
SENATE BILL 5478

State of Washington

54th Legislature

1995 Regular Session

By Senators Hargrove, Hochstatter, Deccio and West

Read first time 01/24/95. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to control of opiate substitutes; amending RCW
2 70.24.400 and 70.96A.400; and repealing RCW 70.96A.410 and 70.96A.420.

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

4 **Sec. 1.** RCW 70.24.400 and 1991 c 3 s 327 are each amended to read
5 as follows:

6 The department shall establish a state-wide system of regional
7 acquired immunodeficiency syndrome (AIDS) service networks as follows:

8 (1) The secretary of health shall direct that all state or federal
9 funds, excluding those from federal Title XIX for services or other
10 activities authorized in this chapter, shall be allocated to the office
11 on AIDS established in RCW 70.24.250. The secretary shall further
12 direct that all funds for services and activities specified in
13 subsection (3) of this section shall be provided to lead counties
14 through contractual agreements based on plans developed as provided in
15 subsection (2) of this section, unless direction of such funds is
16 explicitly prohibited by federal law, federal regulation, or federal
17 policy. The department shall deny funding allocations to lead counties
18 only if the denial is based upon documented incidents of nonfeasance,
19 misfeasance, or malfeasance. However, the department shall give

1 written notice and thirty days for corrective action in incidents of
2 misfeasance or nonfeasance before funding may be denied. The
3 department shall designate six AIDS service network regions
4 encompassing the state. In doing so, the department shall use the
5 boundaries of the regional structures in place for the community
6 services administration on January 1, 1988.

7 (2) The department shall request that a lead county within each
8 region, which shall be the county with the largest population, prepare,
9 through a cooperative effort of local health departments within the
10 region, a regional organizational and service plan, which meets the
11 requirements set forth in subsection (3) of this section. Efforts
12 should be made to use existing plans, where appropriate. The plan
13 should place emphasis on contracting with existing hospitals, major
14 voluntary organizations, or health care organizations within a region
15 that have in the past provided quality services similar to those
16 mentioned in subsection (3) of this section and that have demonstrated
17 an interest in providing any of the components listed in subsection (3)
18 of this section. If any of the counties within a region do not
19 participate, it shall be the lead county's responsibility to develop
20 the part of the plan for the nonparticipating county or counties. If
21 all of the counties within a region do not participate, the department
22 shall assume the responsibility.

23 (3) The regional AIDS service network plan shall include the
24 following components:

- 25 (a) A designated single administrative or coordinating agency;
- 26 (b) A complement of services to include:
 - 27 (i) Voluntary and anonymous counseling and testing;
 - 28 (ii) Mandatory testing and/or counseling services for certain
29 individuals, as required by law;
 - 30 (iii) Notification of sexual partners of infected persons, as
31 required by law;
 - 32 (iv) Education for the general public, health professionals, and
33 high-risk groups;
 - 34 (v) Intervention strategies to reduce the incidence of HIV
35 infection among high-risk groups, possibly including needle
36 sterilization ((and methadone maintenance));
 - 37 (vi) Related community outreach services for runaway youth;
 - 38 (vii) Case management;
 - 39 (viii) Strategies for the development of volunteer networks;

1 (ix) Strategies for the coordination of related agencies within the
2 network; and

3 (x) Other necessary information, including needs particular to the
4 region;

5 (c) A service delivery model that includes:

6 (i) Case management services; and

7 (ii) A community-based continuum-of-care model encompassing both
8 medical, mental health, and social services with the goal of
9 maintaining persons with AIDS in a home-like setting, to the extent
10 possible, in the least-expensive manner; and

11 (d) Budget, caseload, and staffing projections.

12 (4) Efforts shall be made by both the counties and the department
13 to use existing service delivery systems, where possible, in developing
14 the networks.

15 (5) The University of Washington health science program, in
16 cooperation with the office on AIDS may, within available resources,
17 establish a center for AIDS education, which shall be linked to the
18 networks. The center for AIDS education is not intended to engage in
19 state-funded research related to HIV infection, AIDS, or HIV-related
20 conditions. Its duties shall include providing the office on AIDS with
21 the appropriate educational materials necessary to carry out that
22 office's duties.

23 (6) The department shall implement this section, consistent with
24 available funds, by October 1, 1988, by establishing six regional AIDS
25 service networks whose combined jurisdictions shall include the entire
26 state.

27 (a) Until June 30, 1991, available funding for each regional AIDS
28 service network shall be allocated as follows:

29 (i) Seventy-five percent of the amount provided for regional AIDS
30 service networks shall be allocated per capita based on the number of
31 persons residing within each region, but in no case less than one
32 hundred fifty thousand dollars for each regional AIDS service network
33 per fiscal year. This amount shall be expended for testing,
34 counseling, education, case management, notification of sexual partners
35 of infected persons, planning, coordination, and other services
36 required by law, except for those enumerated in (ii) of this
37 subsection.

38 (ii) Twenty-five percent of the amount provided for regional AIDS
39 service networks shall be allocated for intervention strategies

1 specifically addressing groups that are at a high risk of being
2 infected with the human immunodeficiency virus. The allocation shall
3 be made by the office on AIDS based on documented need as specified in
4 regional AIDS network plans.

5 (b) After June 30, 1991, the funding shall be allocated as provided
6 by law. By December 15, 1990, the department shall report to the
7 appropriate committees of the legislature on proposed methods of
8 funding regional AIDS service networks.

9 (7) The regional AIDS service networks shall be the official state
10 regional agencies for AIDS information education and coordination of
11 services. The state public health officer, as designated by the
12 secretary of health, shall make adequate efforts to publicize the
13 existence and functions of the networks.

14 (8) If the department is not able to establish a network by an
15 agreement solely with counties, it may contract with nonprofit agencies
16 for any or all of the designated network responsibilities.

17 (9) The department, in establishing the networks, shall study
18 mechanisms that could lead to reduced costs and/or increased access to
19 services. The methods shall include capitation.

20 (10) The department shall reflect in its departmental biennial
21 budget request the funds necessary to implement this section.

22 (11) The department shall submit an implementation plan to the
23 appropriate committees of the legislature by July 1, 1988.

24 (12) The use of appropriate materials may be authorized by regional
25 AIDS service networks in the prevention or control of HIV infection.

26 **Sec. 2.** RCW 70.96A.400 and 1989 c 270 s 20 are each amended to
27 read as follows:

28 The state of Washington declares that there is no fundamental right
29 to ~~((methadone))~~ opiate substitution treatment. The state of
30 Washington further declares that ~~((while methadone is an addictive
31 substance, that it nevertheless has several legal, important, and
32 justified uses and that one of its appropriate and legal uses is, in
33 conjunction with other required therapeutic procedures, in the
34 treatment of persons addicted to or habituated to opioids.))~~ because
35 methadone ((is)) and other like opiate substitutes are addictive and
36 ((is)) are listed as ((a)) schedule II controlled substances in chapter
37 69.50 RCW, the state of Washington ~~((and authorizing counties on behalf
38 of their citizens have))~~ has the legal obligation, authority, and right

1 to regulate and control the use of methadone and other opiate
2 substitutes. The state of Washington (~~declares its authority to~~
3 ~~control and regulate carefully, in cooperation with the authorizing~~
4 ~~counties, all clinical uses of methadone in the treatment of opium~~
5 ~~addiction. Further, the state declares that the goal of methadone~~
6 ~~treatment is drug free living for the individuals who participate in~~
7 ~~the treatment program~~)) does not recognize the use of methadone and
8 other opiate substitutes in the treatment of persons addicted to or
9 habituated to opioids.

10 NEW SECTION. Sec. 3. The following acts or parts of acts are each
11 repealed:

12 (1) RCW 70.96A.410 and 1989 c 270 s 21; and

13 (2) RCW 70.96A.420 and 1989 c 270 s 22.

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