
HOUSE BILL 1916

State of Washington

64th Legislature

2015 Regular Session

By Representatives Cody and Harris

Read first time 02/02/15. Referred to Committee on Health Care & Wellness.

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.300, 70.96A.310, 70.96A.320, 70.96A.400, 70.96A.800,
8 70.96A.905, 2.28.170, 9.94A.660, 10.05.020, 10.05.030, 10.05.150,
9 46.61.5055, and 46.61.5056; reenacting and amending RCW 71.24.025 and
10 70.96A.020; adding new sections to chapter 71.24 RCW; recodifying RCW
11 70.96A.035, 70.96A.040, 70.96A.043, 70.96A.047, 70.96A.050,
12 70.96A.080, 70.96A.085, 70.96A.090, 70.96A.095, 70.96A.096,
13 70.96A.097, 70.96A.170, 70.96A.180, 70.96A.230, 70.96A.235,
14 70.96A.240, 70.96A.245, 70.96A.250, 70.96A.255, 70.96A.260,
15 70.96A.265, 70.96A.300, 70.96A.310, 70.96A.320, 70.96A.350,
16 70.96A.400, 70.96A.410, 70.96A.420, 70.96A.430, 70.96A.500,
17 70.96A.510, 70.96A.520, 70.96A.800, 70.96A.905, and 70.96C.010;
18 decodifying RCW 43.135.03901; repealing RCW 70.96A.030, 70.96A.045,
19 70.96A.060, 70.96A.150, and 70.96A.325; and providing an effective
20 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
30 under RCW 70.96A.310 (as recodified by this act) to perform the
31 commitment duties described in RCW 70.96A.140 and qualified to do so
32 by meeting 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.

1 (38) "Licensed physician" means a person licensed to practice
2 medicine or osteopathic medicine and surgery in the state of
3 Washington.

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

6 (1) The department is designated as the state (~~mental~~)
7 behavioral health authority.

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

13 (3) The secretary shall provide for participation in developing
14 the state mental health program for children and other underserved
15 populations, by including representatives on any committee
16 established to provide oversight to the state mental health program.

17 (4) The secretary shall be designated as the behavioral health
18 organization if the behavioral health organization fails to meet
19 state minimum standards or refuses to exercise responsibilities under
20 its contract or RCW 71.24.045, until such time as a new behavioral
21 health organization is designated.

22 (5) The secretary shall:

23 (a) Develop a biennial state mental health program that
24 incorporates regional biennial needs assessments and regional mental
25 health service plans and state services for adults and children with
26 mental illness;

27 (b) Assure that any behavioral health organization or county
28 community mental health program provides medically necessary services
29 to medicaid recipients consistent with the state's medicaid state
30 plan or federal waiver authorities, and nonmedicaid services
31 consistent with priorities established by the department;

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

35 (i) Licensed service providers. These rules shall permit a
36 county-operated mental health program to be licensed as a service
37 provider subject to compliance with applicable statutes and rules.
38 The secretary shall provide for deeming of compliance with state
39 minimum standards for those entities accredited by recognized

1 behavioral health accrediting bodies recognized and having a current
2 agreement with the department;

3 (ii) Inpatient services, evaluation and treatment services and
4 facilities under chapter 71.05 RCW, resource management services, and
5 community support services;

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

10 (e) Establish a standard contract or contracts, consistent with
11 state minimum standards which shall be used in contracting with
12 behavioral health organizations. The standard contract shall include
13 a maximum fund balance, which shall be consistent with that required
14 by federal regulations or waiver stipulations;

15 (f) Make contracts necessary or incidental to the performance of
16 its duties and the execution of its powers, including managed care
17 contracts for behavioral health services, contracts entered into
18 under RCW 74.09.522, and contracts with public and private agencies,
19 organizations, and individuals to pay them for behavioral health
20 services;

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

27 ~~((g))~~ (h) Develop and maintain an information system to be used
28 by the state and behavioral health organizations that includes a
29 tracking method which allows the department and behavioral health
30 organizations to identify mental health clients' participation in any
31 mental health service or public program on an immediate basis. The
32 information system shall not include individual patient's case
33 history files. Confidentiality of client information and records
34 shall be maintained as provided in this chapter and chapter 70.02
35 RCW;

36 ~~((h))~~ (i) License service providers who meet state minimum
37 standards;

38 ~~((i))~~ (j) Periodically monitor the compliance of behavioral
39 health organizations and their network of licensed service providers
40 for compliance with the contract between the department, the

1 behavioral health organization, and federal and state rules at
2 reasonable times and in a reasonable manner;

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

5 ~~((+k))~~ (l) Monitor and audit behavioral health organizations and
6 licensed service providers as needed to assure compliance with
7 contractual agreements authorized by this chapter;

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

10 ~~((+m))~~ (n) License or certify crisis stabilization units that
11 meet state minimum standards;

12 ~~((+n))~~ (o) License or certify clubhouses that meet state minimum
13 standards; ~~((and~~

14 ~~(+o))~~ (p) License or certify triage facilities that meet state
15 minimum standards; and

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

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

22 (a) To the extent authorized, and in accordance with any
23 priorities or conditions specified, in the biennial appropriations
24 act; or

25 (b) To incentivize improved performance with respect to the
26 client outcomes established in RCW 43.20A.895, 70.320.020, and
27 71.36.025, integration of behavioral health and medical services at
28 the clinical level, and improved care coordination for individuals
29 with complex care needs.

30 (7) Each behavioral health organization and licensed service
31 provider shall file with the secretary, on request, such data,
32 statistics, schedules, and information as the secretary reasonably
33 requires. A behavioral health organization or licensed service
34 provider which, without good cause, fails to furnish any data,
35 statistics, schedules, or information as requested, or files
36 fraudulent reports thereof, may be subject to the behavioral health
37 organization contractual remedies in RCW 43.20A.894 or may have its
38 service provider certification or license revoked or suspended.

39 (8) The secretary may suspend, revoke, limit, or restrict a
40 certification or license, or refuse to grant a certification or

1 license for failure to conform to: (a) The law; (b) applicable rules
2 and regulations; (c) applicable standards; or (d) state minimum
3 standards.

4 (9) The superior court may restrain any behavioral health
5 organization or service provider from operating without a contract,
6 certification, or a license or any other violation of this section.
7 The court may also review, pursuant to procedures contained in
8 chapter 34.05 RCW, any denial, suspension, limitation, restriction,
9 or revocation of certification or license, and grant other relief
10 required to enforce the provisions of this chapter.

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

18 (11) Notwithstanding the existence or pursuit of any other
19 remedy, the secretary may file an action for an injunction or other
20 process against any person or governmental unit to restrain or
21 prevent the establishment, conduct, or operation of a behavioral
22 health organization or service provider without a contract,
23 certification, or a license under this chapter.

24 ~~(12) ((The standards for certification or licensure of evaluation
25 and treatment facilities shall include standards relating to
26 maintenance of good physical and mental health and other services to
27 be afforded persons pursuant to this chapter and chapters 71.05 and
28 71.34 RCW, and shall otherwise assure the effectuation of the
29 purposes of these chapters.~~

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

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

34 ~~(b) Require administration of the unit by mental health
35 professionals who direct the stabilization and rehabilitation
36 efforts; and~~

37 ~~(c) Provide an environment affording security appropriate with
38 the alleged criminal behavior and necessary to protect the public
39 safety.~~

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

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

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

6 ~~(c) Members must have the opportunity to participate in all the~~
7 ~~work of the clubhouse, including administration, research, intake and~~
8 ~~orientation, outreach, hiring, training and evaluation of staff,~~
9 ~~public relations, advocacy, and evaluation of clubhouse~~
10 ~~effectiveness;~~

11 ~~(d) Members and staff and ultimately the clubhouse director must~~
12 ~~be responsible for the operation of the clubhouse, central to this~~
13 ~~responsibility is the engagement of members and staff in all aspects~~
14 ~~of clubhouse operations;~~

15 ~~(e) Clubhouse programs must be comprised of structured activities~~
16 ~~including but not limited to social skills training, vocational~~
17 ~~rehabilitation, employment training and job placement, and community~~
18 ~~resource development;~~

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

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

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

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

30 ~~((16))~~ (13) The secretary shall assume all duties assigned to
31 the nonparticipating behavioral health organizations under chapters
32 71.05 and 71.34 RCW and this chapter. Such responsibilities shall
33 include those which would have been assigned to the nonparticipating
34 counties in regions where there are not participating behavioral
35 health organizations.

36 The behavioral health organizations, or the secretary's
37 assumption of all responsibilities under chapters 71.05 and 71.34 RCW
38 and this chapter, shall be included in all state and federal plans
39 affecting the state mental health program including at least those
40 required by this chapter, the medicaid program, and P.L. 99-660.

1 Nothing in these plans shall be inconsistent with the intent and
2 requirements of this chapter.

3 ~~((17))~~ (14) The secretary shall:

4 (a) Disburse funds for the behavioral health organizations within
5 sixty days of approval of the biennial contract. The department must
6 either approve or reject the biennial contract within sixty days of
7 receipt.

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

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

17 (d) Deny all or part of the funding allocations to behavioral
18 health organizations based solely upon formal findings of
19 noncompliance with the terms of the behavioral health organization's
20 contract with the department. Behavioral health organizations
21 disputing the decision of the secretary to withhold funding
22 allocations are limited to the remedies provided in the department's
23 contracts with the behavioral health organizations.

24 ~~((18))~~ (15) The department, in cooperation with the state
25 congressional delegation, shall actively seek waivers of federal
26 requirements and such modifications of federal regulations as are
27 necessary to allow federal medicaid reimbursement for services
28 provided by freestanding evaluation and treatment facilities
29 certified under chapter 71.05 RCW. The department shall periodically
30 report its efforts to the appropriate committees of the senate and
31 the house of representatives.

32 (16) The department may:

33 (a) Plan, establish, and maintain substance use disorder
34 prevention and substance use disorder treatment programs as necessary
35 or desirable;

36 (b) Coordinate its activities and cooperate with behavioral
37 programs in this and other states, and make contracts and other joint
38 or cooperative arrangements with state, local, or private agencies in
39 this and other states for behavioral health services and for the
40 common advancement of substance use disorder programs;

1 (c) Solicit and accept for use any gift of money or property made
2 by will or otherwise, and any grant of money, services, or property
3 from the federal government, the state, or any political subdivision
4 thereof or any private source, and do all things necessary to
5 cooperate with the federal government or any of its agencies in
6 making an application for any grant;

7 (d) Keep records and engage in research and the gathering of
8 relevant statistics; and

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

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

14 The department shall:

15 (1) Develop, encourage, and foster statewide, regional, and local
16 plans and programs for the prevention of alcoholism and other drug
17 addiction, treatment of persons with substance use disorders and
18 their families, persons incapacitated by alcohol or other
19 psychoactive chemicals, and intoxicated persons in cooperation with
20 public and private agencies, organizations, and individuals and
21 provide technical assistance and consultation services for these
22 purposes;

23 (2) Assure that any behavioral health organization managed care
24 contract, or managed care contract under RCW 74.09.522 for behavioral
25 health services or programs for the treatment of persons with
26 substance use disorders and their families, persons incapacitated by
27 alcohol or other psychoactive chemicals, and intoxicated persons
28 provides medically necessary services to medicaid recipients. This
29 must include a continuum of mental health and (~~chemical dependency~~)
30 substance use disorder services consistent with the state's medicaid
31 plan or federal waiver authorities, and nonmedicaid services
32 consistent with priorities established by the department;

33 (3) Coordinate the efforts and enlist the assistance of all
34 public and private agencies, organizations, and individuals
35 interested in prevention of alcoholism and drug addiction, and
36 treatment of persons with substance use disorders and their families,
37 persons incapacitated by alcohol or other psychoactive chemicals, and
38 intoxicated persons;

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

6 (5) Cooperate with the superintendent of public instruction,
7 state board of education, schools, police departments, courts, and
8 other public and private agencies, organizations and individuals in
9 establishing programs for the prevention of (~~alcoholism and other~~
10 ~~drug addiction~~) substance use disorders, treatment of persons with
11 substance use disorders and their families, persons incapacitated by
12 alcohol or other psychoactive chemicals, and intoxicated persons, and
13 preparing curriculum materials thereon for use at all levels of
14 school education;

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

18 (7) Develop and implement, as an integral part of substance use
19 disorder treatment programs, an educational program for use in the
20 treatment of persons with substance use disorders, persons
21 incapacitated by alcohol or other psychoactive chemicals, and
22 intoxicated persons, which program shall include the dissemination of
23 information concerning the nature and effects of alcohol and other
24 psychoactive chemicals, the consequences of their use, the principles
25 of recovery, and HIV and AIDS;

26 (8) Organize and foster training programs for persons engaged in
27 treatment of persons with substance use disorders, persons
28 incapacitated by alcohol or other psychoactive chemicals, and
29 intoxicated persons;

30 (9) Sponsor and encourage research into the causes and nature of
31 (~~alcoholism and other drug addiction~~) substance use disorders,
32 treatment of persons with substance use disorders, persons
33 incapacitated by alcohol or other psychoactive chemicals, and
34 intoxicated persons, and serve as a clearinghouse for information
35 relating to (~~alcoholism or other drug addiction~~) substance use
36 disorders;

37 (10) Specify uniform methods for keeping statistical information
38 by public and private agencies, organizations, and individuals, and
39 collect and make available relevant statistical information,

1 including number of persons treated, frequency of admission and
2 readmission, and frequency and duration of treatment;

3 (11) Advise the governor in the preparation of a comprehensive
4 plan for treatment of persons with substance use disorders, persons
5 incapacitated by alcohol or other psychoactive chemicals, and
6 intoxicated persons for inclusion in the state's comprehensive health
7 plan;

8 (12) Review all state health, welfare, and treatment plans to be
9 submitted for federal funding under federal legislation, and advise
10 the governor on provisions to be included relating to substance use
11 disorders;

12 (13) Assist in the development of, and cooperate with, programs
13 for alcohol and other psychoactive chemical education and treatment
14 for employees of state and local governments and businesses and
15 industries in the state;

16 (14) Use the support and assistance of interested persons in the
17 community to encourage persons with substance use disorders
18 voluntarily to undergo treatment;

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

22 (16) Encourage general hospitals and other appropriate health
23 facilities to admit without discrimination persons with substance use
24 disorders, persons incapacitated by alcohol or other psychoactive
25 chemicals, and intoxicated persons and to provide them with adequate
26 and appropriate treatment;

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

30 (18) Organize and sponsor a statewide program to help court
31 personnel, including judges, better understand (~~the disease of~~
32 ~~alcoholism and other drug addiction~~) substance use disorders and the
33 uses of (~~chemical dependency~~) substance use disorder treatment
34 programs.

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

37 (1) The secretary shall by rule establish state minimum standards
38 for licensed behavioral health service providers and services,
39 whether those service providers and services are licensed to provide

1 solely mental health services, substance use disorder treatment
2 services, or services to persons with co-occurring disorders.

3 (2) Minimum standards for licensed behavioral health service
4 providers shall, at a minimum, establish: Qualifications for staff
5 providing services directly to (~~mentally ill~~) persons with
6 behavioral health disorders, the intended result of each service, and
7 the rights and responsibilities of persons receiving (~~mental~~)
8 behavioral health services pursuant to this chapter. The secretary
9 shall provide for deeming of licensed behavioral health service
10 providers as meeting state minimum standards as a result of
11 accreditation by a recognized behavioral health accrediting body
12 recognized and having a current agreement with the department.

13 (3) Minimum standards for community support services and resource
14 management services shall include at least qualifications for
15 resource management services, client tracking systems, and the
16 transfer of patient information between behavioral health service
17 providers.

18 (4) The department may suspend, revoke, limit, restrict, or
19 modify an approval, or refuse to grant approval, for failure to meet
20 the provisions of this chapter, or the standards adopted under this
21 chapter. RCW 43.20A.205 governs notice of a license denial,
22 revocation, suspension, or modification and provides the right to an
23 adjudicative proceeding.

24 (5) No licensed behavioral health service provider may advertise
25 or represent itself as a licensed behavioral health service provider
26 if approval has not been granted, has been denied, suspended,
27 revoked, or canceled.

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

33 (7) Licensed behavioral health service providers may not provide
34 types of services for which the licensed behavioral health service
35 provider has not been certified. Licensed behavioral health service
36 providers may provide services for which approval has been sought and
37 is pending, if approval for the services has not been previously
38 revoked or denied.

1 (8) The department periodically shall inspect licensed behavioral
2 health service providers at reasonable times and in a reasonable
3 manner.

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

12 (10) The department shall maintain and periodically publish a
13 current list of licensed behavioral health service providers.

14 (11) Each licensed behavioral health service provider shall file
15 with the department upon request, data, statistics, schedules, and
16 information the department reasonably requires. A licensed behavioral
17 health service provider that without good cause fails to furnish any
18 data, statistics, schedules, or information as requested, or files
19 fraudulent returns thereof, may have its license revoked or
20 suspended.

21 (12) The department shall use the data provided in subsection
22 (11) of this section to evaluate each program that admits children to
23 inpatient substance use disorder treatment upon application of their
24 parents. The evaluation must be done at least once every twelve
25 months. In addition, the department shall randomly select and review
26 the information on individual children who are admitted on
27 application of the child's parent for the purpose of determining
28 whether the child was appropriately placed into substance use
29 disorder treatment based on an objective evaluation of the child's
30 condition and the outcome of the child's treatment.

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

33 ~~(1) ((The department shall adopt rules establishing standards for~~
34 ~~approved treatment programs, the process for the review and~~
35 ~~inspection program applying to the department for certification as an~~
36 ~~approved treatment program, and fixing the fees to be charged by the~~
37 ~~department for the required inspections. The standards may concern~~
38 ~~the health standards to be met and standards of services and~~
39 ~~treatment to be afforded patients.~~

1 ~~(2) The department may suspend, revoke, limit, restrict, or~~
2 ~~modify an approval, or refuse to grant approval, for failure to meet~~
3 ~~the provisions of this chapter, or the standards adopted under this~~
4 ~~chapter. RCW 43.20A.205 governs notice of a license denial,~~
5 ~~revocation, suspension, or modification and provides the right to an~~
6 ~~adjudicative proceeding.~~

7 ~~(3) No treatment program may advertise or represent itself as an~~
8 ~~approved treatment program if approval has not been granted, has been~~
9 ~~denied, suspended, revoked, or canceled.~~

10 ~~(4) Certification as an approved treatment program is effective~~
11 ~~for one calendar year from the date of issuance of the certificate.~~
12 ~~The certification shall specify the types of services provided by the~~
13 ~~approved treatment program that meet the standards adopted under this~~
14 ~~chapter. Renewal of certification shall be made in accordance with~~
15 ~~this section for initial approval and in accordance with the~~
16 ~~standards set forth in rules adopted by the secretary.~~

17 ~~(5) Approved treatment programs shall not provide alcoholism or~~
18 ~~other drug addiction treatment services for which the approved~~
19 ~~treatment program has not been certified. Approved treatment programs~~
20 ~~may provide services for which approval has been sought and is~~
21 ~~pending, if approval for the services has not been previously revoked~~
22 ~~or denied.~~

23 ~~(6) The department periodically shall inspect approved public and~~
24 ~~private treatment programs at reasonable times and in a reasonable~~
25 ~~manner.~~

26 ~~(7) The department shall maintain and periodically publish a~~
27 ~~current list of approved treatment programs.~~

28 ~~(8) Each approved treatment program shall file with the~~
29 ~~department on request, data, statistics, schedules, and information~~
30 ~~the department reasonably requires. An approved treatment program~~
31 ~~that without good cause fails to furnish any data, statistics,~~
32 ~~schedules, or information as requested, or files fraudulent returns~~
33 ~~thereof, may be removed from the list of approved treatment programs,~~
34 ~~and its certification revoked or suspended.~~

35 ~~(9) The department shall use the data provided in subsection (8)~~
36 ~~of this section to evaluate each program that admits children to~~
37 ~~inpatient treatment upon application of their parents. The evaluation~~
38 ~~shall be done at least once every twelve months. In addition, the~~
39 ~~department shall randomly select and review the information on~~
40 ~~individual children who are admitted on application of the child's~~

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

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

12 ~~((11)(a)))~~ All approved opiate substitution treatment programs
13 that provide services to women who are pregnant are required to
14 disseminate up-to-date and accurate health education information to
15 all their pregnant clients concerning the possible addiction and
16 health risks that their opiate substitution treatment may have on
17 their baby. All pregnant clients must also be advised of the risks to
18 both them and their baby associated with not remaining on the opiate
19 substitute program. The information must be provided to these clients
20 both verbally and in writing. The health education information
21 provided to the pregnant clients must include referral options for
22 the addicted baby.

23 ~~((b))~~ (2) The department shall adopt rules that require all
24 opiate treatment programs to educate all pregnant women in their
25 program on the benefits and risks of methadone treatment to their
26 fetus before they are provided these medications, as part of their
27 addiction treatment. The department shall meet the requirements under
28 this subsection within the appropriations provided for opiate
29 treatment programs. The department, working with treatment providers
30 and medical experts, shall develop and disseminate the educational
31 materials to all certified opiate treatment programs.

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

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

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

3 The standards for certification or licensure of crisis
4 stabilization units must include standards that:

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

7 (2) Require administration of the unit by mental health
8 professionals who direct the stabilization and rehabilitation
9 efforts; and

10 (3) Provide an environment affording security appropriate with
11 the alleged criminal behavior and necessary to protect the public
12 safety.

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

15 The standards for certification or licensure of a clubhouse must
16 at a minimum include:

17 (1) The facilities may be peer-operated and must be
18 recovery-focused;

19 (2) Members and employees must work together;

20 (3) Members must have the opportunity to participate in all the
21 work of the clubhouse, including administration, research, intake and
22 orientation, outreach, hiring, training and evaluation of staff,
23 public relations, advocacy, and evaluation of clubhouse
24 effectiveness;

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

29 (5) Clubhouse programs must be comprised of structured activities
30 including but not limited to social skills training, vocational
31 rehabilitation, employment training and job placement, and community
32 resource development;

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

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

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

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

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

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

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

11 ~~((b))~~ (ii) Evaluation and treatment and community hospital
12 beds;

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

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

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

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

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

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

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

20 (b) With substance use disorders and their families, people
21 incapacitated by alcohol or other psychoactive chemicals, and
22 intoxicated people.

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

26 (A) Withdrawal management;

27 (B) Residential treatment; and

28 (C) Outpatient treatment.

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

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

35 (2) The behavioral health organization shall have the
36 flexibility, within the funds appropriated by the legislature for
37 this purpose and the terms of their contract, to design the mix of
38 services that will be most effective within their service area of
39 meeting the needs of people with ~~((mental))~~ behavioral health

1 disorders and avoiding placement of such individuals at the state
2 mental hospital. Behavioral health organizations are encouraged to
3 maximize the use of evidence-based practices and alternative
4 resources with the goal of substantially reducing and potentially
5 eliminating the use of institutions for mental diseases.

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

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

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

13 (1) The criminal justice treatment account is created in the
14 state treasury. Moneys in the account may be expended solely for: (a)
15 Substance ((~~abuse~~)) use disorder treatment and treatment support
16 services for offenders with ((~~an addiction or a substance abuse~~
17 ~~problem~~)) a substance use disorder that, if not treated, would result
18 in addiction, against whom charges are filed by a prosecuting
19 attorney in Washington state; (b) the provision of ((~~drug and~~
20 ~~alcohol~~)) substance use disorder treatment services and treatment
21 support services for nonviolent offenders within a drug court
22 program; and (c) the administrative and overhead costs associated
23 with the operation of a drug court((~~; and (d) during the 2011-2013~~
24 ~~biennium, the legislature may appropriate up to three million dollars~~
25 ~~from the account in order to offset reductions in the state general~~
26 ~~fund for treatment services provided by counties. This amount is not~~
27 ~~subject to the requirements of subsections (5) through (9) of this~~
28 ~~section. During the 2013-2015 fiscal biennium, the legislature may~~
29 ~~transfer from the criminal justice treatment account to the state~~
30 ~~general fund amounts as reflect the state savings associated with the~~
31 ~~implementation of the medicaid expansion of the federal affordable~~
32 ~~care act)). Moneys in the account may be spent only after~~
33 appropriation.

34 (2) For purposes of this section:

35 (a) "Treatment" means services that are critical to a
36 participant's successful completion of his or her substance ((~~abuse~~))
37 use disorder treatment program, but does not include the following
38 services: Housing other than that provided as part of an inpatient

1 substance ((~~abuse~~)) use disorder treatment program, vocational
2 training, and mental health counseling; and

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

7 (3) Revenues to the criminal justice treatment account consist
8 of: (a) Funds transferred to the account pursuant to this section;
9 and (b) any other revenues appropriated to or deposited in the
10 account.

11 (4)(a) (~~((For the fiscal biennium beginning July 1, 2003, the
12 state treasurer shall transfer eight million nine hundred fifty
13 thousand dollars from the general fund into the criminal justice
14 treatment account, divided into eight equal quarterly payments.))~~) For
15 the fiscal year beginning July 1, 2005, and each subsequent fiscal
16 year, the state treasurer shall transfer eight million two hundred
17 fifty thousand dollars from the general fund to the criminal justice
18 treatment account, divided into four equal quarterly payments. For
19 the fiscal year beginning July 1, 2006, and each subsequent fiscal
20 year, the amount transferred shall be increased on an annual basis by
21 the implicit price deflator as published by the federal bureau of
22 labor statistics.

23 (b) In each odd-numbered year, the legislature shall appropriate
24 the amount transferred to the criminal justice treatment account in
25 (a) of this subsection to the division of alcohol and substance abuse
26 for the purposes of subsection (5) of this section.

27 (5) Moneys appropriated to the (~~((division of alcohol and
28 substance abuse))~~) department from the criminal justice treatment
29 account shall be distributed as specified in this subsection. The
30 department (~~((shall serve as the fiscal agent for purposes of
31 distribution. Until July 1, 2004, the department may not use moneys
32 appropriated from the criminal justice treatment account for
33 administrative expenses and shall distribute all amounts appropriated
34 under subsection (4)(b) of this section in accordance with this
35 subsection. Beginning in July 1, 2004, the department))~~) may retain up
36 to three percent of the amount appropriated under subsection (4)(b)
37 of this section for its administrative costs.

38 (a) Seventy percent of amounts appropriated to the division from
39 the account shall be distributed to counties pursuant to the
40 distribution formula adopted under this section. The division of

1 alcohol and substance abuse, in consultation with the department of
2 corrections, the Washington state association of counties, the
3 Washington state association of drug court professionals, the
4 superior court judges' association, the Washington association of
5 prosecuting attorneys, representatives of the criminal defense bar,
6 representatives of substance ((abuse)) use disorder treatment
7 providers, and any other person deemed by the division to be
8 necessary, shall establish a fair and reasonable methodology for
9 distribution to counties of moneys in the criminal justice treatment
10 account. County or regional plans submitted for the expenditure of
11 formula funds must be approved by the panel established in (b) of
12 this subsection.

13 (b) Thirty percent of the amounts appropriated to the division
14 from the account shall be distributed as grants for purposes of
15 treating offenders against whom charges are filed by a county
16 prosecuting attorney. The division shall appoint a panel of
17 representatives from the Washington association of prosecuting
18 attorneys, the Washington association of sheriffs and police chiefs,
19 the superior court judges' association, the Washington state
20 association of counties, the Washington defender's association or the
21 Washington association of criminal defense lawyers, the department of
22 corrections, the Washington state association of drug court
23 professionals, substance ((abuse)) use disorder treatment providers,
24 and the division. The panel shall review county or regional plans for
25 funding under (a) of this subsection and grants approved under this
26 subsection. The panel shall attempt to ensure that treatment as
27 funded by the grants is available to offenders statewide.

28 (6) The county alcohol and drug coordinator, county prosecutor,
29 county sheriff, county superior court, a substance abuse treatment
30 provider appointed by the county legislative authority, a member of
31 the criminal defense bar appointed by the county legislative
32 authority, and, in counties with a drug court, a representative of
33 the drug court shall jointly submit a plan, approved by the county
34 legislative authority or authorities, to the panel established in
35 subsection (5)(b) of this section, for disposition of all the funds
36 provided from the criminal justice treatment account within that
37 county. The funds shall be used solely to provide approved alcohol
38 and substance abuse treatment pursuant to RCW 70.96A.090 (as
39 recodified by this act), treatment support services, and for the

1 administrative and overhead costs associated with the operation of a
2 drug court.

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

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

12 (7) Counties are encouraged to consider regional agreements and
13 submit regional plans for the efficient delivery of treatment under
14 this section.

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

18 (9) Counties must meet the criteria established in RCW
19 2.28.170(3)(b).

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

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

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

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

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

3 (1) The department of social and health services(~~(, in~~
4 ~~consultation with the members of the team charged with developing the~~
5 ~~state plan for co-occurring mental and substance abuse disorders,~~
6 ~~shall adopt, not later than January 1, 2006,)) shall maintain an
7 integrated and comprehensive screening and assessment process for
8 (~~chemical dependency~~) substance use and mental disorders and co-
9 occurring (~~chemical dependency~~) substance use and mental disorders.~~

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

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

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

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

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

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

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

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

30 (c) The integrated, comprehensive screening and assessment
31 process shall be implemented statewide by all (~~chemical dependency~~)
32 substance use disorder and mental health treatment providers as well
33 as all designated mental health professionals, designated chemical
34 dependency specialists, and designated crisis responders (~~not later~~
35 ~~than January 1, 2007~~)).

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

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

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

7 (1) The department of social and health services shall contract
8 for chemical dependency specialist services at division of children
9 and family services offices to enhance the timeliness and quality of
10 child protective services assessments and to better connect families
11 to needed treatment services.

12 (2) The chemical dependency specialist's duties may include, but
13 are not limited to: Conducting on-site ((~~chemical dependency~~))
14 substance use disorder screening and assessment, facilitating
15 progress reports to department employees, in-service training of
16 department employees and staff on substance ((~~abuse~~)) use disorder
17 issues, referring clients from the department to treatment providers,
18 and providing consultation on cases to department employees.

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

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

25 Except as provided in this chapter, the secretary shall not
26 approve any substance use disorder facility, plan, or program for
27 financial assistance under RCW 70.96A.040 (as recodified by this act)
28 unless at least ten percent of the amount spent for the facility,
29 plan, or program is provided from local public or private sources.
30 When deemed necessary to maintain public standards of care in the
31 substance use disorder facility, plan, or program, the secretary may
32 require the substance use disorder facility, plan, or program to
33 provide up to fifty percent of the total spent for the program
34 through fees, gifts, contributions, or volunteer services. The
35 secretary shall determine the value of the gifts, contributions, and
36 volunteer services.

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

3 The department shall contract with counties operating drug courts
4 and counties in the process of implementing new drug courts for the
5 provision of (~~drug and alcohol~~) substance use disorder treatment
6 services.

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

9 To be eligible to receive its share of liquor taxes and profits,
10 each city and county shall devote no less than two percent of its
11 share of liquor taxes and profits to the support of a substance use
12 disorder program (~~of alcoholism and other drug addiction~~) approved
13 by the (~~alcoholism and other drug addiction~~) substance use disorder
14 treatment board authorized by RCW 70.96A.300 (as recodified by this
15 act) and the secretary.

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

18 (1) The state and counties, cities, and other municipalities may
19 establish or contract for emergency service patrols which are to be
20 under the administration of the appropriate jurisdiction. A patrol
21 consists of persons trained to give assistance in the streets and in
22 other public places to persons who are intoxicated. Members of an
23 emergency service patrol shall be capable of providing first aid in
24 emergency situations and may transport intoxicated persons to their
25 homes and to and from substance use disorder treatment programs.

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

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

31 (1) If substance use disorder treatment is provided by an
32 approved substance use disorder treatment program and the patient has
33 not paid or is unable to pay the charge therefor, the program is
34 entitled to any payment (a) received by the patient or to which he or
35 she may be entitled because of the services rendered, and (b) from
36 any public or private source available to the program because of the
37 treatment provided to the patient.

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

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

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

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

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

20 School district personnel who contact a (~~chemical dependency~~)
21 substance use disorder inpatient treatment program or provider for
22 the purpose of referring a student to inpatient treatment shall
23 provide the parents with notice of the contact within forty-eight
24 hours.

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

27 (1) The department shall ensure that, for any minor admitted to
28 inpatient treatment under RCW 70.96A.245 (as recodified by this act),
29 a review is conducted by a physician or chemical dependency
30 counselor, as defined in rule by the department, who is employed by
31 the department or an agency under contract with the department and
32 who neither has a financial interest in continued inpatient treatment
33 of the minor nor is affiliated with the program providing the
34 treatment. The physician or chemical dependency counselor shall
35 conduct the review not less than seven nor more than fourteen days
36 following the date the minor was brought to the facility under RCW
37 70.96A.245(1) (as recodified by this act) to determine whether it is

1 a medical necessity to continue the minor's treatment on an inpatient
2 basis.

3 (2) In making a determination under subsection (1) of this
4 section whether it is a medical necessity to release the minor from
5 inpatient treatment, the department shall consider the opinion of the
6 treatment provider, the safety of the minor, the likelihood the
7 minor's (~~chemical dependency~~) substance use disorder recovery will
8 deteriorate if released from inpatient treatment, and the wishes of
9 the parent.

10 (3) If, after any review conducted by the department under this
11 section, the department determines it is no longer a medical
12 necessity for a minor to receive inpatient treatment, the department
13 shall immediately notify the parents and the professional person in
14 charge. The professional person in charge shall release the minor to
15 the parents within twenty-four hours of receiving notice. If the
16 professional person in charge and the parent believe that it is a
17 medical necessity for the minor to remain in inpatient treatment, the
18 minor shall be released to the parent on the second judicial day
19 following the department's determination in order to allow the parent
20 time to file an at-risk youth petition under chapter 13.32A RCW. If
21 the department determines it is a medical necessity for the minor to
22 receive outpatient treatment and the minor declines to obtain such
23 treatment, such refusal shall be grounds for the parent to file an
24 at-risk youth petition.

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

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

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

35 Parental consent is required for inpatient (~~chemical~~
36 ~~dependency~~) substance use disorder treatment of a minor, unless the
37 child meets the definition of a child in need of services in RCW
38 13.32A.030(~~(+4)~~) (5)(c) as determined by the department: PROVIDED,

1 That parental consent is required for any treatment of a minor under
2 the age of thirteen.

3 This section does not apply to petitions filed under this
4 chapter.

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

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

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

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

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

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

27 (3) An appropriately trained professional person may evaluate
28 whether the minor (~~(is—chemically—dependent))~~ has a substance use
29 disorder. The evaluation shall be completed within twenty-four hours
30 of the time the minor was brought to the program, unless the
31 professional person determines that the condition of the minor
32 necessitates additional time for evaluation. In no event shall a
33 minor be held longer than seventy-two hours for evaluation. If, in
34 the judgment of the professional person, it is determined it is a
35 medical necessity for the minor to receive inpatient treatment, the
36 minor may be held for treatment. The facility shall limit treatment
37 to that which the professional person determines is medically
38 necessary to stabilize the minor's condition until the evaluation has

1 been completed. Within twenty-four hours of completion of the
2 evaluation, the professional person shall notify the department if
3 the child is held for treatment and of the date of admission.

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

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

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

11 (1) A parent may bring, or authorize the bringing of, his or her
12 minor child to a provider of outpatient (~~(chemical dependency)~~)
13 substance use disorder treatment and request that an appropriately
14 trained professional person examine the minor to determine whether
15 the minor has a (~~(chemical dependency)~~) substance use disorder and is
16 in need of outpatient treatment.

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

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

22 (4) Any minor admitted to inpatient treatment under RCW
23 70.96A.245 (as recodified by this act) shall be discharged
24 immediately from inpatient treatment upon written request of the
25 parent.

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

28 For purposes of eligibility for medical assistance under chapter
29 74.09 RCW, minors in inpatient (~~(chemical dependency)~~) substance use
30 disorder treatment shall be considered to be part of their parent's
31 or legal guardian's household, unless the minor has been assessed by
32 the department or its designee as likely to require such treatment
33 for at least ninety consecutive days, or is in out-of-home care in
34 accordance with chapter 13.34 RCW, or the parents are found to not be
35 exercising responsibility for care and control of the minor. Payment
36 for such care by the department shall be made only in accordance with
37 rules, guidelines, and clinical criteria applicable to inpatient
38 treatment of minors established by the department.

1 **Sec. 27.** RCW 70.96A.300 and 2014 c 225 s 31 are each amended to
2 read as follows:

3 (1) A county or combination of counties acting jointly by
4 agreement, referred to as "county" in this chapter, may create ((an
5 ~~alcoholism and other drug addiction~~)) a substance use disorder
6 treatment board. This board may also be designated as a board for
7 other related purposes.

8 (2) The board shall be composed of not less than seven nor more
9 than fifteen members, who shall be chosen for their demonstrated
10 concern for ((~~alcoholism and other drug addiction~~)) substance use
11 disorder problems. Members of the board shall be representative of
12 the community, shall include at least one-quarter recovered persons
13 with substance use disorders, and shall include minority group
14 representation. No member may be a provider of ((~~alcoholism and other~~
15 ~~drug addiction~~)) substance use disorder treatment services. No more
16 than four elected or appointed city or county officials may serve on
17 the board at the same time. Members of the board shall serve three-
18 year terms and hold office until their successors are appointed and
19 qualified. They shall not be compensated for the performance of their
20 duties as members of the board, but may be reimbursed for travel
21 expenses.

22 (3) The ((~~alcoholism and other drug addiction~~)) substance use
23 disorder treatment board shall:

24 (a) Conduct public hearings and other investigations to determine
25 the needs and priorities of county citizens;

26 (b) Prepare and recommend to the county legislative authority for
27 approval, all plans, budgets, and applications by the county to the
28 department and other state agencies on behalf of the county
29 ((~~alcoholism and other drug addiction~~)) substance use disorder
30 treatment program;

31 (c) Monitor the implementation of the ((~~alcoholism and other drug~~
32 ~~addiction~~)) substance use disorder treatment plan and evaluate the
33 performance of the ((~~alcoholism and drug addiction~~)) substance use
34 disorder treatment program at least annually;

35 (d) Advise the county legislative ((~~authority and county~~
36 ~~alcoholism and other drug addiction~~)) substance use disorder
37 treatment program coordinator on matters relating to the ((~~alcoholism~~
38 ~~and other drug addiction~~)) substance use disorder treatment program,
39 including prevention and education;

1 (e) Nominate individuals to the county legislative authority for
2 the position of county ~~((alcoholism and other drug addiction))~~
3 substance use disorder treatment program coordinator. The nominees
4 should have training and experience in the administration of
5 ~~((alcoholism and other drug addiction))~~ substance use disorder
6 treatment services and shall meet the minimum qualifications
7 established by rule of the department;

8 (f) Carry out other duties that the department may prescribe by
9 rule.

10 **Sec. 28.** RCW 70.96A.310 and 1989 c 270 s 16 are each amended to
11 read as follows:

12 (1) The chief executive officer of the county ~~((alcoholism and~~
13 ~~other drug addiction))~~ substance use disorder treatment program shall
14 be the ~~((county alcoholism and other drug addiction))~~ substance use
15 disorder treatment program coordinator. The coordinator shall:

16 (a) In consultation with the county ~~((alcoholism and other drug~~
17 ~~addiction))~~ substance use disorder treatment board, provide general
18 supervision over the county ~~((alcoholism and other drug addiction))~~
19 substance use disorder treatment program;

20 (b) Prepare plans and applications for funds to support the
21 ~~((alcoholism and other drug addiction))~~ substance use disorder
22 treatment program in consultation with the county ~~((alcoholism and~~
23 ~~other drug addiction))~~ substance use disorder treatment board;

24 (c) Monitor the delivery of services to assure conformance with
25 plans and contracts and, at the discretion of the board, but at least
26 annually, report to the ~~((alcoholism and other drug addiction))~~
27 substance use disorder treatment board the results of the monitoring;

28 (d) Provide staff support to the county ~~((alcoholism and other~~
29 ~~drug addiction))~~ substance use disorder treatment board.

30 (2) The county ~~((alcoholism and other drug addiction))~~ substance
31 use disorder treatment program coordinator shall be appointed by the
32 county legislative authority from nominations by the ~~((alcoholism and~~
33 ~~other drug addiction))~~ substance use disorder treatment program
34 board. The coordinator may serve on either a full-time or part-time
35 basis. Only with the prior approval of the secretary may the
36 coordinator be an employee of a government or private agency under
37 contract with the department to provide ~~((alcoholism or other drug~~
38 ~~addiction))~~ substance use disorder treatment services.

1 **Sec. 29.** RCW 70.96A.320 and 2014 c 225 s 32 are each amended to
2 read as follows:

3 (1) A county legislative authority, or two or more counties
4 acting jointly, may establish ~~((an alcoholism and other drug
5 addiction))~~ a substance use disorder treatment program. If two or
6 more counties jointly establish the program, they shall designate one
7 county to provide administrative and financial services.

8 (2) To be eligible for funds from the department for the support
9 of the county ~~((alcoholism and other drug addiction))~~ substance use
10 disorder treatment program, the county legislative authority shall
11 establish a county ~~((alcoholism and other drug addiction))~~ substance
12 use disorder treatment board under RCW 70.96A.300 (as recodified by
13 this act) and appoint a county ~~((alcoholism and other drug
14 addiction))~~ substance use disorder treatment program coordinator
15 under RCW 70.96A.310 (as recodified by this act).

16 (3) The county legislative authority may apply to the department
17 for financial support for the county program of ~~((alcoholism and
18 other drug addiction))~~ substance use disorder treatment. To receive
19 financial support, the county legislative authority shall submit a
20 plan that meets the following conditions:

21 (a) It shall describe the prevention, early intervention, or
22 recovery support services and activities to be provided;

23 (b) It shall include anticipated expenditures and revenues;

24 (c) It shall be prepared by the county ~~((alcoholism and other
25 drug addiction))~~ substance use disorder treatment program board and
26 be adopted by the county legislative authority;

27 (d) It shall reflect maximum effective use of existing services
28 and programs; and

29 (e) It shall meet other conditions that the secretary may
30 require.

31 (4) The county may accept and spend gifts, grants, and fees, from
32 public and private sources, to implement its program of ~~((alcoholism
33 and other drug addiction))~~ substance use disorder treatment.

34 (5) The department shall require that any agreement to provide
35 financial support to a county that performs the activities of a
36 service coordination organization for ~~((alcoholism and other drug
37 addiction))~~ substance use disorder treatment services must
38 incorporate the expected outcomes and criteria to measure the
39 performance of service coordination organizations as provided in
40 chapter 70.320 RCW.

1 (6) The county may subcontract for withdrawal management,
2 residential treatment, or outpatient treatment with treatment
3 programs that are approved treatment programs. The county may
4 subcontract for other services with individuals or organizations
5 approved by the department.

6 (7) To continue to be eligible for financial support from the
7 department for the county (~~alcoholism and other drug addiction~~)
8 substance use disorder treatment program, an increase in state
9 financial support shall not be used to supplant local funds from a
10 source that was used to support the county (~~alcoholism and other~~
11 ~~drug addiction~~) substance use disorder treatment program before the
12 effective date of the increase.

13 **Sec. 30.** RCW 70.96A.400 and 2001 c 242 s 1 are each amended to
14 read as follows:

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

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

34 Further, the state declares that the primary goal of opiate
35 substitution treatment is total abstinence from (~~chemical~~
36 ~~dependency~~) substance use for the individuals who participate in the
37 treatment program. The state recognizes that a small percentage of
38 persons who participate in opiate substitution treatment programs
39 require treatment for an extended period of time. Opiate substitution

1 treatment programs shall provide a comprehensive transition program
2 to eliminate ((~~chemical dependency~~)) substance use, including opiate
3 and opiate substitute addiction of program participants.

4 **Sec. 31.** RCW 70.96A.800 and 2014 c 225 s 33 are each amended to
5 read as follows:

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

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

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

26 (b) Reduce the use of crisis medical, ((~~chemical dependency~~))
27 substance use disorder treatment and mental health services,
28 including but not limited to, emergency room admissions,
29 hospitalizations, withdrawal management programs, inpatient
30 psychiatric admissions, involuntary treatment petitions, emergency
31 medical services, and ambulance services;

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

34 (d) Reduce the number of criminal justice interventions including
35 arrests, violations of conditions of supervision, bookings, jail
36 days, prison sanction day for violations, court appearances, and
37 prosecutor and defense costs;

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

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

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

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

15 (i) Document the numbers of persons with co-occurring mental and
16 substance ((~~abuse~~)) use disorders and the point of determination of
17 the co-occurring disorder by quadrant of intensity of need; and

18 (j) Where a program participant is under supervision by the
19 department of corrections, collaborate with the department of
20 corrections to maximize treatment outcomes and reduce the likelihood
21 of reoffense.

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

24 **Sec. 32.** RCW 70.96A.905 and 1992 c 205 s 306 are each amended to
25 read as follows:

26 The department shall ensure that the provisions of this chapter
27 are applied by the counties in a consistent and uniform manner. The
28 department shall also ensure that, to the extent possible within
29 available funds, the county-designated chemical dependency
30 specialists are specifically trained in adolescent chemical
31 dependency issues, the chemical dependency commitment laws, and the
32 criteria for commitment, as specified in this chapter and chapter
33 70.96A RCW.

34 **Sec. 33.** RCW 70.96A.020 and 2014 c 225 s 20 are each reenacted
35 and amended to read as follows:

36 For the purposes of this chapter the following words and phrases
37 shall have the following meanings unless the context clearly requires
38 otherwise:

1 (1) "Alcoholism" means a disease, characterized by a dependency
2 on alcoholic beverages, loss of control over the amount and
3 circumstances of use, symptoms of tolerance, physiological or
4 psychological withdrawal, or both, if use is reduced or discontinued,
5 and impairment of health or disruption of social or economic
6 functioning.

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

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

14 (4) "Behavioral health program" has the same meaning as in RCW
15 71.24.025.

16 (5) "Behavioral health services" means mental health services as
17 described in chapters 71.24 and 71.36 RCW and ~~((chemical dependency))~~
18 substance use disorder treatment services as described in this
19 chapter.

20 ~~((+5))~~ (6) "Chemical dependency" means: (a) Alcoholism; (b) drug
21 addiction; or (c) dependence on alcohol and one or more other
22 psychoactive chemicals, as the context requires.

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

27 (7) "Department" means the department of social and health
28 services.

29 (8) "Designated chemical dependency specialist" or "specialist"
30 means a person designated by the behavioral health organization or by
31 the county ~~((alcoholism and other drug addiction))~~ substance use
32 disorder treatment program coordinator designated under RCW
33 70.96A.310 (as recodified by this act) to perform the commitment
34 duties described in RCW 70.96A.140 and qualified to do so by meeting
35 standards adopted by the department.

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

38 ~~(+10))~~ "Drug addiction" means a disease characterized by a
39 dependency on psychoactive chemicals, loss of control over the amount
40 and circumstances of use, symptoms of tolerance, physiological or

1 psychological withdrawal, or both, if use is reduced or discontinued,
2 and impairment of health or disruption of social or economic
3 functioning.

4 ~~((11)) "Emergency service patrol" means a patrol established~~
5 ~~under RCW 70.96A.170.~~

6 ~~(12))~~ (10) "Gravely disabled by alcohol or other psychoactive
7 chemicals" or "gravely disabled" means that a person, as a result of
8 the use of alcohol or other psychoactive chemicals: (a) Is in danger
9 of serious physical harm resulting from a failure to provide for his
10 or her essential human needs of health or safety; or (b) manifests
11 severe deterioration in routine functioning evidenced by a repeated
12 and escalating loss of cognition or volitional control over his or
13 her actions and is not receiving care as essential for his or her
14 health or safety.

15 ~~((13))~~ (11) "History of one or more violent acts" refers to the
16 period of time ten years prior to the filing of a petition under this
17 chapter, excluding any time spent, but not any violent acts
18 committed, in a mental health facility, or a long-term alcoholism or
19 drug treatment facility, or in confinement.

20 ~~((14))~~ (12) "Incapacitated by alcohol or other psychoactive
21 chemicals" means that a person, as a result of the use of alcohol or
22 other psychoactive chemicals, is gravely disabled or presents a
23 likelihood of serious harm to himself or herself, to any other
24 person, or to property.

25 ~~((15))~~ (13) "Incompetent person" means a person who has been
26 adjudged incompetent by the superior court.

27 ~~((16))~~ (14) "Intoxicated person" means a person whose mental or
28 physical functioning is substantially impaired as a result of the use
29 of alcohol or other psychoactive chemicals.

30 ~~((17))~~ (15) "Licensed physician" means a person licensed to
31 practice medicine or osteopathic medicine and surgery in the state of
32 Washington.

33 ~~((18))~~ (16) "Likelihood of serious harm" means:

34 (a) A substantial risk that: (i) Physical harm will be inflicted
35 by an individual upon his or her own person, as evidenced by threats
36 or attempts to commit suicide or inflict physical harm on one's self;
37 (ii) physical harm will be inflicted by an individual upon another,
38 as evidenced by behavior that has caused the harm or that places
39 another person or persons in reasonable fear of sustaining the harm;
40 or (iii) physical harm will be inflicted by an individual upon the

1 property of others, as evidenced by behavior that has caused
2 substantial loss or damage to the property of others; or

3 (b) The individual has threatened the physical safety of another
4 and has a history of one or more violent acts.

5 ((+19+)) (17) "Medical necessity" for inpatient care of a minor
6 means a requested certified inpatient service that is reasonably
7 calculated to: (a) Diagnose, arrest, or alleviate a chemical
8 dependency; or (b) prevent the progression of substance use disorders
9 that endanger life or cause suffering and pain, or result in illness
10 or infirmity or threaten to cause or aggravate a handicap, or cause
11 physical deformity or malfunction, and there is no adequate less
12 restrictive alternative available.

13 ((+20+)) (18) "Minor" means a person less than eighteen years of
14 age.

15 ((+21+)) (19) "Parent" means the parent or parents who have the
16 legal right to custody of the child. Parent includes custodian or
17 guardian.

18 ((+22+)) (20) "Peace officer" means a law enforcement official of
19 a public agency or governmental unit, and includes persons
20 specifically given peace officer powers by any state law, local
21 ordinance, or judicial order of appointment.

22 ((+23+)) (21) "Person" means an individual, including a minor.

23 ((+24+)) (22) "Professional person in charge" or "professional
24 person" means a physician or chemical dependency counselor as defined
25 in rule by the department, who is empowered by a certified treatment
26 program with authority to make assessment, admission, continuing
27 care, and discharge decisions on behalf of the certified program.

28 ((+25+)) (23) "Secretary" means the secretary of the department
29 of social and health services.

30 ((+26+)) (24) "Substance use disorder" means a cluster of
31 cognitive, behavioral, and physiological symptoms indicating that an
32 individual continues using the substance despite significant
33 substance-related problems. The diagnosis of a substance use disorder
34 is based on a pathological pattern of behaviors related to the use of
35 the substances.

36 ((+27+)) (25) "Treatment" means the broad range of emergency,
37 withdrawal management, residential, and outpatient services and care,
38 including diagnostic evaluation, ((~~chemical dependency~~)) substance
39 use disorder education and counseling, medical, psychiatric,
40 psychological, and social service care, vocational rehabilitation and

1 career counseling, which may be extended to persons with substance
2 use disorders and their families, persons incapacitated by alcohol or
3 other psychoactive chemicals, and intoxicated persons.

4 ~~((+28))~~ (26) "Substance use disorder treatment program" means an
5 organization, institution, or corporation, public or private, engaged
6 in the care, treatment, or rehabilitation of persons with substance
7 use ~~((disorder[s]))~~ disorders.

8 ~~((+29))~~ (27) "Violent act" means behavior that resulted in
9 homicide, attempted suicide, nonfatal injuries, or substantial damage
10 to property.

11 **Sec. 34.** RCW 2.28.170 and 2013 2nd sp.s. c 4 s 952 are each
12 amended to read as follows:

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

14 (2) For the purposes of this section, "drug court" means a court
15 that has special calendars or dockets designed to achieve a reduction
16 in recidivism and substance abuse among nonviolent, substance abusing
17 felony and nonfelony offenders, whether adult or juvenile, by
18 increasing their likelihood for successful rehabilitation through
19 early, continuous, and intense judicially supervised treatment;
20 mandatory periodic drug testing; and the use of appropriate sanctions
21 and other rehabilitation services.

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

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

26 (ii) Match, on a dollar-for-dollar basis, state moneys allocated
27 for drug court programs with local cash or in-kind resources. Moneys
28 allocated by the state must be used to supplement, not supplant,
29 other federal, state, and local funds for drug court operations and
30 associated services. However, from July 26, 2009, until June 30,
31 2015, no match is required for state moneys expended for the
32 administrative and overhead costs associated with the operation of a
33 drug court pursuant to RCW 70.96A.350 (as recodified by this act).

34 (b) Any jurisdiction that establishes a drug court pursuant to
35 this section shall establish minimum requirements for the
36 participation of offenders in the program. The drug court may adopt
37 local requirements that are more stringent than the minimum. The
38 minimum requirements are:

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

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

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

6 (A) That is a sex offense;

7 (B) That is a serious violent offense;

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

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

11 **Sec. 35.** RCW 9.94A.660 and 2009 c 389 s 3 are each amended to
12 read as follows:

13 (1) An offender is eligible for the special drug offender
14 sentencing alternative if:

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

18 (b) The offender is convicted of a felony that is not a felony
19 driving while under the influence of intoxicating liquor or any drug
20 under RCW 46.61.502(6) or felony physical control of a vehicle while
21 under the influence of intoxicating liquor or any drug under RCW
22 46.61.504(6);

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

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

33 (e) The offender has not been found by the United States attorney
34 general to be subject to a deportation detainer or order and does not
35 become subject to a deportation order during the period of the
36 sentence;

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

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

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

6 (3) If the sentencing court determines that the offender is
7 eligible for an alternative sentence under this section and that the
8 alternative sentence is appropriate, the court shall waive imposition
9 of a sentence within the standard sentence range and impose a
10 sentence consisting of either a prison-based alternative under RCW
11 9.94A.662 or a residential chemical dependency treatment-based
12 alternative under RCW 9.94A.664. The residential chemical dependency
13 treatment-based alternative is only available if the midpoint of the
14 standard range is twenty-four months or less.

15 (4) To assist the court in making its determination, the court
16 may order the department to complete either or both a risk assessment
17 report and a chemical dependency screening report as provided in RCW
18 9.94A.500.

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

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

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

26 (iii) Whether effective treatment for the offender's addiction is
27 available from a provider that has been licensed or certified by the
28 division of alcohol and substance abuse of the department of social
29 and health services; and

30 (iv) Whether the offender and the community will benefit from the
31 use of the alternative.

32 (b) The examination report must contain:

33 (i) A proposed monitoring plan, including any requirements
34 regarding living conditions, lifestyle requirements, and monitoring
35 by family members and others; and

36 (ii) Recommended crime-related prohibitions and affirmative
37 conditions.

38 (6) When a court imposes a sentence of community custody under
39 this section:

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

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

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

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

15 (c) The court may order the offender to serve a term of total
16 confinement within the standard range of the offender's current
17 offense at any time during the period of community custody if the
18 offender violates the conditions or requirements of the sentence or
19 if the offender is failing to make satisfactory progress in
20 treatment.

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

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

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

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

37 **Sec. 36.** RCW 10.05.020 and 2010 c 269 s 9 are each amended to
38 read as follows:

1 (1) Except as provided in subsection (2) of this section, the
2 petitioner shall allege under oath in the petition that the wrongful
3 conduct charged is the result of or caused by ~~((alcoholism, drug
4 addiction,))~~ substance use disorders or mental problems for which the
5 person is in need of treatment and unless treated the probability of
6 future recurrence is great, along with a statement that the person
7 agrees to pay the cost of a diagnosis and treatment of the alleged
8 problem or problems if financially able to do so. The petition shall
9 also contain a case history and written assessment prepared by an
10 approved ~~((alcoholism))~~ substance use disorder treatment program as
11 designated in chapter ~~((70.96A))~~ 71.24 RCW if the petition alleges
12 ~~((alcoholism, an approved drug program as designated in chapter 71.24
13 RCW if the petition alleges drug addiction,))~~ a substance use
14 disorder or by an approved mental health center if the petition
15 alleges a mental problem.

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

35 (3) Before entry of an order deferring prosecution, a petitioner
36 shall be advised of his or her rights as an accused and execute, as a
37 condition of receiving treatment, a statement that contains: (a) An
38 acknowledgment of his or her rights; (b) an acknowledgment and waiver
39 of the right to testify, the right to a speedy trial, the right to
40 call witnesses to testify, the right to present evidence in his or

1 her defense, and the right to a jury trial; (c) a stipulation to the
2 admissibility and sufficiency of the facts contained in the written
3 police report; and (d) an acknowledgment that the statement will be
4 entered and used to support a finding of guilty if the court finds
5 cause to revoke the order granting deferred prosecution. The
6 petitioner shall also be advised that he or she may, if he or she
7 proceeds to trial and is found guilty, be allowed to seek suspension
8 of some or all of the fines and incarceration that may be ordered
9 upon the condition that he or she seek treatment and, further, that
10 he or she may seek treatment from public and private agencies at any
11 time without regard to whether or not he or she is found guilty of
12 the offense charged. He or she shall also be advised that the court
13 will not accept a petition for deferred prosecution from a person
14 who: (i) Sincerely believes that he or she is innocent of the
15 charges; (ii) sincerely believes that he or she does not, in fact,
16 suffer from alcoholism, drug addiction, or mental problems; or (iii)
17 in the case of a petitioner charged under chapter 9A.42 RCW,
18 sincerely believes that he or she does not need child welfare
19 services.

20 (4) Before entering an order deferring prosecution, the court
21 shall make specific findings that: (a) The petitioner has stipulated
22 to the admissibility and sufficiency of the facts as contained in the
23 written police report; (b) the petitioner has acknowledged the
24 admissibility of the stipulated facts in any criminal hearing on the
25 underlying offense or offenses held subsequent to revocation of the
26 order granting deferred prosecution; (c) the petitioner has
27 acknowledged and waived the right to testify, the right to a speedy
28 trial, the right to call witnesses to testify, the right to present
29 evidence in his or her defense, and the right to a jury trial; and
30 (d) the petitioner's statements were made knowingly and voluntarily.
31 Such findings shall be included in the order granting deferred
32 prosecution.

33 **Sec. 37.** RCW 10.05.030 and 2002 c 219 s 8 are each amended to
34 read as follows:

35 The arraignment judge upon consideration of the petition and with
36 the concurrence of the prosecuting attorney may continue the
37 arraignment and refer such person for a diagnostic investigation and
38 evaluation to an approved (~~alcoholism~~) substance use disorder
39 treatment program as designated in chapter (~~70.96A~~) 71.24 RCW, if

1 the petition alleges (~~an alcohol problem, an approved drug treatment~~
2 ~~center as designated in chapter 71.24 RCW, if the petition alleges a~~
3 ~~drug problem~~) a substance use disorder, to an approved mental health
4 center, if the petition alleges a mental problem, or the department
5 of social and health services if the petition is brought under RCW
6 10.05.020(2).

7 **Sec. 38.** RCW 10.05.150 and 1999 c 143 s 43 are each amended to
8 read as follows:

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

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

14 (2) Participation in an intensive inpatient or intensive
15 outpatient program in a state-approved (~~alcoholism~~) substance use
16 disorder treatment program;

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

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

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

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

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

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

35 (9) Signature of the petitioner agreeing to the terms and
36 conditions of the treatment program.

37 NEW SECTION. **Sec. 39.** RCW 43.135.03901 is decodified.

1 **Sec. 40.** RCW 46.61.5055 and 2014 c 100 s 1 are each amended to
2 read as follows:

3 (1) **No prior offenses in seven years.** Except as provided in RCW
4 46.61.502(6) or 46.61.504(6), a person who is convicted of a
5 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense
6 within seven years shall be punished as follows:

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

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

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

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

39 (i) By imprisonment for not less than two days nor more than
40 three hundred sixty-four days. Forty-eight consecutive hours of the

1 imprisonment may not be suspended unless the court finds that the
2 imposition of this mandatory minimum sentence would impose a
3 substantial risk to the offender's physical or mental well-being.
4 Whenever the mandatory minimum sentence is suspended, the court shall
5 state in writing the reason for granting the suspension and the facts
6 upon which the suspension is based. In lieu of the mandatory minimum
7 term of imprisonment required under this subsection (1)(b)(i), the
8 court may order not less than thirty days of electronic home
9 monitoring. The offender shall pay the cost of electronic home
10 monitoring. The county or municipality in which the penalty is being
11 imposed shall determine the cost. The court may also require the
12 offender's electronic home monitoring device to include an alcohol
13 detection breathalyzer or other separate alcohol monitoring device,
14 and the court may restrict the amount of alcohol the offender may
15 consume during the time the offender is on electronic home
16 monitoring; and

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

20 (2) **One prior offense in seven years.** Except as provided in RCW
21 46.61.502(6) or 46.61.504(6), a person who is convicted of a
22 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense
23 within seven years shall be punished as follows:

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

29 (i) By imprisonment for not less than thirty days nor more than
30 three hundred sixty-four days and sixty days of electronic home
31 monitoring. In lieu of the mandatory minimum term of sixty days
32 electronic home monitoring, the court may order at least an
33 additional four days in jail or, if available in that county or city,
34 a six-month period of 24/7 sobriety program monitoring pursuant to
35 RCW 36.28A.300 through 36.28A.390, and the court shall order an
36 expanded alcohol assessment and treatment, if deemed appropriate by
37 the assessment. The offender shall pay for the cost of the electronic
38 monitoring. The county or municipality where the penalty is being
39 imposed shall determine the cost. The court may also require the
40 offender's electronic home monitoring device include an alcohol

1 detection breathalyzer or other separate alcohol monitoring device,
2 and may restrict the amount of alcohol the offender may consume
3 during the time the offender is on electronic home monitoring. Thirty
4 days of imprisonment and sixty days of electronic home monitoring may
5 not be suspended unless the court finds that the imposition of this
6 mandatory minimum sentence would impose a substantial risk to the
7 offender's physical or mental well-being. Whenever the mandatory
8 minimum sentence is suspended, the court shall state in writing the
9 reason for granting the suspension and the facts upon which the
10 suspension is based; and

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

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

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

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

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

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

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

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

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

6 (i) By imprisonment for not less than one hundred twenty days nor
7 more than three hundred sixty-four days, if available in that county
8 or city, a six-month period of 24/7 sobriety program monitoring
9 pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty
10 days of electronic home monitoring. In lieu of the mandatory minimum
11 term of one hundred fifty days of electronic home monitoring, the
12 court may order at least an additional ten days in jail. The offender
13 shall pay for the cost of the electronic monitoring. The court shall
14 order an expanded alcohol assessment and treatment, if deemed
15 appropriate by the assessment. 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. One hundred twenty days of imprisonment and one hundred
22 fifty days of electronic home monitoring may not be suspended unless
23 the court finds that the imposition of this mandatory minimum
24 sentence would impose a substantial risk to the offender's physical
25 or mental well-being. Whenever the mandatory minimum sentence is
26 suspended, the court shall state in writing the reason for granting
27 the suspension and the facts upon which the suspension is based; and

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

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

35 (a) The person has four or more prior offenses within ten years;
36 or

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

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

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

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

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

6 (5) **Monitoring.**

7 (a) **Ignition interlock device.** The court shall require any person
8 convicted of a violation of RCW 46.61.502 or 46.61.504 or an
9 equivalent local ordinance to comply with the rules and requirements
10 of the department regarding the installation and use of a functioning
11 ignition interlock device installed on all motor vehicles operated by
12 the person.

13 (b) **Monitoring devices.** If the court orders that a person refrain
14 from consuming any alcohol, the court may order the person to submit
15 to alcohol monitoring through an alcohol detection breathalyzer
16 device, transdermal sensor device, or other technology designed to
17 detect alcohol in a person's system. The person shall pay for the
18 cost of the monitoring, unless the court specifies that the cost of
19 monitoring will be paid with funds that are available from an
20 alternative source identified by the court. The county or
21 municipality where the penalty is being imposed shall determine the
22 cost.

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

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

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

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

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

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

3 (b) In any case in which the person has no prior offenses within
4 seven years, and except as provided in RCW 46.61.502(6) or
5 46.61.504(6), order an additional twenty-four hours of imprisonment
6 and a fine of not less than one thousand dollars and not more than
7 five thousand dollars. One thousand dollars of the fine may not be
8 suspended unless the court finds the offender to be indigent;

9 (c) In any case in which the person has one prior offense within
10 seven years, and except as provided in RCW 46.61.502(6) or
11 46.61.504(6), order an additional five days of imprisonment and a
12 fine of not less than two thousand dollars and not more than five
13 thousand dollars. One thousand dollars of the fine may not be
14 suspended unless the court finds the offender to be indigent;

15 (d) In any case in which the person has two or three prior
16 offenses within seven years, and except as provided in RCW
17 46.61.502(6) or 46.61.504(6), order an additional ten days of
18 imprisonment and a fine of not less than three thousand dollars and
19 not more than ten thousand dollars. One thousand dollars of the fine
20 may not be suspended unless the court finds the offender to be
21 indigent.

22 (7) **Other items courts must consider while setting penalties.** In
23 exercising its discretion in setting penalties within the limits
24 allowed by this section, the court shall particularly consider the
25 following:

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

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

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

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

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

39 (9) **Driver's license privileges of the defendant.** The license,
40 permit, or nonresident privilege of a person convicted of driving or

1 being in physical control of a motor vehicle while under the
2 influence of intoxicating liquor or drugs must:

3 (a) **Penalty for alcohol concentration less than 0.15.** If the
4 person's alcohol concentration was less than 0.15, or if for reasons
5 other than the person's refusal to take a test offered under RCW
6 46.20.308 there is no test result indicating the person's alcohol
7 concentration:

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

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

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

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

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

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

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

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

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

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

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

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

36 Upon its own motion or upon motion by a person, a court may find,
37 on the record, that notice to the department under RCW 46.20.270 has
38 been delayed for three years or more as a result of a clerical or
39 court error. If so, the court may order that the person's license,
40 permit, or nonresident privilege shall not be revoked, suspended, or

1 denied for that offense. The court shall send notice of the finding
2 and order to the department and to the person. Upon receipt of the
3 notice from the court, the department shall not revoke, suspend, or
4 deny the license, permit, or nonresident privilege of the person for
5 that offense.

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

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

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

38 (b) For each violation of mandatory conditions of probation under
39 (a)(i), (ii), or (iii) of this subsection, the court shall order the

1 convicted person to be confined for thirty days, which shall not be
2 suspended or deferred.

3 (c) For each incident involving a violation of a mandatory
4 condition of probation imposed under this subsection, the license,
5 permit, or privilege to drive of the person shall be suspended by the
6 court for thirty days or, if such license, permit, or privilege to
7 drive already is suspended, revoked, or denied at the time the
8 finding of probation violation is made, the suspension, revocation,
9 or denial then in effect shall be extended by thirty days. The court
10 shall notify the department of any suspension, revocation, or denial
11 or any extension of a suspension, revocation, or denial imposed under
12 this subsection.

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

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

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

22 (c) The court determines that there is reason to believe that the
23 offender would violate the conditions of the electronic home
24 monitoring penalty.

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

32 Whenever the combination of jail time and electronic home
33 monitoring or alternative sentence would exceed three hundred sixty-
34 four days, the offender shall serve the jail portion of the sentence
35 first, and the electronic home monitoring or alternative portion of
36 the sentence shall be reduced so that the combination does not exceed
37 three hundred sixty-four days.

38 (13) **Extraordinary medical placement.** An offender serving a
39 sentence under this section, whether or not a mandatory minimum term
40 has expired, may be granted an extraordinary medical placement by the

1 jail administrator subject to the standards and limitations set forth
2 in RCW 9.94A.728(3).

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

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

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

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

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

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

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

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

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

20 (viii) A conviction for a violation of RCW 46.61.520 committed
21 while under the influence of intoxicating liquor or any drug, or a
22 conviction for a violation of RCW 46.61.520 committed in a reckless
23 manner or with the disregard for the safety of others if the
24 conviction is the result of a charge that was originally filed as a
25 violation of RCW 46.61.520 committed while under the influence of
26 intoxicating liquor or any drug;

27 (ix) A conviction for a violation of RCW 46.61.522 committed
28 while under the influence of intoxicating liquor or any drug, or a
29 conviction for a violation of RCW 46.61.522 committed in a reckless
30 manner or with the disregard for the safety of others if the
31 conviction is the result of a charge that was originally filed as a
32 violation of RCW 46.61.522 committed while under the influence of
33 intoxicating liquor or any drug;

34 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or
35 9A.36.050 or an equivalent local ordinance, if the conviction is the
36 result of a charge that was originally filed as a violation of RCW
37 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW
38 46.61.520 or 46.61.522;

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

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

7 (xiii) A deferred prosecution under chapter 10.05 RCW granted in
8 a prosecution for a violation of RCW 46.61.5249, or an equivalent
9 local ordinance, if the charge under which the deferred prosecution
10 was granted was originally filed as a violation of RCW 46.61.502 or
11 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
12 46.61.522;

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

19 (xv) A deferred sentence imposed in a prosecution for a violation
20 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local
21 ordinance, if the charge under which the deferred sentence was
22 imposed was originally filed as a violation of RCW 46.61.502 or
23 46.61.504, or an equivalent local ordinance, or a violation of RCW
24 46.61.520 or 46.61.522;

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

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

31 (c) "Within seven years" means that the arrest for a prior
32 offense occurred within seven years before or after the arrest for
33 the current offense; and

34 (d) "Within ten years" means that the arrest for a prior offense
35 occurred within ten years before or after the arrest for the current
36 offense.

37 **Sec. 41.** RCW 46.61.5056 and 2011 c 293 s 13 are each amended to
38 read as follows:

1 (1) A person subject to alcohol assessment and treatment under
2 RCW 46.61.5055 shall be required by the court to complete a course in
3 an alcohol information school approved by the department of social
4 and health services or to complete more intensive treatment in a
5 substance use disorder treatment program approved by the department
6 of social and health services, as determined by the court. The court
7 shall notify the department of licensing whenever it orders a person
8 to complete a course or treatment program under this section.

9 (2) A diagnostic evaluation and treatment recommendation shall be
10 prepared under the direction of the court by an alcoholism agency
11 approved by the department of social and health services or a
12 qualified probation department approved by the department of social
13 and health services. A copy of the report shall be forwarded to the
14 court and the department of licensing. Based on the diagnostic
15 evaluation, the court shall determine whether the person shall be
16 required to complete a course in an alcohol information school
17 approved by the department of social and health services or more
18 intensive treatment in a substance use disorder treatment program
19 approved by the department of social and health services.

20 (3) Standards for approval for alcohol treatment programs shall
21 be prescribed by the department of social and health services. The
22 department of social and health services shall periodically review
23 the costs of alcohol information schools and treatment programs.

24 (4) Any agency that provides treatment ordered under RCW
25 46.61.5055, shall immediately report to the appropriate probation
26 department where applicable, otherwise to the court, and to the
27 department of licensing any noncompliance by a person with the
28 conditions of his or her ordered treatment. The court shall notify
29 the department of licensing and the department of social and health
30 services of any failure by an agency to so report noncompliance. Any
31 agency with knowledge of noncompliance that fails to so report shall
32 be fined two hundred fifty dollars by the department of social and
33 health services. Upon three such failures by an agency within one
34 year, the department of social and health services shall revoke the
35 agency's approval under this section.

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

1 NEW SECTION. **Sec. 42.** The following acts or parts of acts are
2 each repealed:

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

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

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

10 (4) RCW 70.96A.150 (Records of persons treated for alcoholism and
11 drug addiction) and 1990 c 151 s 1, 1989 c 162 s 1, & 1972 ex.s. c
12 122 s 15; and

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

15 NEW SECTION. **Sec. 43.** RCW 70.96A.035, 70.96A.040, 70.96A.043,
16 70.96A.047, 70.96A.050, 70.96A.080, 70.96A.085, 70.96A.090,
17 70.96A.095, 70.96A.096, 70.96A.097, 70.96A.170, 70.96A.180,
18 70.96A.230, 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.250,
19 70.96A.255, 70.96A.260, 70.96A.265, 70.96A.300, 70.96A.310,
20 70.96A.320, 70.96A.350, 70.96A.400, 70.96A.410, 70.96A.420,
21 70.96A.430, 70.96A.500, 70.96A.510, 70.96A.520, 70.96A.800,
22 70.96A.905, and 70.96C.010 are each recodified as sections in chapter
23 71.24 RCW.

24 NEW SECTION. **Sec. 44.** This act takes effect April 1, 2016.

--- END ---