

SSB 6641 - S AMD 1152

By Senator O'Ban

ADOPTED 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 licensed,
8 certified, or registered health professional who is certified to
9 examine and treat sex offenders pursuant to chapters 9.94A and 13.40
10 RCW and sexually violent predators under chapter 71.09 RCW.

11 (2) "Certified affiliate sex offender treatment provider" means a
12 licensed, certified, or registered health professional who is
13 certified as an affiliate to examine and treat sex offenders pursuant
14 to chapters 9.94A and 13.40 RCW and sexually violent predators under
15 chapter 71.09 RCW under the supervision of a (~~certified sex offender
16 treatment provider~~) qualified supervisor.

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

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

19 (i) A person who meets the requirements for certification as a
20 sex offender treatment provider;

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

26 (iii) A person who, at the time supervision is provided, meets a
27 lifetime experience threshold of at least two years of full-time work
28 in a state-run facility or state-run treatment program providing
29 direct sex offender specific treatment and assessment services and
30 who continues to maintain professional involvement in the field.

31 (b) A qualified supervisor not credentialed by the department as
32 a sex offender treatment provider must sign and submit to the

1 department an attestation form provided by the department stating
2 under penalty of perjury that the qualified supervisor has met the
3 requisite education, training, or experience requirements and that
4 the qualified supervisor is able to substantiate the qualified
5 supervisor's claim to have met the requirements for education,
6 training, or experience.

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

8 ~~((5))~~ (6) "Sex offender treatment provider" or "affiliate sex
9 offender treatment provider" means a person who counsels or treats
10 sex offenders accused of or convicted of a sex offense as defined by
11 RCW 9.94A.030.

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

14 (1) No person shall represent himself or herself as a certified
15 sex offender treatment provider or certified affiliate sex offender
16 treatment provider without first applying for and receiving a
17 certificate pursuant to this chapter.

18 (2) Only a certified sex offender treatment provider, or
19 certified affiliate sex offender treatment provider who has completed
20 at least fifty percent of the required hours under the supervision of
21 a ~~((certified sex offender treatment provider))~~ qualified supervisor,
22 may perform or provide the following services:

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

25 ~~(b))~~ Treatment or evaluation of convicted level III sex
26 offenders who are sentenced and ordered into treatment pursuant to
27 chapter 9.94A RCW and adjudicated level III juvenile sex offenders
28 who are ordered into treatment pursuant to chapter 13.40 RCW; or

29 ~~((e))~~ (b) Except as provided under subsection (3) of this
30 section, treatment of sexually violent predators who are
31 conditionally released to a less restrictive alternative pursuant to
32 chapter 71.09 RCW.

33 (3) A certified sex offender treatment provider, or certified
34 affiliate sex offender treatment provider who has completed at least
35 fifty percent of the required hours under the supervision of a
36 ~~((certified sex offender treatment provider))~~ qualified supervisor,
37 may not perform or provide treatment of sexually violent predators
38 under subsection (2) ~~((e))~~ (b) of this section if the treatment
39 provider has been:

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

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

5 (c) Suspended or otherwise restricted from practicing any health
6 care profession by competent authority in any state, federal, or
7 foreign jurisdiction.

8 (4) Certified sex offender treatment providers and certified
9 affiliate sex offender treatment providers may perform or provide the
10 following service: Treatment or evaluation of convicted level I and
11 level II sex offenders who are sentenced and ordered into treatment
12 pursuant to chapter 9.94A RCW and adjudicated juvenile level I and
13 level II sex offenders who are sentenced and ordered into treatment
14 pursuant to chapter 13.40 RCW.

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

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

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

23 (1) Successful completion of an educational program approved by
24 the secretary or successful completion of alternate training which
25 meets the criteria of the secretary;

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

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

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

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

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

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

3 The secretary shall establish standards and procedures for
4 approval of the following:

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

9 (2) Examination procedures;

10 (3) (a) Certifying applicants who have a comparable certification
11 in another jurisdiction, who must be allowed to receive consideration
12 of certification if:

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

18 (ii) They meet a lifetime experience threshold of having provided
19 at least two thousand hours of direct sex offender specific treatment
20 and assessment services, or two years full-time experience working in
21 a state-run facility or state-run treatment or education program
22 providing direct sex offender specific treatment and assessment
23 services, and continue to maintain professional involvement in the
24 field;

25 (b) Nothing in (a) of this subsection prohibits the secretary
26 from requiring background checks as a condition of receiving a
27 credential;

28 (4) Application method and forms;

29 (5) Requirements for renewals of certificates;

30 (6) Requirements of certified sex offender treatment providers
31 and certified affiliate sex offender treatment providers who seek
32 inactive status;

33 (7) Other rules, policies, administrative procedures, and
34 administrative requirements as appropriate to carry out the purposes
35 of this chapter.

36 (8) In construing the requirements of this section, the applicant
37 may sign attestation forms under penalty of perjury indicating that
38 the applicant has participated in the required training and that the
39 applicant is able to substantiate the applicant's claim to have met
40 the requirements for hours of training if such substantiation is

1 requested. Substantiation may include letters of recommendation from
2 experts in the field with personal knowledge of the applicant's
3 qualifications and experience to treat sex offenders in the
4 community.

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

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

12 (1) The sexual offender treatment providers advisory committee,
13 originally created under chapter 3, section 805, Laws of 1990, is
14 reestablished to advise the secretary concerning the administration
15 of this chapter.

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

18 (a) One superior court judge;

19 (b) Three sex offender treatment providers, including at least
20 one representative of the Washington association for the treatment of
21 sexual abusers;

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

24 (d) One defense attorney with experience in representing persons
25 charged with sexual offenses;

26 (e) One representative from the Washington association of
27 prosecuting attorneys;

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

30 (g) The secretary of the department of corrections or the
31 secretary's designee; and

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

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

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

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

7 (a) Certification procedures under this chapter and their
8 implementation;

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

11 (c) Issues pertaining to maintaining a healthy workforce of
12 certified sex offender treatment providers to meet the needs of the
13 state of Washington; and

14 (d) Recommendations for reform of regulatory or administrative
15 practices of the department, the department of social and health
16 services, or the department of corrections that are within the
17 purview and expertise of the advisory committee. The advisory
18 committee may submit recommendations requiring statutory reform to
19 the office of the governor, the secretary of the senate, and the
20 chief clerk of the house of representatives.

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

23 (7) The advisory committee shall elect officers as deemed
24 necessary to administer its duties. A simple majority of the advisory
25 committee members currently serving shall constitute a quorum of the
26 advisory committee.

27 (8) Members of the advisory committee shall be residents of the
28 state of Washington.

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

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

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

37 (1) RCW 18.155.900 (Index, part headings not law—1990 c 3);

38 (2) RCW 18.155.901 (Severability—1990 c 3); and

1 (3) RCW 18.155.902 (Effective dates—Application—1990 c 3)."

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2 On page 1, line 2 of the title, after "providers;" strike the
3 remainder of the title and insert "amending RCW 18.155.020,
4 18.155.030, 18.155.075, and 18.155.080; adding a new section to
5 chapter 18.155 RCW; and decodifying RCW 18.155.900, 18.155.901, and
6 18.155.902."

EFFECT: (1) Removes amendments specifying that a psychologist, psychiatrist, mental health counselor, marriage and family therapist, or social worker may apply for certification as a sex offender treatment provider (SOTP) or affiliate SOTP.

(2) Strikes language allowing a qualified supervisor to provide supervision to an affiliate SOTP if the supervisor meets the requirements for certification as an SOTP, but is not currently certified.

(3) Strikes language allowing a qualified supervisor to meet a lifetime experience threshold through work at a state-run education program providing direct sex offender specific treatment and assessment services.

(4) Clarifies that employees of a state-run facility or state-run treatment or education program do not need to be licensed as a certified affiliate SOTP in order to earn experience towards certification as an SOTP.

(5) Makes technical corrections.

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