 solely mental health services, substance use disorder treatment  
9 services, or services to persons with co-occurring disorders.

10 (2) Minimum standards for licensed behavioral health service  
11 providers shall, at a minimum, establish: Qualifications for staff  
12 providing services directly to (~~mentally ill~~) persons with mental  
13 disorders, substance use disorders, or both, the intended result of  
14 each service, and the rights and responsibilities of persons  
15 receiving (~~mental~~) behavioral health services pursuant to this  
16 chapter. The secretary shall provide for deeming of licensed  
17 behavioral health service providers as meeting state minimum  
18 standards as a result of accreditation by a recognized behavioral  
19 health accrediting body recognized and having a current agreement  
20 with the department.

21 (3) Minimum standards for community support services and resource  
22 management services shall include at least qualifications for  
23 resource management services, client tracking systems, and the  
24 transfer of patient information between behavioral health service  
25 providers.

26 (4) The department may suspend, revoke, limit, restrict, or  
27 modify an approval, or refuse to grant approval, for failure to meet  
28 the provisions of this chapter, or the standards adopted under this  
29 chapter. RCW 43.20A.205 governs notice of a license denial,  
30 revocation, suspension, or modification and provides the right to an  
31 adjudicative proceeding.

32 (5) No licensed behavioral health service provider may advertise  
33 or represent itself as a licensed behavioral health service provider  
34 if approval has not been granted, has been denied, suspended,  
35 revoked, or canceled.

36 (6) Licensure as a behavioral health service provider is  
37 effective for one calendar year from the date of issuance of the  
38 license. The license must specify the types of services provided by  
39 the behavioral health service provider that meet the standards

1 adopted under this chapter. Renewal of a license must be made in  
2 accordance with this section for initial approval and in accordance  
3 with the standards set forth in rules adopted by the secretary.

4 (7) Licensure as a licensed behavioral health service provider  
5 must specify the types of services provided that meet the standards  
6 adopted under this chapter. Renewal of a license must be made in  
7 accordance with this section for initial approval and in accordance  
8 with the standards set forth in rules adopted by the secretary.

9 (8) Licensed behavioral health service providers may not provide  
10 types of services for which the licensed behavioral health service  
11 provider has not been certified. Licensed behavioral health service  
12 providers may provide services for which approval has been sought and  
13 is pending, if approval for the services has not been previously  
14 revoked or denied.

15 (9) The department periodically shall inspect licensed behavioral  
16 health service providers at reasonable times and in a reasonable  
17 manner.

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

26 (11) The department shall maintain and periodically publish a  
27 current list of licensed behavioral health service providers.

28 (12) Each licensed behavioral health service provider shall file  
29 with the department upon request, data, statistics, schedules, and  
30 information the department reasonably requires. A licensed behavioral  
31 health service provider that without good cause fails to furnish any  
32 data, statistics, schedules, or information as requested, or files  
33 fraudulent returns thereof, may have its license revoked or  
34 suspended.

35 (13) The department shall use the data provided in subsection  
36 (12) of this section to evaluate each program that admits children to  
37 inpatient substance use disorder treatment upon application of their  
38 parents. The evaluation must be done at least once every twelve  
39 months. In addition, the department shall randomly select and review  
40 the information on individual children who are admitted on

1 application of the child's parent for the purpose of determining  
2 whether the child was appropriately placed into substance use  
3 disorder treatment based on an objective evaluation of the child's  
4 condition and the outcome of the child's treatment.

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

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

14 ~~(2) The department may suspend, revoke, limit, restrict, or~~  
15 ~~modify an approval, or refuse to grant approval, for failure to meet~~  
16 ~~the 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~~  
24 ~~for one calendar year from the date of issuance of the certificate.~~  
25 ~~The 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~~  
29 ~~standards 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~~  
34 ~~pending, if approval for the services has not been previously revoked~~  
35 ~~or denied.~~

36 ~~(6) The department periodically shall inspect approved public and~~  
37 ~~private treatment programs at reasonable times and in a reasonable~~  
38 ~~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~~  
4 ~~department on request, data, statistics, schedules, and information~~  
5 ~~the department reasonably requires. An approved treatment program~~  
6 ~~that without good cause fails to furnish any data, statistics,~~  
7 ~~schedules, or information as requested, or files fraudulent returns~~  
8 ~~thereof, may be removed from the list of approved treatment programs,~~  
9 ~~and its certification revoked or suspended.~~

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

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

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

38       ~~((b))~~) (2) The department shall adopt rules that require all  
39 opiate treatment programs to educate all pregnant women in their  
40 program on the benefits and risks of methadone treatment to their

1 fetus before they are provided these medications, as part of their  
2 addiction treatment. The department shall meet the requirements under  
3 this subsection within the appropriations provided for opiate  
4 treatment programs. The department, working with treatment providers  
5 and medical experts, shall develop and disseminate the educational  
6 materials to all certified opiate treatment programs.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 71.24  
8 RCW to read as follows:

9 The standards for certification or licensure of evaluation and  
10 treatment facilities must include standards relating to maintenance  
11 of good physical and mental health and other services to be afforded  
12 persons pursuant to this chapter and chapters 71.05 and 71.34 RCW,  
13 and must otherwise assure the effectuation of the purposes of these  
14 chapters.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 71.24  
16 RCW to read as follows:

17 The standards for certification or licensure of crisis  
18 stabilization units must include standards that:

19 (1) Permit location of the units at a jail facility if the unit  
20 is physically separate from the general population of the jail;

21 (2) Require administration of the unit by mental health  
22 professionals who direct the stabilization and rehabilitation  
23 efforts; and

24 (3) Provide an environment affording security appropriate with  
25 the alleged criminal behavior and necessary to protect the public  
26 safety.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 71.24  
28 RCW to read as follows:

29 The standards for certification or licensure of a clubhouse must  
30 at a minimum include:

31 (1) The facilities may be peer-operated and must be  
32 recovery-focused;

33 (2) Members and employees must work together;

34 (3) Members must have the opportunity to participate in all the  
35 work of the clubhouse, including administration, research, intake and  
36 orientation, outreach, hiring, training and evaluation of staff,

1 public relations, advocacy, and evaluation of clubhouse  
2 effectiveness;

3 (4) Members and staff and ultimately the clubhouse director must  
4 be responsible for the operation of the clubhouse, central to this  
5 responsibility is the engagement of members and staff in all aspects  
6 of clubhouse operations;

7 (5) Clubhouse programs must be comprised of structured activities  
8 including but not limited to social skills training, vocational  
9 rehabilitation, employment training and job placement, and community  
10 resource development;

11 (6) Clubhouse programs must provide in-house educational programs  
12 that significantly utilize the teaching and tutoring skills of  
13 members and assist members by helping them to take advantage of adult  
14 education opportunities in the community;

15 (7) Clubhouse programs must focus on strengths, talents, and  
16 abilities of its members;

17 (8) The work-ordered day may not include medication clinics, day  
18 treatment, or other therapy programs within the clubhouse.

19 **Sec. 9.** RCW 71.24.385 and 2014 c 225 s 9 are each amended to  
20 read as follows:

21 (1) Within funds appropriated by the legislature for this  
22 purpose, behavioral health organizations shall develop the means to  
23 serve the needs of people:

24 (a) With mental disorders residing within the boundaries of their  
25 regional service area. Elements of the program may include:

26 ~~((a))~~ (i) Crisis diversion services;

27 ~~((b))~~ (ii) Evaluation and treatment and community hospital  
28 beds;

29 ~~((c))~~ (iii) Residential treatment;

30 ~~((d))~~ (iv) Programs for intensive community treatment;

31 ~~((e))~~ (v) Outpatient services;

32 ~~((f))~~ (vi) Peer support services;

33 ~~((g))~~ (vii) Community support services;

34 ~~((h))~~ (viii) Resource management services; and

35 ~~((i))~~ (ix) Supported housing and supported employment services.

36 (b) With substance use disorders and their families, people  
37 incapacitated by alcohol or other psychoactive chemicals, and  
38 intoxicated people.

1 (i) Elements of the program shall include, but not necessarily be  
2 limited to, a continuum of substance use disorder treatment services  
3 that includes:

4 (A) Withdrawal management;

5 (B) Residential treatment; and

6 (C) Outpatient treatment.

7 (ii) The program may include peer support, supported housing,  
8 supported employment, crisis diversion, or recovery support services.

9 (iii) The department may contract for the use of an approved  
10 substance use disorder treatment program or other individual or  
11 organization if the secretary considers this to be an effective and  
12 economical course to follow.

13 (2) The behavioral health organization shall have the  
14 flexibility, within the funds appropriated by the legislature for  
15 this purpose and the terms of their contract, to design the mix of  
16 services that will be most effective within their service area of  
17 meeting the needs of people with ~~((mental))~~ behavioral health  
18 disorders and avoiding placement of such individuals at the state  
19 mental hospital. Behavioral health organizations are encouraged to  
20 maximize the use of evidence-based practices and alternative  
21 resources with the goal of substantially reducing and potentially  
22 eliminating the use of institutions for mental diseases.

23 (3)(a) Treatment provided under this chapter must be purchased  
24 primarily through managed care contracts.

25 (b) Consistent with RCW 70.96A.350 (as recodified by this act),  
26 services and funding provided through the criminal justice treatment  
27 account are intended to be exempted from managed care contracting.

28 **Sec. 10.** RCW 70.96A.350 and 2013 2nd sp.s. c 4 s 990 are each  
29 amended to read as follows:

30 (1) The criminal justice treatment account is created in the  
31 state treasury. Moneys in the account may be expended solely for: (a)  
32 Substance ~~((abuse))~~ use disorder treatment and treatment support  
33 services for offenders with ~~((an addiction or a substance abuse~~  
34 ~~problem))~~ a substance use disorder that, if not treated, would result  
35 in addiction, against whom charges are filed by a prosecuting  
36 attorney in Washington state; (b) the provision of ~~((drug and~~  
37 ~~alcohol))~~ substance use disorder treatment services and treatment  
38 support services for nonviolent offenders within a drug court  
39 program; and (c) the administrative and overhead costs associated



1 with the operation of a drug court(~~(; and (d) during the 2011-2013~~  
2 ~~biennium, the legislature may appropriate up to three million dollars~~  
3 ~~from the account in order to offset reductions in the state general~~  
4 ~~fund for treatment services provided by counties. This amount is not~~  
5 ~~subject to the requirements of subsections (5) through (9) of this~~  
6 ~~section. During the 2013-2015 fiscal biennium, the legislature may~~  
7 ~~transfer from the criminal justice treatment account to the state~~  
8 ~~general fund amounts as reflect the state savings associated with the~~  
9 ~~implementation of the medicaid expansion of the federal affordable~~  
10 ~~care act)). Moneys in the account may be spent only after~~  
11 appropriation.

12 (2) For purposes of this section:

13 (a) "Treatment" means services that are critical to a  
14 participant's successful completion of his or her substance ((~~abuse~~)  
15 use disorder treatment program, but does not include the following  
16 services: Housing other than that provided as part of an inpatient  
17 substance ((~~abuse~~) use disorder treatment program, vocational  
18 training, and mental health counseling; and

19 (b) "Treatment support" means transportation to or from inpatient  
20 or outpatient treatment services when no viable alternative exists,  
21 and child care services that are necessary to ensure a participant's  
22 ability to attend outpatient treatment sessions.

23 (3) Revenues to the criminal justice treatment account consist  
24 of: (a) Funds transferred to the account pursuant to this section;  
25 and (b) any other revenues appropriated to or deposited in the  
26 account.

27 (4)(a) ((~~For the fiscal biennium beginning July 1, 2003, the~~  
28 ~~state treasurer shall transfer eight million nine hundred fifty~~  
29 ~~thousand dollars from the general fund into the criminal justice~~  
30 ~~treatment account, divided into eight equal quarterly payments.)) For  
31 the fiscal year beginning July 1, 2005, and each subsequent fiscal  
32 year, the state treasurer shall transfer eight million two hundred  
33 fifty thousand dollars from the general fund to the criminal justice  
34 treatment account, divided into four equal quarterly payments. For  
35 the fiscal year beginning July 1, 2006, and each subsequent fiscal  
36 year, the amount transferred shall be increased on an annual basis by  
37 the implicit price deflator as published by the federal bureau of  
38 labor statistics.~~

39 (b) In each odd-numbered year, the legislature shall appropriate  
40 the amount transferred to the criminal justice treatment account in

1 (a) of this subsection to the (~~division of alcohol and substance~~  
2 ~~abuse~~) department for the purposes of subsection (5) of this  
3 section.

4 (5) Moneys appropriated to the (~~division of alcohol and~~  
5 ~~substance abuse~~) department from the criminal justice treatment  
6 account shall be distributed as specified in this subsection. The  
7 department (~~shall serve as the fiscal agent for purposes of~~  
8 ~~distribution. Until July 1, 2004, the department may not use moneys~~  
9 ~~appropriated from the criminal justice treatment account for~~  
10 ~~administrative expenses and shall distribute all amounts appropriated~~  
11 ~~under subsection (4)(b) of this section in accordance with this~~  
12 ~~subsection. Beginning in July 1, 2004, the department~~) may retain up  
13 to three percent of the amount appropriated under subsection (4)(b)  
14 of this section for its administrative costs.

15 (a) Seventy percent of amounts appropriated to the (~~division~~)  
16 department from the account shall be distributed to counties pursuant  
17 to the distribution formula adopted under this section. The division  
18 of alcohol and substance abuse, in consultation with the department  
19 of corrections, the Washington state association of counties, the  
20 Washington state association of drug court professionals, the  
21 superior court judges' association, the Washington association of  
22 prosecuting attorneys, representatives of the criminal defense bar,  
23 representatives of substance (~~abuse~~) use disorder treatment  
24 providers, and any other person deemed by the (~~division~~) department  
25 to be necessary, shall establish a fair and reasonable methodology  
26 for distribution to counties of moneys in the criminal justice  
27 treatment account. County or regional plans submitted for the  
28 expenditure of formula funds must be approved by the panel  
29 established in (b) of this subsection.

30 (b) Thirty percent of the amounts appropriated to the  
31 (~~division~~) department from the account shall be distributed as  
32 grants for purposes of treating offenders against whom charges are  
33 filed by a county prosecuting attorney. The (~~division~~) department  
34 shall appoint a panel of representatives from the Washington  
35 association of prosecuting attorneys, the Washington association of  
36 sheriffs and police chiefs, the superior court judges' association,  
37 the Washington state association of counties, the Washington  
38 defender's association or the Washington association of criminal  
39 defense lawyers, the department of corrections, the Washington state  
40 association of drug court professionals, substance (~~abuse~~) use

1 disorder treatment providers, and the division. The panel shall  
2 review county or regional plans for funding under (a) of this  
3 subsection and grants approved under this subsection. The panel shall  
4 attempt to ensure that treatment as funded by the grants is available  
5 to offenders statewide.

6 (6) The county alcohol and drug coordinator, county prosecutor,  
7 county sheriff, county superior court, a substance abuse treatment  
8 provider appointed by the county legislative authority, a member of  
9 the criminal defense bar appointed by the county legislative  
10 authority, and, in counties with a drug court, a representative of  
11 the drug court shall jointly submit a plan, approved by the county  
12 legislative authority or authorities, to the panel established in  
13 subsection (5)(b) of this section, for disposition of all the funds  
14 provided from the criminal justice treatment account within that  
15 county. The funds shall be used solely to provide approved alcohol  
16 and substance abuse treatment pursuant to RCW 70.96A.090 (as  
17 recodified by this act), treatment support services, and for the  
18 administrative and overhead costs associated with the operation of a  
19 drug court.

20 (a) No more than ten percent of the total moneys received under  
21 subsections (4) and (5) of this section by a county or group of  
22 counties participating in a regional agreement shall be spent on the  
23 administrative and overhead costs associated with the operation of a  
24 drug court.

25 (b) No more than ten percent of the total moneys received under  
26 subsections (4) and (5) of this section by a county or group of  
27 counties participating in a regional agreement shall be spent for  
28 treatment support services.

29 (7) Counties are encouraged to consider regional agreements and  
30 submit regional plans for the efficient delivery of treatment under  
31 this section.

32 (8) Moneys allocated under this section shall be used to  
33 supplement, not supplant, other federal, state, and local funds used  
34 for substance abuse treatment.

35 (9) Counties must meet the criteria established in RCW  
36 2.28.170(3)(b).

37 (10) The authority under this section to use funds from the  
38 criminal justice treatment account for the administrative and  
39 overhead costs associated with the operation of a drug court expires  
40 June 30, 2015.

1       **Sec. 11.** RCW 70.96A.035 and 2005 c 504 s 302 are each amended to  
2 read as follows:

3       (1) (~~Not later than January 1, 2007,~~) All persons providing  
4 treatment under this chapter shall also implement the integrated  
5 comprehensive screening and assessment process for chemical  
6 dependency and mental disorders adopted pursuant to RCW 70.96C.010  
7 and shall document the numbers of clients with co-occurring mental  
8 and substance abuse disorders based on a quadrant system of low and  
9 high needs.

10       (2) Treatment providers contracted to provide treatment under  
11 this chapter who fail to implement the integrated comprehensive  
12 screening and assessment process for chemical dependency and mental  
13 disorders (~~by July 1, 2007,~~) are subject to contractual penalties  
14 established under RCW 70.96C.010 (as recodified by this act).

15       **Sec. 12.** RCW 70.96C.010 and 2014 c 225 s 77 are each amended to  
16 read as follows:

17       (1) The department of social and health services(~~, in~~  
18 ~~consultation with the members of the team charged with developing the~~  
19 ~~state plan for co-occurring mental and substance abuse disorders,~~  
20 ~~shall adopt, not later than January 1, 2006,~~) shall maintain an  
21 integrated and comprehensive screening and assessment process for  
22 (~~chemical dependency~~) substance use and mental disorders and co-  
23 occurring (~~chemical dependency~~) substance use and mental disorders.

24       (a) The process adopted shall include, at a minimum:

25       (i) An initial screening tool that can be used by intake  
26 personnel system-wide and which will identify the most common types  
27 of co-occurring disorders;

28       (ii) An assessment process for those cases in which assessment is  
29 indicated that provides an appropriate degree of assessment for most  
30 situations, which can be expanded for complex situations;

31       (iii) Identification of triggers in the screening that indicate  
32 the need to begin an assessment;

33       (iv) Identification of triggers after or outside the screening  
34 that indicate a need to begin or resume an assessment;

35       (v) The components of an assessment process and a protocol for  
36 determining whether part or all of the assessment is necessary, and  
37 at what point; and

1 (vi) Emphasis that the process adopted under this section is to  
2 replace and not to duplicate existing intake, screening, and  
3 assessment tools and processes.

4 (b) The department shall consider existing models, including  
5 those already adopted by other states, and to the extent possible,  
6 adopt an established, proven model.

7 (c) The integrated, comprehensive screening and assessment  
8 process shall be implemented statewide by all (~~chemical dependency~~)  
9 substance use disorder and mental health treatment providers as well  
10 as all designated mental health professionals, designated chemical  
11 dependency specialists, and designated crisis responders (~~not later~~  
12 ~~than January 1, 2007~~)).

13 (2) The department shall provide adequate training to effect  
14 statewide implementation by the dates designated in this section and  
15 shall report the rates of co-occurring disorders and the stage of  
16 screening or assessment at which the co-occurring disorder was  
17 identified to the appropriate committees of the legislature.

18 (3) The department shall establish contractual penalties to  
19 contracted treatment providers, the behavioral health organizations,  
20 and their contracted providers for failure to implement the  
21 integrated screening and assessment process (~~by July 1, 2007~~)).

22 **Sec. 13.** RCW 70.96A.037 and 2011 c 89 s 9 are each amended to  
23 read as follows:

24 (1) The department of social and health services shall contract  
25 for chemical dependency specialist services at division of children  
26 and family services offices to enhance the timeliness and quality of  
27 child protective services assessments and to better connect families  
28 to needed treatment services.

29 (2) The chemical dependency specialist's duties may include, but  
30 are not limited to: Conducting on-site (~~chemical dependency~~)  
31 substance use disorder screening and assessment, facilitating  
32 progress reports to department employees, in-service training of  
33 department employees and staff on substance (~~abuse~~) use disorder  
34 issues, referring clients from the department to treatment providers,  
35 and providing consultation on cases to department employees.

36 (3) The department of social and health services shall provide  
37 training in and ensure that each case-carrying employee is trained in  
38 uniform screening for mental health and (~~chemical dependency~~)  
39 substance use disorder.

1       **Sec. 14.** RCW 70.96A.047 and 1989 c 270 s 11 are each amended to  
2 read as follows:

3       Except as provided in this chapter, the secretary shall not  
4 approve any substance use disorder facility, plan, or program for  
5 financial assistance under RCW 70.96A.040 (as recodified by this act)  
6 unless at least ten percent of the amount spent for the facility,  
7 plan, or program is provided from local public or private sources.  
8 When deemed necessary to maintain public standards of care in the  
9 substance use disorder facility, plan, or program, the secretary may  
10 require the substance use disorder facility, plan, or program to  
11 provide up to fifty percent of the total spent for the program  
12 through fees, gifts, contributions, or volunteer services. The  
13 secretary shall determine the value of the gifts, contributions, and  
14 volunteer services.

15       **Sec. 15.** RCW 70.96A.055 and 1999 c 197 s 10 are each amended to  
16 read as follows:

17       The department shall contract with counties operating drug courts  
18 and counties in the process of implementing new drug courts for the  
19 provision of (~~drug and alcohol~~) substance use disorder treatment  
20 services.

21       **Sec. 16.** RCW 70.96A.087 and 1989 c 270 s 13 are each amended to  
22 read as follows:

23       To be eligible to receive its share of liquor taxes and profits,  
24 each city and county shall devote no less than two percent of its  
25 share of liquor taxes and profits to the support of a substance use  
26 disorder program (~~(of alcoholism and other drug addiction)~~) approved  
27 by the (~~(alcoholism and other drug addiction board authorized by RCW~~  
28 ~~70.96A.300)~~) behavioral health organization and the secretary.

29       **Sec. 17.** RCW 70.96A.170 and 1989 c 270 s 30 are each amended to  
30 read as follows:

31       (1) The state and counties, cities, and other municipalities may  
32 establish or contract for emergency service patrols which are to be  
33 under the administration of the appropriate jurisdiction. A patrol  
34 consists of persons trained to give assistance in the streets and in  
35 other public places to persons who are intoxicated. Members of an  
36 emergency service patrol shall be capable of providing first aid in

1 emergency situations and may transport intoxicated persons to their  
2 homes and to and from substance use disorder treatment programs.

3 (2) The secretary shall adopt rules pursuant to chapter 34.05 RCW  
4 for the establishment, training, and conduct of emergency service  
5 patrols.

6 **Sec. 18.** RCW 70.96A.180 and 2012 c 117 s 413 are each amended to  
7 read as follows:

8 (1) If substance use disorder treatment is provided by an  
9 approved substance use disorder treatment program and the patient has  
10 not paid or is unable to pay the charge therefor, the program is  
11 entitled to any payment (a) received by the patient or to which he or  
12 she may be entitled because of the services rendered, and (b) from  
13 any public or private source available to the program because of the  
14 treatment provided to the patient.

15 (2) A patient in a substance use disorder program, or the estate  
16 of the patient, or a person obligated to provide for the cost of  
17 treatment and having sufficient financial ability, is liable to the  
18 program for cost of maintenance and treatment of the patient therein  
19 in accordance with rates established.

20 (3) The secretary shall adopt rules governing financial ability  
21 that take into consideration the income, savings, and other personal  
22 and real property of the person required to pay, and any support  
23 being furnished by him or her to any person he or she is required by  
24 law to support.

25 **Sec. 19.** RCW 70.96A.095 and 1998 c 296 s 23 are each amended to  
26 read as follows:

27 Any person thirteen years of age or older may give consent for  
28 himself or herself to the furnishing of outpatient treatment by a  
29 (~~chemical dependency~~) substance use disorder treatment program  
30 certified by the department. Parental authorization is required for  
31 any treatment of a minor under the age of thirteen.

32 **Sec. 20.** RCW 70.96A.096 and 1996 c 133 s 5 are each amended to  
33 read as follows:

34 School district personnel who contact a (~~chemical dependency~~)  
35 substance use disorder inpatient treatment program or provider for  
36 the purpose of referring a student to inpatient treatment shall

1 provide the parents with notice of the contact within forty-eight  
2 hours.

3 **Sec. 21.** RCW 70.96A.097 and 1998 c 296 s 28 are each amended to  
4 read as follows:

5 (1) The department shall ensure that, for any minor admitted to  
6 inpatient treatment under RCW 70.96A.245 (as recodified by this act),  
7 a review is conducted by a physician or chemical dependency  
8 counselor, as defined in rule by the department, who is employed by  
9 the department or an agency under contract with the department and  
10 who neither has a financial interest in continued inpatient treatment  
11 of the minor nor is affiliated with the program providing the  
12 treatment. The physician or chemical dependency counselor shall  
13 conduct the review not less than seven nor more than fourteen days  
14 following the date the minor was brought to the facility under RCW  
15 70.96A.245(1) (as recodified by this act) to determine whether it is  
16 a medical necessity to continue the minor's treatment on an inpatient  
17 basis.

18 (2) In making a determination under subsection (1) of this  
19 section whether it is a medical necessity to release the minor from  
20 inpatient treatment, the department shall consider the opinion of the  
21 treatment provider, the safety of the minor, the likelihood the  
22 minor's (~~chemical dependency~~) substance use disorder recovery will  
23 deteriorate if released from inpatient treatment, and the wishes of  
24 the parent.

25 (3) If, after any review conducted by the department under this  
26 section, the department determines it is no longer a medical  
27 necessity for a minor to receive inpatient treatment, the department  
28 shall immediately notify the parents and the professional person in  
29 charge. The professional person in charge shall release the minor to  
30 the parents within twenty-four hours of receiving notice. If the  
31 professional person in charge and the parent believe that it is a  
32 medical necessity for the minor to remain in inpatient treatment, the  
33 minor shall be released to the parent on the second judicial day  
34 following the department's determination in order to allow the parent  
35 time to file an at-risk youth petition under chapter 13.32A RCW. If  
36 the department determines it is a medical necessity for the minor to  
37 receive outpatient treatment and the minor declines to obtain such  
38 treatment, such refusal shall be grounds for the parent to file an  
39 at-risk youth petition.



1 (4) The department may, subject to available funds, contract with  
2 other governmental agencies for the conduct of the reviews conducted  
3 under this section and may seek reimbursement from the parents, their  
4 insurance, or medicaid for the expense of any review conducted by an  
5 agency under contract.

6 (5) In addition to the review required under this section, the  
7 department may periodically determine and redetermine the medical  
8 necessity of treatment for purposes of payment with public funds.

9 **Sec. 22.** RCW 70.96A.235 and 1998 c 296 s 25 are each amended to  
10 read as follows:

11 Parental consent is required for inpatient (~~chemical~~  
12 ~~dependency~~) substance use disorder treatment of a minor, unless the  
13 child meets the definition of a child in need of services in RCW  
14 13.32A.030(~~(+4)~~) (5)(c) as determined by the department: PROVIDED,  
15 That parental consent is required for any treatment of a minor under  
16 the age of thirteen.

17 This section does not apply to petitions filed under this  
18 chapter.

19 **Sec. 23.** RCW 70.96A.240 and 1998 c 296 s 26 are each amended to  
20 read as follows:

21 (1) The parent of a minor is not liable for payment of inpatient  
22 or outpatient (~~chemical—dependency~~) substance use disorder  
23 treatment unless the parent has joined in the consent to the  
24 treatment.

25 (2) The ability of a parent to apply to a certified treatment  
26 program for the admission of his or her minor child does not create a  
27 right to obtain or benefit from any funds or resources of the state.  
28 However, the state may provide services for indigent minors to the  
29 extent that funds are available therefor.

30 **Sec. 24.** RCW 70.96A.245 and 1998 c 296 s 27 are each amended to  
31 read as follows:

32 (1) A parent may bring, or authorize the bringing of, his or her  
33 minor child to a certified treatment program and request that a  
34 (~~chemical—dependency~~) substance use disorder assessment be  
35 conducted by a professional person to determine whether the minor  
36 (~~is chemically dependent~~) has a substance use disorder and in need  
37 of inpatient treatment.

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

4 (3) An appropriately trained professional person may evaluate  
5 whether the minor (~~(is chemically dependent)~~) has a substance use  
6 disorder. The evaluation shall be completed within twenty-four hours  
7 of the time the minor was brought to the program, unless the  
8 professional person determines that the condition of the minor  
9 necessitates additional time for evaluation. In no event shall a  
10 minor be held longer than seventy-two hours for evaluation. If, in  
11 the judgment of the professional person, it is determined it is a  
12 medical necessity for the minor to receive inpatient treatment, the  
13 minor may be held for treatment. The facility shall limit treatment  
14 to that which the professional person determines is medically  
15 necessary to stabilize the minor's condition until the evaluation has  
16 been completed. Within twenty-four hours of completion of the  
17 evaluation, the professional person shall notify the department if  
18 the child is held for treatment and of the date of admission.

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

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

24 **Sec. 25.** RCW 70.96A.250 and 1998 c 296 s 29 are each amended to  
25 read as follows:

26 (1) A parent may bring, or authorize the bringing of, his or her  
27 minor child to a provider of outpatient (~~(chemical dependency)~~)  
28 substance use disorder treatment and request that an appropriately  
29 trained professional person examine the minor to determine whether  
30 the minor has a (~~(chemical dependency)~~) substance use disorder and is  
31 in need of outpatient treatment.

32 (2) The consent of the minor is not required for evaluation if  
33 the parent brings the minor to the provider.

34 (3) The professional person in charge of the program may evaluate  
35 whether the minor has a (~~(chemical dependency)~~) substance use  
36 disorder and is in need of outpatient treatment.

37 (4) Any minor admitted to inpatient treatment under RCW  
38 70.96A.245 (as recodified by this act) shall be discharged

1 immediately from inpatient treatment upon written request of the  
2 parent.

3 **Sec. 26.** RCW 70.96A.265 and 1998 c 296 s 32 are each amended to  
4 read as follows:

5 For purposes of eligibility for medical assistance under chapter  
6 74.09 RCW, minors in inpatient (~~chemical dependency~~) substance use  
7 disorder treatment shall be considered to be part of their parent's  
8 or legal guardian's household, unless the minor has been assessed by  
9 the department or its designee as likely to require such treatment  
10 for at least ninety consecutive days, or is in out-of-home care in  
11 accordance with chapter 13.34 RCW, or the parents are found to not be  
12 exercising responsibility for care and control of the minor. Payment  
13 for such care by the department shall be made only in accordance with  
14 rules, guidelines, and clinical criteria applicable to inpatient  
15 treatment of minors established by the department.

16 **Sec. 27.** RCW 70.96A.400 and 2001 c 242 s 1 are each amended to  
17 read as follows:

18 The state of Washington declares that there is no fundamental  
19 right to opiate substitution treatment. The state of Washington  
20 further declares that while opiate substitution drugs used in the  
21 treatment of opiate dependency are addictive substances, that they  
22 nevertheless have several legal, important, and justified uses and  
23 that one of their appropriate and legal uses is, in conjunction with  
24 other required therapeutic procedures, in the treatment of persons  
25 addicted to or habituated to opioids. Opiate substitution treatment  
26 should only be used for participants who are deemed appropriate to  
27 need this level of intervention and should not be the first treatment  
28 intervention for all opiate addicts.

29 Because opiate substitution drugs, used in the treatment of  
30 opiate dependency are addictive and are listed as a schedule II  
31 controlled substance in chapter 69.50 RCW, the state of Washington  
32 has the legal obligation and right to regulate the use of opiate  
33 substitution treatment. The state of Washington declares its  
34 authority to control and regulate carefully, in consultation with  
35 counties and cities, all clinical uses of opiate substitution drugs  
36 used in the treatment of opiate addiction.

37 Further, the state declares that the primary goal of opiate  
38 substitution treatment is total abstinence from (~~chemical~~

1 ~~dependency~~) substance use for the individuals who participate in the  
2 treatment program. The state recognizes that a small percentage of  
3 persons who participate in opiate substitution treatment programs  
4 require treatment for an extended period of time. Opiate substitution  
5 treatment programs shall provide a comprehensive transition program  
6 to eliminate (~~chemical dependency~~) substance use, including opiate  
7 and opiate substitute addiction of program participants.

8 **Sec. 28.** RCW 70.96A.800 and 2014 c 225 s 33 are each amended to  
9 read as follows:

10 (1) Subject to funds appropriated for this specific purpose, the  
11 secretary shall select and contract with (~~counties~~) behavioral  
12 health organizations to provide intensive case management for  
13 (~~chemically dependent~~) persons with substance use disorders and  
14 histories of high utilization of crisis services at two sites. In  
15 selecting the two sites, the secretary shall endeavor to site one in  
16 an urban county, and one in a rural county; and to site them in  
17 counties other than those selected pursuant to RCW 70.96B.020, to the  
18 extent necessary to facilitate evaluation of pilot project results.  
19 Subject to funds appropriated for this specific purpose, the  
20 secretary may contract with additional counties to provide intensive  
21 case management.

22 (2) The contracted sites shall implement the pilot programs by  
23 providing intensive case management to persons with a primary  
24 (~~chemical dependency~~) substance use disorder diagnosis or dual  
25 primary (~~chemical dependency~~) substance use disorder and mental  
26 health diagnoses, through the employment of (~~chemical dependency~~)  
27 substance use disorder case managers. The (~~chemical dependency~~)  
28 substance use disorder case managers shall:

29 (a) Be trained in and use the integrated, comprehensive screening  
30 and assessment process adopted under RCW 70.96C.010;

31 (b) Reduce the use of crisis medical, (~~chemical dependency~~)  
32 substance use disorder treatment and mental health services,  
33 including but not limited to, emergency room admissions,  
34 hospitalizations, withdrawal management programs, inpatient  
35 psychiatric admissions, involuntary treatment petitions, emergency  
36 medical services, and ambulance services;

37 (c) Reduce the use of emergency first responder services  
38 including police, fire, emergency medical, and ambulance services;

1 (d) Reduce the number of criminal justice interventions including  
2 arrests, violations of conditions of supervision, bookings, jail  
3 days, prison sanction day for violations, court appearances, and  
4 prosecutor and defense costs;

5 (e) Where appropriate and available, work with therapeutic courts  
6 including drug courts and mental health courts to maximize the  
7 outcomes for the individual and reduce the likelihood of reoffense;

8 (f) Coordinate with local offices of the economic services  
9 administration to assist the person in accessing and remaining  
10 enrolled in those programs to which the person may be entitled;

11 (g) Where appropriate and available, coordinate with primary care  
12 and other programs operated through the federal government including  
13 federally qualified health centers, Indian health programs, and  
14 veterans' health programs for which the person is eligible to reduce  
15 duplication of services and conflicts in case approach;

16 (h) Where appropriate, advocate for the client's needs to assist  
17 the person in achieving and maintaining stability and progress toward  
18 recovery;

19 (i) Document the numbers of persons with co-occurring mental and  
20 substance ((abuse)) use disorders and the point of determination of  
21 the co-occurring disorder by quadrant of intensity of need; and

22 (j) Where a program participant is under supervision by the  
23 department of corrections, collaborate with the department of  
24 corrections to maximize treatment outcomes and reduce the likelihood  
25 of reoffense.

26 (3) The pilot programs established by this section shall begin  
27 providing services by March 1, 2006.

28 **Sec. 29.** RCW 70.96A.905 and 1992 c 205 s 306 are each amended to  
29 read as follows:

30 The department shall ensure that the provisions of this chapter  
31 are applied by the ((counties)) behavioral health organizations in a  
32 consistent and uniform manner. The department shall also ensure that,  
33 to the extent possible within available funds, the ((county-  
34 designated)) behavioral health organization-designated chemical  
35 dependency specialists are specifically trained in adolescent  
36 chemical dependency issues, the chemical dependency commitment laws,  
37 and the criteria for commitment, as specified in this chapter and  
38 chapter 70.96A RCW.

1       **Sec. 30.** RCW 71.24.300 and 2014 c 225 s 39 are each amended to  
2 read as follows:

3       (1) Upon the request of a tribal authority or authorities within  
4 a behavioral health organization the joint operating agreement or the  
5 county authority shall allow for the inclusion of the tribal  
6 authority to be represented as a party to the behavioral health  
7 organization.

8       (2) The roles and responsibilities of the county and tribal  
9 authorities shall be determined by the terms of that agreement  
10 including a determination of membership on the governing board and  
11 advisory committees, the number of tribal representatives to be party  
12 to the agreement, and the provisions of law and shall assure the  
13 provision of culturally competent services to the tribes served.

14       (3) The state (~~(mental)~~) behavioral health authority may not  
15 determine the roles and responsibilities of county authorities as to  
16 each other under behavioral health organizations by rule, except to  
17 assure that all duties required of behavioral health organizations  
18 are assigned and that counties and the behavioral health organization  
19 do not duplicate functions and that a single authority has final  
20 responsibility for all available resources and performance under the  
21 behavioral health organization's contract with the secretary.

22       (4) If a behavioral health organization is a private entity, the  
23 department shall allow for the inclusion of the tribal authority to  
24 be represented as a party to the behavioral health organization.

25       (5) The roles and responsibilities of the private entity and the  
26 tribal authorities shall be determined by the department, through  
27 negotiation with the tribal authority.

28       (6) Behavioral health organizations shall submit an overall six-  
29 year operating and capital plan, timeline, and budget and submit  
30 progress reports and an updated two-year plan biennially thereafter,  
31 to assume within available resources all of the following duties:

32       (a) Administer and provide for the availability of all resource  
33 management services, residential services, and community support  
34 services.

35       (b) Administer and provide for the availability of all  
36 investigation, transportation, court-related, and other services  
37 provided by the state or counties pursuant to chapter 71.05 RCW.

38       (c) Provide within the boundaries of each behavioral health  
39 organization evaluation and treatment services for at least ninety  
40 percent of persons detained or committed for periods up to seventeen

1 days according to chapter 71.05 RCW. Behavioral health organizations  
2 may contract to purchase evaluation and treatment services from other  
3 organizations if they are unable to provide for appropriate resources  
4 within their boundaries. Insofar as the original intent of serving  
5 persons in the community is maintained, the secretary is authorized  
6 to approve exceptions on a case-by-case basis to the requirement to  
7 provide evaluation and treatment services within the boundaries of  
8 each behavioral health organization. Such exceptions are limited to:

9 (i) Contracts with neighboring or contiguous regions; or

10 (ii) Individuals detained or committed for periods up to  
11 seventeen days at the state hospitals at the discretion of the  
12 secretary.

13 (d) Administer and provide for the availability of all other  
14 mental health services, which shall include patient counseling, day  
15 treatment, consultation, education services, employment services as  
16 described in RCW 71.24.035, and mental health services to children.

17 (e) Establish standards and procedures for reviewing individual  
18 service plans and determining when that person may be discharged from  
19 resource management services.

20 (7) A behavioral health organization may request that any state-  
21 owned land, building, facility, or other capital asset which was ever  
22 purchased, deeded, given, or placed in trust for the care of the  
23 persons with mental illness and which is within the boundaries of a  
24 behavioral health organization be made available to support the  
25 operations of the behavioral health organization. State agencies  
26 managing such capital assets shall give first priority to requests  
27 for their use pursuant to this chapter.

28 (8) Each behavioral health organization shall appoint a  
29 (~~mental~~) behavioral health advisory board which shall review and  
30 provide comments on plans and policies developed under this chapter,  
31 provide local oversight regarding the activities of the behavioral  
32 health organization, and work with the behavioral health organization  
33 to resolve significant concerns regarding service delivery and  
34 outcomes. The department shall establish statewide procedures for the  
35 operation of regional advisory committees including mechanisms for  
36 advisory board feedback to the department regarding behavioral health  
37 organization performance. The composition of the board shall be  
38 broadly representative of the demographic character of the region and  
39 shall include, but not be limited to, representatives of consumers of  
40 substance use disorder and mental health services and their families,

1 law enforcement, and, where the county is not the behavioral health  
2 organization, county elected officials. Composition and length of  
3 terms of board members may differ between behavioral health  
4 organizations but shall be included in each behavioral health  
5 organization's contract and approved by the secretary.

6 (9) Behavioral health organizations shall assume all duties  
7 specified in their plans and joint operating agreements through  
8 biennial contractual agreements with the secretary.

9 (10) Behavioral health organizations may receive technical  
10 assistance from the housing trust fund and may identify and submit  
11 projects for housing and housing support services to the housing  
12 trust fund established under chapter 43.185 RCW. Projects identified  
13 or submitted under this subsection must be fully integrated with the  
14 behavioral health organization six-year operating and capital plan,  
15 timeline, and budget required by subsection (6) of this section.

16 **Sec. 31.** RCW 71.24.350 and 2014 c 225 s 41 are each amended to  
17 read as follows:

18 The department shall require each behavioral health organization  
19 to provide for a separately funded (~~mental~~) behavioral health  
20 ombuds office in each behavioral health organization that is  
21 independent of the behavioral health organization. The ombuds office  
22 shall maximize the use of consumer advocates.

23 **Sec. 32.** RCW 70.96A.020 and 2014 c 225 s 20 are each reenacted  
24 and amended to read as follows:

25 For the purposes of this chapter the following words and phrases  
26 shall have the following meanings unless the context clearly requires  
27 otherwise:

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

34 (2) "Approved substance use disorder treatment program" means a  
35 program for persons with a substance use disorder provided by a  
36 treatment program certified by the department of social and health  
37 services as meeting standards adopted under this chapter.



1 (3) "Behavioral health organization" means a county authority or  
2 group of county authorities or other entity recognized by the  
3 secretary in contract in a defined regional service area.

4 (4) "Behavioral health program" has the same meaning as in RCW  
5 71.24.025.

6 (5) "Behavioral health services" means mental health services as  
7 described in chapters 71.24 and 71.36 RCW and ~~((chemical dependency))~~  
8 substance use disorder treatment services as described in this  
9 chapter.

10 ~~((+5))~~ (6) "Chemical dependency" means: (a) Alcoholism; (b) drug  
11 addiction; or (c) dependence on alcohol and one or more other  
12 psychoactive chemicals, as the context requires.

13 ~~((+6) "Chemical dependency program" means expenditures and~~  
14 ~~activities of the department designed and conducted to prevent or~~  
15 ~~treat alcoholism and other drug addiction, including reasonable~~  
16 ~~administration and overhead.))~~

17 (7) "Department" means the department of social and health  
18 services.

19 (8) "Designated chemical dependency specialist" or "specialist"  
20 means a person designated by the behavioral health organization or by  
21 the county ~~((alcoholism and other drug addiction))~~ substance use  
22 disorder treatment program coordinator designated ~~((under RCW~~  
23 ~~70.96A.310))~~ by the behavioral health organization to perform the  
24 commitment duties described in RCW 70.96A.140 and qualified to do so  
25 by meeting standards adopted by the department.

26 (9) ~~(( "Director" means the person administering the substance use~~  
27 ~~disorder program within the department.~~

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

34 ~~((+11) "Emergency service patrol" means a patrol established~~  
35 ~~under RCW 70.96A.170.~~

36 ~~(+12))~~ (10) "Gravely disabled by alcohol or other psychoactive  
37 chemicals" or "gravely disabled" means that a person, as a result of  
38 the use of alcohol or other psychoactive chemicals: (a) Is in danger  
39 of serious physical harm resulting from a failure to provide for his  
40 or her essential human needs of health or safety; or (b) manifests

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

5 ~~((13))~~ (11) "History of one or more violent acts" refers to the  
6 period of time ten years prior to the filing of a petition under this  
7 chapter, excluding any time spent, but not any violent acts  
8 committed, in a mental health facility, or a long-term alcoholism or  
9 drug treatment facility, or in confinement.

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

15 ~~((15))~~ (13) "Incompetent person" means a person who has been  
16 adjudged incompetent by the superior court.

17 ~~((16))~~ (14) "Intoxicated person" means a person whose mental or  
18 physical functioning is substantially impaired as a result of the use  
19 of alcohol or other psychoactive chemicals.

20 ~~((17))~~ (15) "Licensed physician" means a person licensed to  
21 practice medicine or osteopathic medicine and surgery in the state of  
22 Washington.

23 ~~((18))~~ (16) "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  
26 or attempts to commit suicide or inflict physical harm on one's self;  
27 (ii) physical harm will be inflicted by an individual upon another,  
28 as evidenced by behavior that has caused the harm or that places  
29 another person or persons in reasonable fear of sustaining the harm;  
30 or (iii) physical harm will be inflicted by an individual upon the  
31 property of others, as evidenced by behavior that has caused  
32 substantial loss or 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))~~ (17) "Medical necessity" for inpatient care of a minor  
36 means a requested certified inpatient service that is reasonably  
37 calculated to: (a) Diagnose, arrest, or alleviate a chemical  
38 dependency; or (b) prevent the progression of substance use disorders  
39 that endanger life or cause suffering and pain, or result in illness  
40 or infirmity or threaten to cause or aggravate a handicap, or cause

1 physical deformity or malfunction, and there is no adequate less  
2 restrictive alternative available.

3 ((+20)) (18) "Minor" means a person less than eighteen years of  
4 age.

5 ((+21)) (19) "Parent" means the parent or parents who have the  
6 legal right to custody of the child. Parent includes custodian or  
7 guardian.

8 ((+22)) (20) "Peace officer" means a law enforcement official of  
9 a public agency or governmental unit, and includes persons  
10 specifically given peace officer powers by any state law, local  
11 ordinance, or judicial order of appointment.

12 ((+23)) (21) "Person" means an individual, including a minor.

13 ((+24)) (22) "Professional person in charge" or "professional  
14 person" means a physician or chemical dependency counselor as defined  
15 in rule by the department, who is empowered by a certified treatment  
16 program with authority to make assessment, admission, continuing  
17 care, and discharge decisions on behalf of the certified program.

18 ((+25)) (23) "Secretary" means the secretary of the department  
19 of social and health services.

20 ((+26)) (24) "Substance use disorder" means a cluster of  
21 cognitive, behavioral, and physiological symptoms indicating that an  
22 individual continues using the substance despite significant  
23 substance-related problems. The diagnosis of a substance use disorder  
24 is based on a pathological pattern of behaviors related to the use of  
25 the substances.

26 ((+27)) (25) "Treatment" means the broad range of emergency,  
27 withdrawal management, residential, and outpatient services and care,  
28 including diagnostic evaluation, (~~chemical dependency~~) substance  
29 use disorder education and counseling, medical, psychiatric,  
30 psychological, and social service care, vocational rehabilitation and  
31 career counseling, which may be extended to persons with substance  
32 use disorders and their families, persons incapacitated by alcohol or  
33 other psychoactive chemicals, and intoxicated persons.

34 ((+28)) (26) "Substance use disorder treatment program" means an  
35 organization, institution, or corporation, public or private, engaged  
36 in the care, treatment, or rehabilitation of persons with substance  
37 use (~~disorder[s]~~) disorders.

38 ((+29)) (27) "Violent act" means behavior that resulted in  
39 homicide, attempted suicide, nonfatal injuries, or substantial damage  
40 to property.

1       **Sec. 33.** RCW 2.28.170 and 2013 2nd sp.s. c 4 s 952 are each  
2 amended to read as follows:

3       (1) Jurisdictions may establish and operate drug courts.

4       (2) For the purposes of this section, "drug court" means a court  
5 that has special calendars or dockets designed to achieve a reduction  
6 in recidivism and substance abuse among nonviolent, substance abusing  
7 felony and nonfelony offenders, whether adult or juvenile, by  
8 increasing their likelihood for successful rehabilitation through  
9 early, continuous, and intense judicially supervised treatment;  
10 mandatory periodic drug testing; and the use of appropriate sanctions  
11 and other rehabilitation services.

12       (3)(a) Any jurisdiction that seeks a state appropriation to fund  
13 a drug court program must first:

14       (i) Exhaust all federal funding that is available to support the  
15 operations of its drug court and associated services; and

16       (ii) Match, on a dollar-for-dollar basis, state moneys allocated  
17 for drug court programs with local cash or in-kind resources. Moneys  
18 allocated by the state must be used to supplement, not supplant,  
19 other federal, state, and local funds for drug court operations and  
20 associated services. However, from July 26, 2009, until June 30,  
21 2015, no match is required for state moneys expended for the  
22 administrative and overhead costs associated with the operation of a  
23 drug court pursuant to RCW 70.96A.350 (as recodified by this act).

24       (b) Any jurisdiction that establishes a drug court pursuant to  
25 this section shall establish minimum requirements for the  
26 participation of offenders in the program. The drug court may adopt  
27 local requirements that are more stringent than the minimum. The  
28 minimum requirements are:

29       (i) The offender would benefit from substance abuse treatment;

30       (ii) The offender has not previously been convicted of a serious  
31 violent offense or sex offense as defined in RCW 9.94A.030; and

32       (iii) Without regard to whether proof of any of these elements is  
33 required to convict, the offender is not currently charged with or  
34 convicted of an offense:

35       (A) That is a sex offense;

36       (B) That is a serious violent offense;

37       (C) During which the defendant used a firearm; or

38       (D) During which the defendant caused substantial or great bodily  
39 harm or death to another person.

1       **Sec. 34.** RCW 9.94A.660 and 2009 c 389 s 3 are each amended to  
2 read as follows:

3       (1) An offender is eligible for the special drug offender  
4 sentencing alternative if:

5       (a) The offender is convicted of a felony that is not a violent  
6 offense or sex offense and the violation does not involve a sentence  
7 enhancement under RCW 9.94A.533 (3) or (4);

8       (b) The offender is convicted of a felony that is not a felony  
9 driving while under the influence of intoxicating liquor or any drug  
10 under RCW 46.61.502(6) or felony physical control of a vehicle while  
11 under the influence of intoxicating liquor or any drug under RCW  
12 46.61.504(6);

13       (c) The offender has no current or prior convictions for a sex  
14 offense at any time or violent offense within ten years before  
15 conviction of the current offense, in this state, another state, or  
16 the United States;

17       (d) For a violation of the Uniform Controlled Substances Act  
18 under chapter 69.50 RCW or a criminal solicitation to commit such a  
19 violation under chapter 9A.28 RCW, the offense involved only a small  
20 quantity of the particular controlled substance as determined by the  
21 judge upon consideration of such factors as the weight, purity,  
22 packaging, sale price, and street value of the controlled substance;

23       (e) The offender has not been found by the United States attorney  
24 general to be subject to a deportation detainer or order and does not  
25 become subject to a deportation order during the period of the  
26 sentence;

27       (f) The end of the standard sentence range for the current  
28 offense is greater than one year; and

29       (g) The offender has not received a drug offender sentencing  
30 alternative more than once in the prior ten years before the current  
31 offense.

32       (2) A motion for a special drug offender sentencing alternative  
33 may be made by the court, the offender, or the state.

34       (3) If the sentencing court determines that the offender is  
35 eligible for an alternative sentence under this section and that the  
36 alternative sentence is appropriate, the court shall waive imposition  
37 of a sentence within the standard sentence range and impose a  
38 sentence consisting of either a prison-based alternative under RCW  
39 9.94A.662 or a residential chemical dependency treatment-based  
40 alternative under RCW 9.94A.664. The residential chemical dependency

1 treatment-based alternative is only available if the midpoint of the  
2 standard range is twenty-four months or less.

3 (4) To assist the court in making its determination, the court  
4 may order the department to complete either or both a risk assessment  
5 report and a chemical dependency screening report as provided in RCW  
6 9.94A.500.

7 (5)(a) If the court is considering imposing a sentence under the  
8 residential chemical dependency treatment-based alternative, the  
9 court may order an examination of the offender by the department. The  
10 examination shall, at a minimum, address the following issues:

11 (i) Whether the offender suffers from drug addiction;

12 (ii) Whether the addiction is such that there is a probability  
13 that criminal behavior will occur in the future;

14 (iii) Whether effective treatment for the offender's addiction is  
15 available from a provider that has been licensed or certified by the  
16 (~~division of alcohol and substance abuse of the~~) department of  
17 social and health services; and

18 (iv) Whether the offender and the community will benefit from the  
19 use of the alternative.

20 (b) The examination report must contain:

21 (i) A proposed monitoring plan, including any requirements  
22 regarding living conditions, lifestyle requirements, and monitoring  
23 by family members and others; and

24 (ii) Recommended crime-related prohibitions and affirmative  
25 conditions.

26 (6) When a court imposes a sentence of community custody under  
27 this section:

28 (a) The court may impose conditions as provided in RCW 9.94A.703  
29 and may impose other affirmative conditions as the court considers  
30 appropriate. In addition, an offender may be required to pay thirty  
31 dollars per month while on community custody to offset the cost of  
32 monitoring for alcohol or controlled substances.

33 (b) The department may impose conditions and sanctions as  
34 authorized in RCW 9.94A.704 and 9.94A.737.

35 (7)(a) The court may bring any offender sentenced under this  
36 section back into court at any time on its own initiative to evaluate  
37 the offender's progress in treatment or to determine if any  
38 violations of the conditions of the sentence have occurred.

1 (b) If the offender is brought back to court, the court may  
2 modify the conditions of the community custody or impose sanctions  
3 under (c) of this subsection.

4 (c) The court may order the offender to serve a term of total  
5 confinement within the standard range of the offender's current  
6 offense at any time during the period of community custody if the  
7 offender violates the conditions or requirements of the sentence or  
8 if the offender is failing to make satisfactory progress in  
9 treatment.

10 (d) An offender ordered to serve a term of total confinement  
11 under (c) of this subsection shall receive credit for any time  
12 previously served under this section.

13 (8) In serving a term of community custody imposed upon failure  
14 to complete, or administrative termination from, the special drug  
15 offender sentencing alternative program, the offender shall receive  
16 no credit for time served in community custody prior to termination  
17 of the offender's participation in the program.

18 (9) An offender sentenced under this section shall be subject to  
19 all rules relating to earned release time with respect to any period  
20 served in total confinement.

21 (10) Costs of examinations and preparing treatment plans under a  
22 special drug offender sentencing alternative may be paid, at the  
23 option of the county, from funds provided to the county from the  
24 criminal justice treatment account under RCW 70.96A.350 (as  
25 recodified by this act).

26 **Sec. 35.** RCW 10.05.020 and 2010 c 269 s 9 are each amended to  
27 read as follows:

28 (1) Except as provided in subsection (2) of this section, the  
29 petitioner shall allege under oath in the petition that the wrongful  
30 conduct charged is the result of or caused by ~~((alcoholism, drug~~  
31 ~~addiction,)) substance use disorders or mental problems for which the  
32 person is in need of treatment and unless treated the probability of  
33 future recurrence is great, along with a statement that the person  
34 agrees to pay the cost of a diagnosis and treatment of the alleged  
35 problem or problems if financially able to do so. The petition shall  
36 also contain a case history and written assessment prepared by an  
37 approved ~~((alcoholism)) substance use disorder treatment program as~~  
38 ~~designated in chapter ((70.96A)) 71.24 RCW if the petition alleges~~  
39 ~~((alcoholism, an approved drug program as designated in chapter 71.24~~~~

1 ~~RCW if the petition alleges drug addiction,~~) a substance use  
2 disorder or by an approved mental health center if the petition  
3 alleges a mental problem.

4 (2) In the case of a petitioner charged with a misdemeanor or  
5 gross misdemeanor under chapter 9A.42 RCW, the petitioner shall  
6 allege under oath in the petition that the petitioner is the natural  
7 or adoptive parent of the alleged victim; that the wrongful conduct  
8 charged is the result of parenting problems for which the petitioner  
9 is in need of services; that the petitioner is in need of child  
10 welfare services under chapter 74.13 RCW to improve his or her  
11 parenting skills in order to better provide his or her child or  
12 children with the basic necessities of life; that the petitioner  
13 wants to correct his or her conduct to reduce the likelihood of harm  
14 to his or her minor children; that in the absence of child welfare  
15 services the petitioner may be unable to reduce the likelihood of  
16 harm to his or her minor children; and that the petitioner has  
17 cooperated with the department of social and health services to  
18 develop a plan to receive appropriate child welfare services; along  
19 with a statement that the person agrees to pay the cost of the  
20 services if he or she is financially able to do so. The petition  
21 shall also contain a case history and a written service plan from the  
22 department of social and health services.

23 (3) Before entry of an order deferring prosecution, a petitioner  
24 shall be advised of his or her rights as an accused and execute, as a  
25 condition of receiving treatment, a statement that contains: (a) An  
26 acknowledgment of his or her rights; (b) an acknowledgment and waiver  
27 of the right to testify, the right to a speedy trial, the right to  
28 call witnesses to testify, the right to present evidence in his or  
29 her defense, and the right to a jury trial; (c) a stipulation to the  
30 admissibility and sufficiency of the facts contained in the written  
31 police report; and (d) an acknowledgment that the statement will be  
32 entered and used to support a finding of guilty if the court finds  
33 cause to revoke the order granting deferred prosecution. The  
34 petitioner shall also be advised that he or she may, if he or she  
35 proceeds to trial and is found guilty, be allowed to seek suspension  
36 of some or all of the fines and incarceration that may be ordered  
37 upon the condition that he or she seek treatment and, further, that  
38 he or she may seek treatment from public and private agencies at any  
39 time without regard to whether or not he or she is found guilty of  
40 the offense charged. He or she shall also be advised that the court



1 will not accept a petition for deferred prosecution from a person  
2 who: (i) Sincerely believes that he or she is innocent of the  
3 charges; (ii) sincerely believes that he or she does not, in fact,  
4 suffer from alcoholism, drug addiction, or mental problems; or (iii)  
5 in the case of a petitioner charged under chapter 9A.42 RCW,  
6 sincerely believes that he or she does not need child welfare  
7 services.

8 (4) Before entering an order deferring prosecution, the court  
9 shall make specific findings that: (a) The petitioner has stipulated  
10 to the admissibility and sufficiency of the facts as contained in the  
11 written police report; (b) the petitioner has acknowledged the  
12 admissibility of the stipulated facts in any criminal hearing on the  
13 underlying offense or offenses held subsequent to revocation of the  
14 order granting deferred prosecution; (c) the petitioner has  
15 acknowledged and waived the right to testify, the right to a speedy  
16 trial, the right to call witnesses to testify, the right to present  
17 evidence in his or her defense, and the right to a jury trial; and  
18 (d) the petitioner's statements were made knowingly and voluntarily.  
19 Such findings shall be included in the order granting deferred  
20 prosecution.

21 **Sec. 36.** RCW 10.05.030 and 2002 c 219 s 8 are each amended to  
22 read as follows:

23 The arraignment judge upon consideration of the petition and with  
24 the concurrence of the prosecuting attorney may continue the  
25 arraignment and refer such person for a diagnostic investigation and  
26 evaluation to an approved ((alcoholism)) substance use disorder  
27 treatment program as designated in chapter ((70.96A)) 71.24 RCW, if  
28 the petition alleges ((an alcohol problem, an approved drug treatment  
29 center as designated in chapter 71.24 RCW, if the petition alleges a  
30 drug problem)) a substance use disorder, to an approved mental health  
31 center, if the petition alleges a mental problem, or the department  
32 of social and health services if the petition is brought under RCW  
33 10.05.020(2).

34 **Sec. 37.** RCW 10.05.150 and 1999 c 143 s 43 are each amended to  
35 read as follows:

36 A deferred prosecution program for alcoholism shall be for a two-  
37 year period and shall include, but not be limited to, the following  
38 requirements:

1 (1) Total abstinence from alcohol and all other nonprescribed  
2 mind-altering drugs;

3 (2) Participation in an intensive inpatient or intensive  
4 outpatient program in a state-approved (~~alcoholism~~) substance use  
5 disorder treatment program;

6 (3) Participation in a minimum of two meetings per week of an  
7 alcoholism self-help recovery support group, as determined by the  
8 assessing agency, for the duration of the treatment program;

9 (4) Participation in an alcoholism self-help recovery support  
10 group, as determined by the assessing agency, from the date of court  
11 approval of the plan to entry into intensive treatment;

12 (5) Not less than weekly approved outpatient counseling, group or  
13 individual, for a minimum of six months following the intensive phase  
14 of treatment;

15 (6) Not less than monthly outpatient contact, group or  
16 individual, for the remainder of the two-year deferred prosecution  
17 period;

18 (7) The decision to include the use of prescribed drugs,  
19 including disulfiram, as a condition of treatment shall be reserved  
20 to the treating facility and the petitioner's physician;

21 (8) All treatment within the purview of this section shall occur  
22 within or be approved by a state-approved (~~alcoholism~~) substance  
23 use disorder treatment program as described in chapter 70.96A RCW;

24 (9) Signature of the petitioner agreeing to the terms and  
25 conditions of the treatment program.

26 NEW SECTION. **Sec. 38.** RCW 43.135.03901 is decodified.

27 **Sec. 39.** RCW 46.61.5055 and 2014 c 100 s 1 are each amended to  
28 read as follows:

29 (1) **No prior offenses in seven years.** Except as provided in RCW  
30 46.61.502(6) or 46.61.504(6), a person who is convicted of a  
31 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense  
32 within seven years shall be punished as follows:

33 (a) **Penalty for alcohol concentration less than 0.15.** In the case  
34 of a person whose alcohol concentration was less than 0.15, or for  
35 whom for reasons other than the person's refusal to take a test  
36 offered pursuant to RCW 46.20.308 there is no test result indicating  
37 the person's alcohol concentration:

1 (i) By imprisonment for not less than one day nor more than three  
2 hundred sixty-four days. Twenty-four consecutive hours of the  
3 imprisonment may not be suspended unless the court finds that the  
4 imposition of this mandatory minimum sentence would impose a  
5 substantial risk to the offender's physical or mental well-being.  
6 Whenever the mandatory minimum sentence is suspended, the court shall  
7 state in writing the reason for granting the suspension and the facts  
8 upon which the suspension is based. In lieu of the mandatory minimum  
9 term of imprisonment required under this subsection (1)(a)(i), the  
10 court may order not less than fifteen days of electronic home  
11 monitoring. The offender shall pay the cost of electronic home  
12 monitoring. The county or municipality in which the penalty is being  
13 imposed shall determine the cost. The court may also require the  
14 offender's electronic home monitoring device or other separate  
15 alcohol monitoring device to include an alcohol detection  
16 breathalyzer, and the court may restrict the amount of alcohol the  
17 offender may consume during the time the offender is on electronic  
18 home monitoring; and

19 (ii) By a fine of not less than three hundred fifty dollars nor  
20 more than five thousand dollars. Three hundred fifty dollars of the  
21 fine may not be suspended unless the court finds the offender to be  
22 indigent; or

23 (b) **Penalty for alcohol concentration at least 0.15.** In the case  
24 of a person whose alcohol concentration was at least 0.15, or for  
25 whom by reason of the person's refusal to take a test offered  
26 pursuant to RCW 46.20.308 there is no test result indicating the  
27 person's alcohol concentration:

28 (i) By imprisonment for not less than two days nor more than  
29 three hundred sixty-four days. Forty-eight consecutive hours of the  
30 imprisonment may not be suspended unless the court finds that the  
31 imposition of this mandatory minimum sentence would impose a  
32 substantial risk to the offender's physical or mental well-being.  
33 Whenever the mandatory minimum sentence is suspended, the court shall  
34 state in writing the reason for granting the suspension and the facts  
35 upon which the suspension is based. In lieu of the mandatory minimum  
36 term of imprisonment required under this subsection (1)(b)(i), the  
37 court may order not less than thirty days of electronic home  
38 monitoring. The offender shall pay the cost of electronic home  
39 monitoring. The county or municipality in which the penalty is being  
40 imposed shall determine the cost. The court may also require the

1 offender's electronic home monitoring device to include an alcohol  
2 detection breathalyzer or other separate alcohol monitoring device,  
3 and the court may restrict the amount of alcohol the offender may  
4 consume during the time the offender is on electronic home  
5 monitoring; and

6 (ii) By a fine of not less than five hundred dollars nor more  
7 than five thousand dollars. Five hundred dollars of the fine may not  
8 be suspended unless the court finds the offender to be indigent.

9 (2) **One prior offense in seven years.** Except as provided in RCW  
10 46.61.502(6) or 46.61.504(6), a person who is convicted of a  
11 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense  
12 within seven years shall be punished as follows:

13 (a) **Penalty for alcohol concentration less than 0.15.** In the case  
14 of a person whose alcohol concentration was less than 0.15, or for  
15 whom for reasons other than the person's refusal to take a test  
16 offered pursuant to RCW 46.20.308 there is no test result indicating  
17 the person's alcohol concentration:

18 (i) By imprisonment for not less than thirty days nor more than  
19 three hundred sixty-four days and sixty days of electronic home  
20 monitoring. In lieu of the mandatory minimum term of sixty days  
21 electronic home monitoring, the court may order at least an  
22 additional four days in jail or, if available in that county or city,  
23 a six-month period of 24/7 sobriety program monitoring pursuant to  
24 RCW 36.28A.300 through 36.28A.390, and the court shall order an  
25 expanded alcohol assessment and treatment, if deemed appropriate by  
26 the assessment. The offender shall pay for the cost of the electronic  
27 monitoring. The county or municipality where the penalty is being  
28 imposed shall determine the cost. The court may also require the  
29 offender's electronic home monitoring device include an alcohol  
30 detection breathalyzer or other separate alcohol monitoring device,  
31 and may restrict the amount of alcohol the offender may consume  
32 during the time the offender is on electronic home monitoring. Thirty  
33 days of imprisonment and sixty days of electronic home monitoring may  
34 not be suspended unless the court finds that the imposition of this  
35 mandatory minimum sentence would impose a substantial risk to the  
36 offender's physical or mental well-being. Whenever the mandatory  
37 minimum sentence is suspended, the court shall state in writing the  
38 reason for granting the suspension and the facts upon which the  
39 suspension is based; and

1 (ii) By a fine of not less than five hundred dollars nor more  
2 than five thousand dollars. Five hundred dollars of the fine may not  
3 be suspended unless the court finds the offender to be indigent; or

4 (b) **Penalty for alcohol concentration at least 0.15.** In the case  
5 of a person whose alcohol concentration was at least 0.15, or for  
6 whom by reason of the person's refusal to take a test offered  
7 pursuant to RCW 46.20.308 there is no test result indicating the  
8 person's alcohol concentration:

9 (i) By imprisonment for not less than forty-five days nor more  
10 than three hundred sixty-four days and ninety days of electronic home  
11 monitoring. In lieu of the mandatory minimum term of ninety days  
12 electronic home monitoring, the court may order at least an  
13 additional six days in jail or, if available in that county or city,  
14 a six-month period of 24/7 sobriety program monitoring pursuant to  
15 RCW 36.28A.300 through 36.28A.390, and the court shall order an  
16 expanded alcohol assessment and treatment, if deemed appropriate by  
17 the assessment. The offender shall pay for the cost of the electronic  
18 monitoring. The county or municipality where the penalty is being  
19 imposed shall determine the cost. The court may also require the  
20 offender's electronic home monitoring device include an alcohol  
21 detection breathalyzer or other separate alcohol monitoring device,  
22 and may restrict the amount of alcohol the offender may consume  
23 during the time the offender is on electronic home monitoring. Forty-  
24 five days of imprisonment and ninety days of electronic home  
25 monitoring may not be suspended unless the court finds that the  
26 imposition of this mandatory minimum sentence would impose a  
27 substantial risk to the offender's physical or mental well-being.  
28 Whenever the mandatory minimum sentence is suspended, the court shall  
29 state in writing the reason for granting the suspension and the facts  
30 upon which the suspension is based; and

31 (ii) By a fine of not less than seven hundred fifty dollars nor  
32 more than five thousand dollars. Seven hundred fifty dollars of the  
33 fine may not be suspended unless the court finds the offender to be  
34 indigent.

35 (3) **Two or three prior offenses in seven years.** Except as  
36 provided in RCW 46.61.502(6) or 46.61.504(6), a person who is  
37 convicted of a violation of RCW 46.61.502 or 46.61.504 and who has  
38 two or three prior offenses within seven years shall be punished as  
39 follows:

1 (a) **Penalty for alcohol concentration less than 0.15.** In the case  
2 of a person whose alcohol concentration was less than 0.15, or for  
3 whom for reasons other than the person's refusal to take a test  
4 offered pursuant to RCW 46.20.308 there is no test result indicating  
5 the person's alcohol concentration:

6 (i) By imprisonment for not less than ninety days nor more than  
7 three hundred sixty-four days, if available in that county or city, a  
8 six-month period of 24/7 sobriety program monitoring pursuant to RCW  
9 36.28A.300 through 36.28A.390, and one hundred twenty days of  
10 electronic home monitoring. In lieu of the mandatory minimum term of  
11 one hundred twenty days of electronic home monitoring, the court may  
12 order at least an additional eight days in jail. The court shall  
13 order an expanded alcohol assessment and treatment, if deemed  
14 appropriate by the assessment. The offender shall pay for the cost of  
15 the electronic monitoring. The county or municipality where the  
16 penalty is being imposed shall determine the cost. The court may also  
17 require the offender's electronic home monitoring device include an  
18 alcohol detection breathalyzer or other separate alcohol monitoring  
19 device, and may restrict the amount of alcohol the offender may  
20 consume during the time the offender is on electronic home  
21 monitoring. Ninety days of imprisonment and one hundred twenty days  
22 of electronic home monitoring may not be suspended unless the court  
23 finds that the imposition of this mandatory minimum sentence would  
24 impose a substantial risk to the offender's physical or mental well-  
25 being. Whenever the mandatory minimum sentence is suspended, the  
26 court shall state in writing the reason for granting the suspension  
27 and the facts upon which the suspension is based; and

28 (ii) By a fine of not less than one thousand dollars nor more  
29 than five thousand dollars. One thousand dollars of the fine may not  
30 be suspended unless the court finds the offender to be indigent; or

31 (b) **Penalty for alcohol concentration at least 0.15.** In the case  
32 of a person whose alcohol concentration was at least 0.15, or for  
33 whom by reason of the person's refusal to take a test offered  
34 pursuant to RCW 46.20.308 there is no test result indicating the  
35 person's alcohol concentration:

36 (i) By imprisonment for not less than one hundred twenty days nor  
37 more than three hundred sixty-four days, if available in that county  
38 or city, a six-month period of 24/7 sobriety program monitoring  
39 pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty  
40 days of electronic home monitoring. In lieu of the mandatory minimum

1 term of one hundred fifty days of electronic home monitoring, the  
2 court may order at least an additional ten days in jail. The offender  
3 shall pay for the cost of the electronic monitoring. The court shall  
4 order an expanded alcohol assessment and treatment, if deemed  
5 appropriate by the assessment. The county or municipality where the  
6 penalty is being imposed shall determine the cost. The court may also  
7 require the offender's electronic home monitoring device include an  
8 alcohol detection breathalyzer or other separate alcohol monitoring  
9 device, and may restrict the amount of alcohol the offender may  
10 consume during the time the offender is on electronic home  
11 monitoring. One hundred twenty days of imprisonment and one hundred  
12 fifty days of electronic home monitoring may not be suspended unless  
13 the court finds that the imposition of this mandatory minimum  
14 sentence would impose a substantial risk to the offender's physical  
15 or mental well-being. Whenever the mandatory minimum sentence is  
16 suspended, the court shall state in writing the reason for granting  
17 the suspension and the facts upon which the suspension is based; and

18 (ii) By a fine of not less than one thousand five hundred dollars  
19 nor more than five thousand dollars. One thousand five hundred  
20 dollars of the fine may not be suspended unless the court finds the  
21 offender to be indigent.

22 (4) **Four or more prior offenses in ten years.** A person who is  
23 convicted of a violation of RCW 46.61.502 or 46.61.504 shall be  
24 punished under chapter 9.94A RCW if:

25 (a) The person has four or more prior offenses within ten years;  
26 or

27 (b) The person has ever previously been convicted of:

28 (i) A violation of RCW 46.61.520 committed while under the  
29 influence of intoxicating liquor or any drug;

30 (ii) A violation of RCW 46.61.522 committed while under the  
31 influence of intoxicating liquor or any drug;

32 (iii) An out-of-state offense comparable to the offense specified  
33 in (b)(i) or (ii) of this subsection; or

34 (iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

35 (5) **Monitoring.**

36 (a) **Ignition interlock device.** The court shall require any person  
37 convicted of a violation of RCW 46.61.502 or 46.61.504 or an  
38 equivalent local ordinance to comply with the rules and requirements  
39 of the department regarding the installation and use of a functioning

1 ignition interlock device installed on all motor vehicles operated by  
2 the person.

3 (b) **Monitoring devices.** If the court orders that a person refrain  
4 from consuming any alcohol, the court may order the person to submit  
5 to alcohol monitoring through an alcohol detection breathalyzer  
6 device, transdermal sensor device, or other technology designed to  
7 detect alcohol in a person's system. The person shall pay for the  
8 cost of the monitoring, unless the court specifies that the cost of  
9 monitoring will be paid with funds that are available from an  
10 alternative source identified by the court. The county or  
11 municipality where the penalty is being imposed shall determine the  
12 cost.

13 (c) **Ignition interlock device substituted for 24/7 sobriety**  
14 **program monitoring.** In any county or city where a 24/7 sobriety  
15 program is available and verified by the Washington association of  
16 sheriffs and police chiefs, the court shall:

17 (i) Order the person to install and use a functioning ignition  
18 interlock or other device in lieu of such period of 24/7 sobriety  
19 program monitoring;

20 (ii) Order the person to a period of 24/7 sobriety program  
21 monitoring pursuant to subsections (1) through (3) of this section;  
22 or

23 (iii) Order the person to install and use a functioning ignition  
24 interlock or other device in addition to a period of 24/7 sobriety  
25 program monitoring pursuant to subsections (1) through (3) of this  
26 section.

27 (6) **Penalty for having a minor passenger in vehicle.** If a person  
28 who is convicted of a violation of RCW 46.61.502 or 46.61.504  
29 committed the offense while a passenger under the age of sixteen was  
30 in the vehicle, the court shall:

31 (a) Order the use of an ignition interlock or other device for an  
32 additional six months;

33 (b) In any case in which the person has no prior offenses within  
34 seven years, and except as provided in RCW 46.61.502(6) or  
35 46.61.504(6), order an additional twenty-four hours of imprisonment  
36 and a fine of not less than one thousand dollars and not more than  
37 five thousand dollars. One thousand dollars of the fine may not be  
38 suspended unless the court finds the offender to be indigent;

39 (c) In any case in which the person has one prior offense within  
40 seven years, and except as provided in RCW 46.61.502(6) or



1 46.61.504(6), order an additional five days of imprisonment and a  
2 fine of not less than two thousand dollars and not more than five  
3 thousand dollars. One thousand dollars of the fine may not be  
4 suspended unless the court finds the offender to be indigent;

5 (d) In any case in which the person has two or three prior  
6 offenses within seven years, and except as provided in RCW  
7 46.61.502(6) or 46.61.504(6), order an additional ten days of  
8 imprisonment and a fine of not less than three thousand dollars and  
9 not more than ten thousand dollars. One thousand dollars of the fine  
10 may not be suspended unless the court finds the offender to be  
11 indigent.

12 (7) **Other items courts must consider while setting penalties.** In  
13 exercising its discretion in setting penalties within the limits  
14 allowed by this section, the court shall particularly consider the  
15 following:

16 (a) Whether the person's driving at the time of the offense was  
17 responsible for injury or damage to another or another's property;

18 (b) Whether at the time of the offense the person was driving or  
19 in physical control of a vehicle with one or more passengers;

20 (c) Whether the driver was driving in the opposite direction of  
21 the normal flow of traffic on a multiple lane highway, as defined by  
22 RCW 46.04.350, with a posted speed limit of forty-five miles per hour  
23 or greater; and

24 (d) Whether a child passenger under the age of sixteen was an  
25 occupant in the driver's vehicle.

26 (8) **Treatment and information school.** An offender punishable  
27 under this section is subject to the alcohol assessment and treatment  
28 provisions of RCW 46.61.5056.

29 (9) **Driver's license privileges of the defendant.** The license,  
30 permit, or nonresident privilege of a person convicted of driving or  
31 being in physical control of a motor vehicle while under the  
32 influence of intoxicating liquor or drugs must:

33 (a) **Penalty for alcohol concentration less than 0.15.** If the  
34 person's alcohol concentration was less than 0.15, or if for reasons  
35 other than the person's refusal to take a test offered under RCW  
36 46.20.308 there is no test result indicating the person's alcohol  
37 concentration:

38 (i) Where there has been no prior offense within seven years, be  
39 suspended or denied by the department for ninety days;

1 (ii) Where there has been one prior offense within seven years,  
2 be revoked or denied by the department for two years; or

3 (iii) Where there have been two or more prior offenses within  
4 seven years, be revoked or denied by the department for three years;

5 (b) **Penalty for alcohol concentration at least 0.15.** If the  
6 person's alcohol concentration was at least 0.15:

7 (i) Where there has been no prior offense within seven years, be  
8 revoked or denied by the department for one year;

9 (ii) Where there has been one prior offense within seven years,  
10 be revoked or denied by the department for nine hundred days; or

11 (iii) Where there have been two or more prior offenses within  
12 seven years, be revoked or denied by the department for four years;  
13 or

14 (c) **Penalty for refusing to take test.** If by reason of the  
15 person's refusal to take a test offered under RCW 46.20.308, there is  
16 no test result indicating the person's alcohol concentration:

17 (i) Where there have been no prior offenses within seven years,  
18 be revoked or denied by the department for two years;

19 (ii) Where there has been one prior offense within seven years,  
20 be revoked or denied by the department for three years; or

21 (iii) Where there have been two or more previous offenses within  
22 seven years, be revoked or denied by the department for four years.

23 The department shall grant credit on a day-for-day basis for any  
24 portion of a suspension, revocation, or denial already served under  
25 this subsection for a suspension, revocation, or denial imposed under  
26 RCW 46.20.3101 arising out of the same incident.

27 Upon its own motion or upon motion by a person, a court may find,  
28 on the record, that notice to the department under RCW 46.20.270 has  
29 been delayed for three years or more as a result of a clerical or  
30 court error. If so, the court may order that the person's license,  
31 permit, or nonresident privilege shall not be revoked, suspended, or  
32 denied for that offense. The court shall send notice of the finding  
33 and order to the department and to the person. Upon receipt of the  
34 notice from the court, the department shall not revoke, suspend, or  
35 deny the license, permit, or nonresident privilege of the person for  
36 that offense.

37 For purposes of this subsection (9), the department shall refer  
38 to the driver's record maintained under RCW 46.52.120 when  
39 determining the existence of prior offenses.

1           (10) **Probation of driving privilege.** After expiration of any  
2 period of suspension, revocation, or denial of the offender's  
3 license, permit, or privilege to drive required by this section, the  
4 department shall place the offender's driving privilege in  
5 probationary status pursuant to RCW 46.20.355.

6           (11) **Conditions of probation.** (a) In addition to any  
7 nonsuspendable and nondeferrable jail sentence required by this  
8 section, whenever the court imposes up to three hundred sixty-four  
9 days in jail, the court shall also suspend but shall not defer a  
10 period of confinement for a period not exceeding five years. The  
11 court shall impose conditions of probation that include: (i) Not  
12 driving a motor vehicle within this state without a valid license to  
13 drive and proof of liability insurance or other financial  
14 responsibility for the future pursuant to RCW 46.30.020; (ii) not  
15 driving or being in physical control of a motor vehicle within this  
16 state while having an alcohol concentration of 0.08 or more or a THC  
17 concentration of 5.00 nanograms per milliliter of whole blood or  
18 higher, within two hours after driving; and (iii) not refusing to  
19 submit to a test of his or her breath or blood to determine alcohol  
20 or drug concentration upon request of a law enforcement officer who  
21 has reasonable grounds to believe the person was driving or was in  
22 actual physical control of a motor vehicle within this state while  
23 under the influence of intoxicating liquor or drug. The court may  
24 impose conditions of probation that include nonrepetition,  
25 installation of an ignition interlock device on the probationer's  
26 motor vehicle, alcohol or drug treatment, supervised probation, or  
27 other conditions that may be appropriate. The sentence may be imposed  
28 in whole or in part upon violation of a condition of probation during  
29 the suspension period.

30           (b) For each violation of mandatory conditions of probation under  
31 (a)(i), (ii), or (iii) of this subsection, the court shall order the  
32 convicted person to be confined for thirty days, which shall not be  
33 suspended or deferred.

34           (c) For each incident involving a violation of a mandatory  
35 condition of probation imposed under this subsection, the license,  
36 permit, or privilege to drive of the person shall be suspended by the  
37 court for thirty days or, if such license, permit, or privilege to  
38 drive already is suspended, revoked, or denied at the time the  
39 finding of probation violation is made, the suspension, revocation,  
40 or denial then in effect shall be extended by thirty days. The court

1 shall notify the department of any suspension, revocation, or denial  
2 or any extension of a suspension, revocation, or denial imposed under  
3 this subsection.

4 (12) **Waiver of electronic home monitoring.** A court may waive the  
5 electronic home monitoring requirements of this chapter when:

6 (a) The offender does not have a dwelling, telephone service, or  
7 any other necessity to operate an electronic home monitoring system.  
8 However, if a court determines that an alcohol monitoring device  
9 utilizing wireless reporting technology is reasonably available, the  
10 court may require the person to obtain such a device during the  
11 period of required electronic home monitoring;

12 (b) The offender does not reside in the state of Washington; or

13 (c) The court determines that there is reason to believe that the  
14 offender would violate the conditions of the electronic home  
15 monitoring penalty.

16 Whenever the mandatory minimum term of electronic home monitoring  
17 is waived, the court shall state in writing the reason for granting  
18 the waiver and the facts upon which the waiver is based, and shall  
19 impose an alternative sentence with similar punitive consequences.  
20 The alternative sentence may include, but is not limited to, use of  
21 an ignition interlock device, the 24/7 sobriety program monitoring,  
22 additional jail time, work crew, or work camp.

23 Whenever the combination of jail time and electronic home  
24 monitoring or alternative sentence would exceed three hundred sixty-  
25 four days, the offender shall serve the jail portion of the sentence  
26 first, and the electronic home monitoring or alternative portion of  
27 the sentence shall be reduced so that the combination does not exceed  
28 three hundred sixty-four days.

29 (13) **Extraordinary medical placement.** An offender serving a  
30 sentence under this section, whether or not a mandatory minimum term  
31 has expired, may be granted an extraordinary medical placement by the  
32 jail administrator subject to the standards and limitations set forth  
33 in RCW 9.94A.728(3).

34 (14) **Definitions.** For purposes of this section and RCW 46.61.502  
35 and 46.61.504:

36 (a) A "prior offense" means any of the following:

37 (i) A conviction for a violation of RCW 46.61.502 or an  
38 equivalent local ordinance;

39 (ii) A conviction for a violation of RCW 46.61.504 or an  
40 equivalent local ordinance;

1 (iii) A conviction for a violation of RCW 46.25.110 or an  
2 equivalent local ordinance;

3 (iv) A conviction for a violation of RCW 79A.60.040 or an  
4 equivalent local ordinance;

5 (v) A conviction for a violation of RCW 47.68.220 or an  
6 equivalent local ordinance;

7 (vi) A conviction for a violation of RCW 46.09.470(2) or an  
8 equivalent local ordinance;

9 (vii) A conviction for a violation of RCW 46.10.490(2) or an  
10 equivalent local ordinance;

11 (viii) A conviction for a violation of RCW 46.61.520 committed  
12 while under the influence of intoxicating liquor or any drug, or a  
13 conviction for a violation of RCW 46.61.520 committed in a reckless  
14 manner or with the disregard for the safety of others if the  
15 conviction is the result of a charge that was originally filed as a  
16 violation of RCW 46.61.520 committed while under the influence of  
17 intoxicating liquor or any drug;

18 (ix) A conviction for a violation of RCW 46.61.522 committed  
19 while under the influence of intoxicating liquor or any drug, or a  
20 conviction for a violation of RCW 46.61.522 committed in a reckless  
21 manner or with the disregard for the safety of others if the  
22 conviction is the result of a charge that was originally filed as a  
23 violation of RCW 46.61.522 committed while under the influence of  
24 intoxicating liquor or any drug;

25 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or  
26 9A.36.050 or an equivalent local ordinance, if the conviction is the  
27 result of a charge that was originally filed as a violation of RCW  
28 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW  
29 46.61.520 or 46.61.522;

30 (xi) An out-of-state conviction for a violation that would have  
31 been a violation of (a)(i), (ii), (viii), (ix), or (x) of this  
32 subsection if committed in this state;

33 (xii) A deferred prosecution under chapter 10.05 RCW granted in a  
34 prosecution for a violation of RCW 46.61.502, 46.61.504, or an  
35 equivalent local ordinance;

36 (xiii) A deferred prosecution under chapter 10.05 RCW granted in  
37 a prosecution for a violation of RCW 46.61.5249, or an equivalent  
38 local ordinance, if the charge under which the deferred prosecution  
39 was granted was originally filed as a violation of RCW 46.61.502 or

1 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or  
2 46.61.522;

3 (xiv) A deferred prosecution granted in another state for a  
4 violation of driving or having physical control of a vehicle while  
5 under the influence of intoxicating liquor or any drug if the out-of-  
6 state deferred prosecution is equivalent to the deferred prosecution  
7 under chapter 10.05 RCW, including a requirement that the defendant  
8 participate in a chemical dependency treatment program; or

9 (xv) A deferred sentence imposed in a prosecution for a violation  
10 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local  
11 ordinance, if the charge under which the deferred sentence was  
12 imposed was originally filed as a violation of RCW 46.61.502 or  
13 46.61.504, or an equivalent local ordinance, or a violation of RCW  
14 46.61.520 or 46.61.522;

15 If a deferred prosecution is revoked based on a subsequent  
16 conviction for an offense listed in this subsection (14)(a), the  
17 subsequent conviction shall not be treated as a prior offense of the  
18 revoked deferred prosecution for the purposes of sentencing;

19 (b) "Treatment" means (~~alcohol or drug~~) substance use disorder  
20 treatment approved by the department of social and health services;

21 (c) "Within seven years" means that the arrest for a prior  
22 offense occurred within seven years before or after the arrest for  
23 the current offense; and

24 (d) "Within ten years" means that the arrest for a prior offense  
25 occurred within ten years before or after the arrest for the current  
26 offense.

27 **Sec. 40.** RCW 46.61.5056 and 2011 c 293 s 13 are each amended to  
28 read as follows:

29 (1) A person subject to alcohol assessment and treatment under  
30 RCW 46.61.5055 shall be required by the court to complete a course in  
31 an alcohol information school approved by the department of social  
32 and health services or to complete more intensive treatment in a  
33 substance use disorder treatment program approved by the department  
34 of social and health services, as determined by the court. The court  
35 shall notify the department of licensing whenever it orders a person  
36 to complete a course or treatment program under this section.

37 (2) A diagnostic evaluation and treatment recommendation shall be  
38 prepared under the direction of the court by an alcoholism agency  
39 approved by the department of social and health services or a

1 qualified probation department approved by the department of social  
2 and health services. A copy of the report shall be forwarded to the  
3 court and the department of licensing. Based on the diagnostic  
4 evaluation, the court shall determine whether the person shall be  
5 required to complete a course in an alcohol information school  
6 approved by the department of social and health services or more  
7 intensive treatment in a substance use disorder treatment program  
8 approved by the department of social and health services.

9 (3) Standards for approval for alcohol treatment programs shall  
10 be prescribed by the department of social and health services. The  
11 department of social and health services shall periodically review  
12 the costs of alcohol information schools and treatment programs.

13 (4) Any agency that provides treatment ordered under RCW  
14 46.61.5055, shall immediately report to the appropriate probation  
15 department where applicable, otherwise to the court, and to the  
16 department of licensing any noncompliance by a person with the  
17 conditions of his or her ordered treatment. The court shall notify  
18 the department of licensing and the department of social and health  
19 services of any failure by an agency to so report noncompliance. Any  
20 agency with knowledge of noncompliance that fails to so report shall  
21 be fined two hundred fifty dollars by the department of social and  
22 health services. Upon three such failures by an agency within one  
23 year, the department of social and health services shall revoke the  
24 agency's approval under this section.

25 (5) The department of licensing and the department of social and  
26 health services may adopt such rules as are necessary to carry out  
27 this section.

28 NEW SECTION. **Sec. 41.** The following acts or parts of acts, as  
29 now existing or hereafter amended, are each repealed, effective April  
30 1, 2016:

31 (1) RCW 70.96A.030 (Substance use disorder program) and 2014 c  
32 225 s 21, 1989 c 270 s 4, & 1972 ex.s. c 122 s 3;

33 (2) RCW 70.96A.045 (Funding prerequisites, facilities, plans, or  
34 programs receiving financial assistance) and 1989 c 270 s 10;

35 (3) RCW 70.96A.060 (Interdepartmental coordinating committee) and  
36 2014 c 225 s 24, 1989 c 270 s 8, 1979 c 158 s 220, & 1972 ex.s. c 122  
37 s 6;

1 (4) RCW 70.96A.150 (Records of persons treated for alcoholism and  
2 drug addiction) and 1990 c 151 s 1, 1989 c 162 s 1, & 1972 ex.s. c  
3 122 s 15;

4 (5) RCW 70.96A.300 (Counties may create alcoholism and other drug  
5 addiction board—Generally) and 2014 c 225 s 31 & 1989 c 270 s 15;

6 (6) RCW 70.96A.310 (County alcoholism and other drug addiction  
7 program—Chief executive officer of program to be program coordinator)  
8 and 1989 c 270 s 16;

9 (7) RCW 70.96A.320 (Alcoholism and other drug addiction program—  
10 Generally) and 2014 c 225 s 32, 2013 c 320 s 8, 1990 c 151 s 9, &  
11 1989 c 270 s 17; and

12 (8) RCW 70.96A.325 (Methamphetamine addiction programs—Counties  
13 authorized to seek state funding) and 2006 c 339 s 101.

14 NEW SECTION. **Sec. 42.** RCW 70.96A.035, 70.96A.037, 70.96A.040,  
15 70.96A.043, 70.96A.047, 70.96A.050, 70.96A.055, 70.96A.080,  
16 70.96A.085, 70.96A.090, 70.96A.095, 70.96A.096, 70.96A.097,  
17 70.96A.170, 70.96A.180, 70.96A.230, 70.96A.235, 70.96A.240,  
18 70.96A.245, 70.96A.250, 70.96A.255, 70.96A.260, 70.96A.265,  
19 70.96A.350, 70.96A.400, 70.96A.410, 70.96A.420, 70.96A.430,  
20 70.96A.500, 70.96A.510, 70.96A.520, 70.96A.800, 70.96A.905, and  
21 70.96C.010 are each recodified as sections in chapter 71.24 RCW.

22 NEW SECTION. **Sec. 43.** This act takes effect April 1, 2016.

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