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**SENATE BILL 6641**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators O'Ban, Conway, and Wilson, C.

Read first time 01/29/20. Referred to Committee on Human Services,  
Reentry & Rehabilitation.

1 AN ACT Relating to increasing the availability of certified sex  
2 offender treatment providers; amending RCW 18.155.020, 18.155.030,  
3 18.155.075, and 18.155.080; adding a new section to chapter 18.155  
4 RCW; and decodifying RCW 18.155.900, 18.155.901, and 18.155.902.

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

6 **Sec. 1.** RCW 18.155.020 and 2004 c 38 s 3 are each amended to  
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout this chapter:

10 (1) "Certified sex offender treatment provider" means a licensed,  
11 certified, or registered health professional who is certified to  
12 examine and treat sex offenders pursuant to chapters 9.94A and 13.40  
13 RCW and sexually violent predators under chapter 71.09 RCW.

14 (2) "Certified affiliate sex offender treatment provider" means a  
15 licensed, certified, or registered health professional who is  
16 certified as an affiliate to examine and treat sex offenders pursuant  
17 to chapters 9.94A and 13.40 RCW and sexually violent predators under  
18 chapter 71.09 RCW under the supervision of a certified sex offender  
19 treatment provider.

20 (3) "Department" means the department of health.

1           (4) "Qualified supervisor" means a person who meets the  
2 requirements for certification as a sex offender treatment provider  
3 whether or not the person is currently certified, or a person who at  
4 the time supervision is provided meets a lifetime experience  
5 threshold of having provided at least two thousand hours of direct  
6 sex offender specific treatment and assessment services and who  
7 continues to maintain professional involvement in the field. A  
8 qualified supervisor may sign an attestation form under penalty of  
9 perjury indicating that the qualified supervisor has met education,  
10 training, or experience requirements and that the qualified  
11 supervisor is able to substantiate the qualified supervisor's claim  
12 to have met the requirements for education, training, or experience  
13 if such substantiation is requested without the department requiring  
14 in all cases complete documentation of these requirements.

15           (5) "Secretary" means the secretary of health.

16           ~~((+5))~~ (6) "Sex offender treatment provider" or "affiliate sex  
17 offender treatment provider" means a person who counsels or treats  
18 sex offenders accused of or convicted of a sex offense as defined by  
19 RCW 9.94A.030.

20           **Sec. 2.** RCW 18.155.030 and 2004 c 38 s 4 are each amended to  
21 read as follows:

22           (1) No person shall represent himself or herself as a certified  
23 sex offender treatment provider or certified affiliate sex offender  
24 treatment provider without first applying for and receiving a  
25 certificate pursuant to this chapter.

26           (2) Only a certified sex offender treatment provider, or  
27 certified affiliate sex offender treatment provider who has completed  
28 at least fifty percent of the required hours under the supervision of  
29 a ~~((certified sex offender treatment provider))~~ qualified supervisor,  
30 may perform or provide the following services:

31           (a) Evaluations conducted for the purposes of and pursuant to RCW  
32 9.94A.670 and 13.40.160;

33           (b) Treatment of convicted level III sex offenders who are  
34 sentenced and ordered into treatment pursuant to chapter 9.94A RCW  
35 and adjudicated level III juvenile sex offenders who are ordered into  
36 treatment pursuant to chapter 13.40 RCW;

37           (c) Except as provided under subsection (3) of this section,  
38 treatment of sexually violent predators who are conditionally

1 released to a less restrictive alternative pursuant to chapter 71.09  
2 RCW.

3 (3) A certified sex offender treatment provider, or certified  
4 affiliate sex offender treatment provider who has completed at least  
5 fifty percent of the required hours under the supervision of a  
6 (~~certified sex offender treatment provider~~) qualified supervisor,  
7 may not perform or provide treatment of sexually violent predators  
8 under subsection (2)(c) of this section if the treatment provider has  
9 been:

10 (a) Convicted of a sex offense, as defined in RCW 9.94A.030;

11 (b) Convicted in any other jurisdiction of an offense that under  
12 the laws of this state would be classified as a sex offense as  
13 defined in RCW 9.94A.030; or

14 (c) Suspended or otherwise restricted from practicing any health  
15 care profession by competent authority in any state, federal, or  
16 foreign jurisdiction.

17 (4) Certified sex offender treatment providers and certified  
18 affiliate sex offender treatment providers may perform or provide the  
19 following service: Treatment of convicted level I and level II sex  
20 offenders who are sentenced and ordered into treatment pursuant to  
21 chapter 9.94A RCW and adjudicated juvenile level I and level II sex  
22 offenders who are sentenced and ordered into treatment pursuant to  
23 chapter 13.40 RCW.

24 **Sec. 3.** RCW 18.155.075 and 2006 c 134 s 2 are each amended to  
25 read as follows:

26 The department shall issue an affiliate certificate to any  
27 applicant who meets the following requirements:

28 (1) Successful completion of an educational program approved by  
29 the secretary or successful completion of alternate training which  
30 meets the criteria of the secretary;

31 (2) Successful completion of an examination administered or  
32 approved by the secretary;

33 (3) Proof of supervision by a (~~certified sex offender treatment~~  
34 ~~provider~~) qualified supervisor;

35 (4) Not having engaged in unprofessional conduct or being unable  
36 to practice with reasonable skill and safety as a result of a  
37 physical or mental impairment;

38 (5) Not convicted of a sex offense, as defined in RCW 9.94A.030  
39 or convicted in any other jurisdiction of an offense that under the

1 laws of this state would be classified as a sex offense as defined in  
2 RCW 9.94A.030; and

3 (6) Other requirements as may be established by the secretary  
4 that impact the competence of the sex offender treatment provider.

5 **Sec. 4.** RCW 18.155.080 and 2004 c 38 s 7 are each amended to  
6 read as follows:

7 The secretary shall establish standards and procedures for  
8 approval of the following:

9 (1) Educational programs and alternate training, which must allow  
10 credit for experience obtained through work in institutional settings  
11 in Washington or in another state or territory of the United States;

12 (2) Examination procedures;

13 (3) Certifying applicants who have a comparable certification in  
14 another jurisdiction, who must be allowed to receive certification  
15 if:

16 (a) They hold or have held within the past thirty-six months a  
17 credential in good standing from another state or territory of the  
18 United States that the board under section 5 of this act deems to be  
19 substantially equivalent to sex offender treatment provider  
20 certification in Washington; or

21 (b) They meet a lifetime experience threshold of having provided  
22 at least two thousand hours of direct sex offender specific treatment  
23 and assessment services and continue to maintain professional  
24 involvement in the field;

25 (4) Application method and forms;

26 (5) Requirements for renewals of certificates;

27 (6) Requirements of certified sex offender treatment providers  
28 and certified affiliate sex offender treatment providers who seek  
29 inactive status;

30 (7) Other rules, policies, administrative procedures, and  
31 administrative requirements as appropriate to carry out the purposes  
32 of this chapter.

33 (8) In construing the requirements of this section, the applicant  
34 must not in all cases be required to submit complete documentation of  
35 the applicant's training, but may instead sign attestation forms  
36 under penalty of perjury indicating that the applicant has  
37 participated in the required training and that the applicant is able  
38 to substantiate the applicant's claim to have met the requirements  
39 for hours of training if such substantiation is requested.

1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 18.155  
2    RCW to read as follows:

3        (1) The sexual offender treatment providers advisory committee,  
4    originally created under chapter 3, section 805, Laws of 1990, is  
5    reestablished to advise the secretary concerning the administration  
6    of this chapter.

7        (2) The secretary shall appoint the members of the advisory  
8    committee, which shall consist of the following persons:

9        (a) One superior court judge;

10       (b) Three sex offender treatment providers;

11       (c) One mental health practitioner who specializes in treating  
12    victims of sexual assault;

13       (d) One defense attorney with experience in representing persons  
14    charged with sexual offenses;

15       (e) One representative from the Washington association of  
16    prosecuting attorneys;

17       (f) The secretary of the department of social and health services  
18    or the secretary's designee; and

19       (g) The secretary of the department of corrections or the  
20    secretary's designee.

21       (3) The advisory committee shall be a permanent body. The members  
22    shall serve staggered six-year terms, to be set by the secretary. No  
23    person other than the members representing the departments of social  
24    and health services and corrections may serve more than two  
25    consecutive terms.

26       (4) The secretary may remove any member of the advisory committee  
27    for cause as specified by rule. In the case of a vacancy, the  
28    secretary shall appoint a person to serve for the remainder of the  
29    unexpired term.

30       (5) The advisory committee shall provide advice to the secretary  
31    concerning:

32       (a) Certification procedures under this chapter and their  
33    implementation;

34       (b) Standards maintained under RCW 18.155.080, and advice on  
35    individual applications for certification upon request of the  
36    secretary;

37       (c) Issues pertaining to maintaining a healthy workforce of  
38    certified sex offender treatment providers to meet the needs of the  
39    state of Washington; and

1 (d) Recommendations for reform of regulatory or administrative  
2 practices of the department, the department of social and health  
3 services, or the department of corrections that are within the  
4 purview and expertise of the advisory committee. The advisory  
5 committee may submit recommendations requiring statutory reform to  
6 the office of the governor, the secretary of the senate, and the  
7 chief clerk of the house of representatives.

8 (6) Committee members shall be reimbursed for travel expenses in  
9 accordance with RCW 43.03.050 and 43.03.060.

10 (7) The advisory committee shall elect officers as deemed  
11 necessary to administer its duties. A simple majority of the advisory  
12 committee members currently serving shall constitute a quorum of the  
13 advisory committee.

14 (8) Members of the advisory committee shall be residents of the  
15 state of Washington.

16 (9) Members of the advisory committee who are sex offender  
17 treatment providers must have a minimum of five years of extensive  
18 work experience in treating sex offenders to qualify for appointment  
19 to the advisory committee. The sex offender treatment providers on  
20 the advisory committee must be certified under this chapter.

21 (10) The advisory committee shall meet at times as necessary to  
22 conduct advisory committee business.

23 NEW SECTION. **Sec. 6.** The following sections are decodified:

24 (1) RCW 18.155.900 (Index, part headings not law—1990 c 3);

25 (2) RCW 18.155.901 (Severability—1990 c 3); and

26 (3) RCW 18.155.902 (Effective dates—Application—1990 c 3).

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