

**SSB 6641 - S AMD 976**

By Senator O'Ban

PULLED 02/19/2020

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

3 "Sec. 1. RCW 18.155.020 and 2004 c 38 s 3 are each amended to  
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter:

7 (1) "Certified sex offender treatment provider" means ((a  
8 licensed, certified, or registered health professional)) an  
9 individual licensed as a psychologist, psychiatrist, mental health  
10 counselor, marriage and family therapist, or social worker who is  
11 certified to examine and treat sex offenders pursuant to chapters  
12 9.94A and 13.40 RCW and sexually violent predators under chapter  
13 71.09 RCW.

14 (2) "Certified affiliate sex offender treatment provider" means  
15 ((a licensed, certified, or registered health professional)) an  
16 individual licensed as a psychologist, psychiatrist, mental health  
17 counselor, marriage and family therapist, or social worker who is  
18 certified as an affiliate to examine and treat sex offenders pursuant  
19 to chapters 9.94A and 13.40 RCW and sexually violent predators under  
20 chapter 71.09 RCW under the supervision of a ((certified sex offender  
21 treatment provider)) qualified supervisor.

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

23 (4) (a) "Qualified supervisor" means:

24 (i) A person who meets the requirements for certification as a  
25 sex offender treatment provider whether or not the person is  
26 currently certified;

27 (ii) A person who, at the time supervision is provided, meets a  
28 lifetime experience threshold of having provided at least two  
29 thousand hours of direct sex offender specific treatment and  
30 assessment services and who continues to maintain professional  
31 involvement in the field; or

1 (iii) A person who, at the time supervision is provided, meets a  
2 lifetime experience threshold of at least two years of full-time work  
3 in a state-run facility or state-run treatment or education program  
4 providing direct sex offender specific treatment and assessment  
5 services and who continues to maintain professional involvement in  
6 the field.

7 (b) A qualified supervisor not credentialed by the department as  
8 a sex offender treatment provider must sign and submit to the  
9 department an attestation form provided by the department stating  
10 under penalty of perjury that the qualified supervisor has met the  
11 requisite education, training, or experience requirements and that  
12 the qualified supervisor is able to substantiate the qualified  
13 supervisor's claim to have met the requirements for education,  
14 training, or experience. A qualified supervisor may be determined  
15 retroactively without time limits if the individual has maintained  
16 continuous involvement in the field. The department may not be  
17 compelled to require all persons who provide this attestation to  
18 provide complete documentation of these requirements.

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

20 ~~((+5))~~ (6) "Sex offender treatment provider" or "affiliate sex  
21 offender treatment provider" means a person who counsels or treats  
22 sex offenders accused of or convicted of a sex offense as defined by  
23 RCW 9.94A.030.

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

26 (1) No person shall represent himself or herself as a certified  
27 sex offender treatment provider or certified affiliate sex offender  
28 treatment provider without first applying for and receiving a  
29 certificate pursuant to this chapter.

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

35 (a) ~~((Evaluations conducted for the purposes of and pursuant to~~  
36 ~~RCW 9.94A.670 and 13.40.160;~~

37 ~~(b))~~ Treatment or evaluation of convicted level III sex  
38 offenders who are sentenced and ordered into treatment pursuant to

1 chapter 9.94A RCW and adjudicated level III juvenile sex offenders  
2 who are ordered into treatment pursuant to chapter 13.40 RCW; or  
3 ~~((e))~~ (b) Except as provided under subsection (3) of this  
4 section, treatment of sexually violent predators who are  
5 conditionally released to a less restrictive alternative pursuant to  
6 chapter 71.09 RCW.

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

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

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

18 (c) Suspended or otherwise restricted from practicing any health  
19 care profession by competent authority in any state, federal, or  
20 foreign jurisdiction.

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

28 (5) Employees of state-run facility or state-run treatment or  
29 education programs are not required to be a certified affiliate  
30 provider to do the work described in this section as part of their  
31 job duties if not pursuing certification under this chapter.

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

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

36 (1) Successful completion of an educational program approved by  
37 the secretary or successful completion of alternate training which  
38 meets the criteria of the secretary;

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

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

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

8 (5) Not convicted of a sex offense, as defined in RCW 9.94A.030  
9 or convicted in any other jurisdiction of an offense that under the  
10 laws of this state would be classified as a sex offense as defined in  
11 RCW 9.94A.030; and

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

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

16 The secretary shall establish standards and procedures for  
17 approval of the following:

18 (1) Educational programs and alternate training, which must  
19 consider credit for experience obtained through work in a state-run  
20 facility or state-run treatment or education program in Washington or  
21 in another state or territory of the United States;

22 (2) Examination procedures;

23 (3) (a) Certifying applicants who have a comparable certification  
24 in another jurisdiction, who must be allowed to receive consideration  
25 of certification if:

26 (i) They hold or have held within the past thirty-six months a  
27 credential in good standing from another state or territory of the  
28 United States that the secretary with advice from the board under  
29 section 5 of this act deems to be substantially equivalent to sex  
30 offender treatment provider certification in Washington; or

31 (ii) They meet a lifetime experience threshold of having provided  
32 at least two thousand hours of direct sex offender specific treatment  
33 and assessment services, or two years full-time experience working in  
34 a state-run facility or state-run treatment or education program  
35 providing direct sex offender specific treatment and assessment  
36 services, and continue to maintain professional involvement in the  
37 field;

1 (b) Nothing in (a) of this subsection prohibits the secretary  
2 from requiring background checks as a condition of receiving a  
3 credential;

4 (4) Application method and forms;

5 (5) Requirements for renewals of certificates;

6 (6) Requirements of certified sex offender treatment providers  
7 and certified affiliate sex offender treatment providers who seek  
8 inactive status;

9 (7) Other rules, policies, administrative procedures, and  
10 administrative requirements as appropriate to carry out the purposes  
11 of this chapter.

12 (8) In construing the requirements of this section, the applicant  
13 must not in all cases be required to submit complete documentation of  
14 the applicant's training, but may instead sign attestation forms  
15 under penalty of perjury indicating that the applicant has  
16 participated in the required training and that the applicant is able  
17 to substantiate the applicant's claim to have met the requirements  
18 for hours of training if such substantiation is requested.  
19 Substantiation may include letters of recommendation from experts in  
20 the field with personal knowledge of the applicant's qualifications  
21 and experience to treat sex offenders in the community.

22 (9) Employees of a state-run facility or state-run treatment or  
23 education program do not need to be licensed as a certified affiliate  
24 sex offender treatment provider to obtain the necessary experience  
25 requirements upon demonstrating proof of supervision by a qualified  
26 supervisor.

27 NEW SECTION. Sec. 5. A new section is added to chapter 18.155  
28 RCW to read as follows:

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

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

35 (a) One superior court judge;

36 (b) Three sex offender treatment providers, including at least  
37 one representative of the Washington association for the treatment of  
38 sexual abusers;

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

3 (d) One defense attorney with experience in representing persons  
4 charged with sexual offenses;

5 (e) One representative from the Washington association of  
6 prosecuting attorneys;

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

9 (g) The secretary of the department of corrections or the  
10 secretary's designee; and

11 (h) The secretary of the department of children, youth, and  
12 families or the secretary's designee.

13 (3) The advisory committee shall be a permanent body. The members  
14 shall serve staggered six-year terms, to be set by the secretary. No  
15 person other than the members representing the departments of social  
16 and health services, children, youth, and families, and corrections  
17 may serve more than two consecutive terms.

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

22 (5) The advisory committee shall provide advice to the secretary  
23 concerning:

24 (a) Certification procedures under this chapter and their  
25 implementation;

26 (b) Standards maintained under RCW 18.155.080, and advice on  
27 individual applications for certification;

28 (c) Issues pertaining to maintaining a healthy workforce of  
29 certified sex offender treatment providers to meet the needs of the  
30 state of Washington; and

31 (d) Recommendations for reform of regulatory or administrative  
32 practices of the department, the department of social and health  
33 services, or the department of corrections that are within the  
34 purview and expertise of the advisory committee. The advisory  
35 committee may submit recommendations requiring statutory reform to  
36 the office of the governor, the secretary of the senate, and the  
37 chief clerk of the house of representatives.

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

1 (7) The advisory committee shall elect officers as deemed  
2 necessary to administer its duties. A simple majority of the advisory  
3 committee members currently serving shall constitute a quorum of the  
4 advisory committee.

5 (8) Members of the advisory committee shall be residents of the  
6 state of Washington.

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

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

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

- 15 (1) RCW 18.155.900 (Index, part headings not law—1990 c 3);  
16 (2) RCW 18.155.901 (Severability—1990 c 3); and  
17 (3) RCW 18.155.902 (Effective dates—Application—1990 c 3)."

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18 On page 1, line 2 of the title, after "providers;" strike the  
19 remainder of the title and insert "amending RCW 18.155.020,  
20 18.155.030, 18.155.075, and 18.155.080; adding a new section to  
21 chapter 18.155 RCW; and decodifying RCW 18.155.900, 18.155.901, and  
22 18.155.902."

**EFFECT:** Makes technical updates and clarifies that employees of a state-run facility, treatment program, or education program do not need to be licensed as a certified affiliate sex offender treatment provider in order to earn experience towards certification as a sex offender treatment professional.

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