
**Criminal Justice & Corrections
Committee**

HB 2849

Brief Description: Eliminating credentialing barriers for sex offender treatment providers.

Sponsors: Representatives Kagi, Cody, Campbell, Bush and Schual-Berke; by request of Department of Health.

Brief Summary of Bill

- Authorizes the Department of Health (DOH) to certify "affiliate sex offender treatment providers" who have met the education, training, and examination requirements for certification under the DOH.
- Authorizes affiliate sex offender treatment providers, under the supervision of a certified sex offender treatment provider, to provide treatment to sex offenders and sexually violent predators.

Hearing Date: 2/3/04

Staff: Yvonne Walker (786-7841).

Background:

Sex offender treatment providers are certified by the DOH after completing the necessary education, experience, and examination requirements. Only certified sex offender treatment providers may provide:

- Evaluations for offenders eligible for the Special Sex Offender Sentencing Alternative (SSOSA) and the Special Sex Offender Disposition Alternative (SSODA);
- Treatment to convicted or adjudicated sex offenders who were sentenced and ordered into treatment as part of a court order; and
- Treatment to sexually violent predators released to an less restricted alternative (LRA) unless specified exceptions apply. A certified sex offender treatment provider may not provide treatment to sexually violent predators if the provider has been convicted of a sex offense or restricted from practicing any health care profession.

A certified sex offender treatment provider is not liable in a civil action for damages for the injuries or death of another caused by a sexually violent predator or level III sex offender receiving treatment by the provider if the provider is acting within the course of his or her duties and the provider's act or omission did not constitute gross negligence or willful or wanton

misconduct. The limited liability does not affect the provider's civil liability for damages caused by the provider's breach of any duty to warn or protect imposed by law. The limited liability does not affect the state's civil liability for damages for injuries or death of another. The certified sex offender treatment provider must report any expressions of intent to harm or other predatory behavior, whether or not there is an ascertainable victim, in progress reports. A certified sex offender treatment provider acts within the scope of his or her profession when he or she provides services to the Department of Corrections (DOC) by identifying and notifying the DOC of risk factors of sex offenders who are not amenable to treatment but who are required under court order to receive treatment.

In 1991, the DOH adopted rules that allowed affiliated sex offender treatment providers (sex offender treatment providers who are "in-training") to become certified. Certified affiliates meet all the requirements that full certified providers meet, except for the clinical experience.

Summary of Bill:

A certified affiliate sex offender treatment provider is a licensed, certified, or registered health professional who is certified as an affiliate to examine and treat sex offenders and sexually violent predators under the supervision of a certified sex offender treatment provider.

The DOH has the authority to issue an affiliate certificate to any person who:

- Successfully completes the education requirements or other alternative training that meets the criteria and approval of the DOH;
- Successfully completes the examination administered by the DOH;
- Has not engaged in unprofessional conduct or has not been unable to practice with reasonable skill and safety as a result of a physical or mental impairment; and
- Has met any other requirements as established by the DOH that impact the competence of the sex offender treatment provider.

Similar to certified sex offender treatment providers, affiliate sex offender treatment providers may perform evaluations for offenders eligible for the SSOSA and the SSODA programs as well as provide treatment to convicted sex offenders and sexually violent predators.

The same liability standards that relate to certified sex offender treatment providers also pertain to affiliate sex offender treatment providers.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.