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**SUBSTITUTE SENATE BILL 5417**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Patterson, Long, Hargrove, Stevens, Kline and Winsley)

READ FIRST TIME 02/19/01.

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

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

4 **Sec. 1.** RCW 70.96A.400 and 1995 c 321 s 1 are each amended to read  
5 as follows:

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

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

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

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

15 **Sec. 2.** RCW 70.96A.410 and 1995 c 321 s 2 are each amended to read  
16 as follows:

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

36 (2) ~~A county that authorizes opiate substitution treatment programs  
37 shall develop and enact by ordinance licensing standards, consistent  
38 with this chapter and the operating and treatment standards adopted~~

1 under this chapter, that govern the application for, issuance of,  
2 renewal of, and revocation of the licenses. Certified programs  
3 existing before May 18, 1987, applying for renewal of licensure in  
4 subsequent years, that maintain certification and meet all other  
5 requirements for licensure, shall be given preference.

6 (3) In certifying programs, the department shall not discriminate  
7 against an opiate substitution treatment program on the basis of its  
8 corporate structure. In licensing programs, the county shall not  
9 discriminate against an opiate substitution treatment program on the  
10 basis of its corporate structure.

11 (4)) For purposes of this section, "area" means the county in  
12 which an applicant proposes to locate a certified program and counties  
13 adjacent, or near to, the county in which the program is proposed to be  
14 located.

15 When making a decision on an application for certification of a  
16 program, the department shall:

17 (a) Consult with the county legislative authorities in the area in  
18 which an applicant proposes to locate a program and the city  
19 legislative authority in any city in which an applicant proposes to  
20 locate a program;

21 (b) Certify only programs that will be sited in accordance with the  
22 appropriate county or city land use ordinances;

23 (c) Not discriminate in its certification decision on the basis of  
24 the corporate structure of the applicant;

25 (d) Consider the size of the population in need of treatment in the  
26 area in which the program would be located and certify only applicants  
27 whose programs meet the necessary treatment needs of that population;

28 (e) Consider the availability of other certified programs near the  
29 area in which the applicant proposes to locate the program;

30 (f) Consider the transportation systems that would provide service  
31 to the program and whether the systems will provide reasonable  
32 opportunities to access the program for persons in need of treatment;

33 (g) Consider whether the applicant has, or has demonstrated in the  
34 past, the capability to provide the appropriate services to assist the  
35 persons who utilize the program in meeting goals established by the  
36 legislature, including abstinence from opiates and opiate substitutes,  
37 obtaining mental health treatment, improving economic independence, and  
38 reducing adverse consequences associated with illegal use of controlled

1 substances. The department shall prioritize certification to  
2 applicants who have demonstrated such capability;

3 (h) Hold at least one public hearing in the county in which the  
4 facility is proposed to be located and one hearing in the area in which  
5 the facility is proposed to be located. The hearing shall be held at  
6 a time and location that are most likely to permit the largest number  
7 of interested persons to attend and present testimony. The department  
8 shall notify all appropriate media outlets of the time, date, and  
9 location of the hearing at least three weeks in advance of the hearing.

10 (2) A program applying for certification from the department and a  
11 program applying for a contract from a state agency that has been  
12 denied the certification or contract shall be provided with a written  
13 notice specifying the rationale and reasons for the denial. ((A  
14 program applying for a license or a contract from a county that has  
15 been denied the license or contract shall be provided with a written  
16 notice specifying the rationale and reasons for the denial.

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

22 ~~(6))~~ (3) For the purpose of this chapter, opiate substitution  
23 treatment means:

24 (a) Dispensing an opiate substitution drug approved by the federal  
25 drug administration for the treatment of opiate addiction; and

26 (b) Providing a comprehensive range of medical and rehabilitative  
27 services.

28 **Sec. 3.** RCW 70.96A.420 and 1998 c 245 s 135 are each amended to  
29 read as follows:

30 (1) The department, in consultation with opiate substitution  
31 treatment service providers and counties ~~((authorizing opiate~~  
32 ~~substitution treatment programs))~~ and cities, shall establish statewide  
33 treatment standards for certified opiate substitution treatment  
34 programs. The department ~~((and counties that authorize opiate~~  
35 ~~substitution treatment programs))~~ shall enforce these treatment  
36 standards. The treatment standards shall include, but not be limited  
37 to, reasonable provisions for all appropriate and necessary medical  
38 procedures, counseling requirements, urinalysis, and other suitable

1 tests as needed to ensure compliance with this chapter. (~~(A opiate~~  
2 ~~substitution treatment program shall not have a caseload in excess of~~  
3 ~~three hundred fifty persons.)~~)

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

17 (3) The department shall establish criteria for evaluating the  
18 compliance of opiate substitution treatment programs with the goals and  
19 standards established under this chapter. As a condition of  
20 certification, opiate substitution programs shall submit an annual  
21 report to the department and county legislative authority, including  
22 data as specified by the department necessary for outcome analysis.  
23 The department shall analyze and evaluate the data submitted by each  
24 treatment program and take corrective action where necessary to ensure  
25 compliance with the goals and standards enumerated under this chapter.

26 (4) Before January 1st of each year, the secretary shall submit a  
27 report to the legislature and governor. The report shall include the  
28 number of persons enrolled in each treatment program during the period  
29 covered by the report, the number of persons who leave each treatment  
30 program voluntarily and involuntarily, and an outcome analysis of each  
31 treatment program. For purposes of this subsection, "outcome analysis"  
32 shall include but not be limited to: The number of people who, as a  
33 result of participation in the program, are able to abstain from  
34 opiates; reduction in use of opiates; reduction in criminal conduct;  
35 achievement of economic independence; and reduction in utilization of  
36 health care. The report shall include information on an annual and  
37 cumulative basis beginning on the effective date of this section.

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