

2SHB 1528 - S COMM AMD

By Subcommittee on Behavioral Health

ADOPTED 04/16/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that substance
4 use disorder is a disease impacting the whole family and the whole
5 society and requires a system of care that includes prevention,
6 treatment, and recovery services that support and strengthen impacted
7 individuals, families, and the community at large.

8 (2) The legislature further finds that access to quality recovery
9 housing is crucial for helping individuals remain in recovery from
10 substance use disorder beyond treatment. Furthermore, recovery
11 housing serves to preserve the state's financial investment in a
12 person's treatment. Without access to quality recovery housing,
13 individuals are much less likely to recover from substance use
14 disorder and more likely to face continued issues that impact their
15 well-being, their families, and their communities. These issues
16 include death by overdose or other substance use disorder-related
17 medical complications; higher health care costs; high use of
18 emergency departments and public health care systems; higher risk for
19 involvement with law enforcement and incarceration; and an inability
20 to obtain and maintain employment. These challenges are compounded by
21 an overall lack of affordable housing nationwide.

22 (3) The legislature recognizes that recovery is a long-term
23 process and requires a comprehensive approach. Recognizing the
24 potential for fraudulent and unethical recovery housing operators,
25 this act is designed to address the quality of recovery housing in
26 the state of Washington.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05
28 RCW to read as follows:

29 (1) The authority shall establish and maintain a registry of
30 approved recovery residences. The authority may contract with a

1 nationally recognized recovery residence certification organization
2 based in Washington to establish and maintain the registry.

3 (2) The authority or the contracted entity described in
4 subsection (1) of this section shall determine that a recovery
5 residence is approved for inclusion in the registry if the recovery
6 residence has been certified by a nationally recognized recovery
7 residence certification organization based in Washington that is
8 approved by the authority or if the recovery residence is a chapter
9 of a national recovery residence organization with peer-run homes
10 that is approved by the authority as meeting the following standards
11 in its certification process:

12 (a) Peers are required to be involved in the governance of the
13 recovery residence;

14 (b) Recovery support is integrated into the daily activities;

15 (c) The recovery residence must be maintained as a home-like
16 environment that promotes healthy recovery;

17 (d) Resident activities are promoted within the recovery
18 residence and in the community through work, education, community
19 engagement, or other activities; and

20 (e) The recovery residence maintains an environment free from
21 alcohol and illicit drugs.

22 (3) Nothing in this section requires that a recovery residence
23 become certified by the certifying organization approved by the
24 authority in subsection (2) of this section or be included in the
25 registry, unless the recovery residence decides to participate in the
26 recovery residence program activities established in this chapter.

27 (4) For the purposes of this section, "recovery residence" means
28 a home-like environment that promotes healthy recovery from a
29 substance use disorder and supports persons recovering from a
30 substance use disorder through the use of peer recovery support.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.05
32 RCW to read as follows:

33 (1) Subject to the availability of amounts appropriated for this
34 specific purpose, the authority shall contract with the nationally
35 recognized recovery residence organization based in Washington that
36 is approved by the authority in section 2 of this act to provide
37 technical assistance to recovery residences actively seeking
38 certification. The technical assistance shall include, but not be
39 limited to:

- 1 (a) New manager training;
- 2 (b) Assistance preparing facility operations documents and
- 3 policies; and
- 4 (c) Support for working with residents on medication-assisted
- 5 treatment.
- 6 (2) This section expires July 1, 2025.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.05
8 RCW to read as follows:

- 9 (1) The authority shall establish a revolving fund for loans to
- 10 operators of new recovery residences or existing recovery residences
- 11 actively seeking certification and registration under section 2 of
- 12 this act. Approved uses of the funds include, but are not limited to:
- 13 (a) Facility modifications necessary to achieve certification;
- 14 and
- 15 (b) Operating start-up costs, including rent or mortgage
- 16 payments, security deposits, salaries for on-site staff, and minimal
- 17 maintenance costs.
- 18 (2) This section expires July 1, 2025.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24
20 RCW to read as follows:

21 Beginning January 1, 2023, a licensed or certified service
22 provider may not refer a client who is appropriate for housing in a
23 recovery residence, to support the client's recovery from a substance
24 use disorder, to a recovery residence that is not included in the
25 registry of approved recovery residences maintained by the authority
26 under section 2 of this act. This section does not otherwise limit
27 the discharge or referral options available for a person in recovery
28 from a substance use disorder to any other appropriate placements or
29 services.

30 **Sec. 6.** RCW 71.24.385 and 2018 c 201 s 4023 and 2018 c 175 s 6
31 are each reenacted and amended to read as follows:

- 32 (1) Within funds appropriated by the legislature for this
- 33 purpose, behavioral health organizations shall develop the means to
- 34 serve the needs of people:
- 35 (a) With mental disorders residing within the boundaries of their
- 36 regional service area. Elements of the program may include:
- 37 (i) Crisis diversion services;

- 1 (ii) Evaluation and treatment and community hospital beds;
- 2 (iii) Residential treatment;
- 3 (iv) Programs for intensive community treatment;
- 4 (v) Outpatient services, including family support;
- 5 (vi) Peer support services;
- 6 (vii) Community support services;
- 7 (viii) Resource management services; and
- 8 (ix) Supported housing and supported employment services.

9 (b) With substance use disorders and their families, people
10 incapacitated by alcohol or other psychoactive chemicals, and
11 intoxicated people.

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

- 15 (A) Withdrawal management;
- 16 (B) Residential treatment; and
- 17 (C) Outpatient treatment.

18 (ii) The program may include peer support, supported housing,
19 supported employment, crisis diversion, ~~((or))~~ recovery support
20 services, or technology-based recovery supports.

21 (iii) The authority may contract for the use of an approved
22 substance use disorder treatment program or other individual or
23 organization if the director considers this to be an effective and
24 economical course to follow.

25 (2)(a) The behavioral health organization shall have the
26 flexibility, within the funds appropriated by the legislature for
27 this purpose and the terms of their contract, to design the mix of
28 services that will be most effective within their service area of
29 meeting the needs of people with behavioral health disorders and
30 avoiding placement of such individuals at the state mental hospital.
31 Behavioral health organizations are encouraged to maximize the use of
32 evidence-based practices and alternative resources with the goal of
33 substantially reducing and potentially eliminating the use of
34 institutions for mental diseases.

35 (b) The behavioral health organization may allow reimbursement to
36 providers for services delivered through a partial hospitalization or
37 intensive outpatient program. Such payment and services are distinct
38 from the state's delivery of wraparound with intensive services under
39 the *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and*
40 *Porter*, settlement agreement.

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

3 (b) Consistent with RCW 71.24.580, services and funding provided
4 through the criminal justice treatment account are intended to be
5 exempted from managed care contracting.

6 NEW SECTION. **Sec. 7.** If specific funding for the purposes of
7 this act, referencing this act by bill or chapter number, is not
8 provided by June 30, 2019, in the omnibus appropriations act, this
9 act is null and void."

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10 On page 1, line 1 of the title, after "services;" strike the
11 remainder of the title and insert "reenacting and amending RCW
12 71.24.385; adding new sections to chapter 41.05 RCW; adding a new
13 section to chapter 71.24 RCW; creating new sections; and providing
14 expiration dates."

EFFECT: Clarifies that the restriction prohibiting a behavioral health agency from referring a client who is appropriate for housing in a recovery residence, to an uncertified recovery residence starting January 1, 2023, does not limit any other appropriate placement or referral options available to the client.

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