

HOUSE BILL REPORT

ESHB 1768

As Passed House:
March 5, 2019

Title: An act relating to modernizing substance use disorder professional practice.

Brief Description: Concerning substance use disorder professional practice.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Davis, Macri, Jenkins, Ormsby, Slatter and Tharinger).

Brief History:

Committee Activity:

Health Care & Wellness: 2/15/19, 2/22/19 [DPS].

Floor Activity:

Passed House: 3/5/19, 98-0.

Brief Summary of Engrossed Substitute Bill

- Changes the name of the profession of "chemical dependency professionals" to "substance use disorder professionals."
- Removes references to the goal of chemical dependency counseling as assisting clients in the achievement and maintenance of abstinence from alcohol and drug use.
- Limits the amount of time that a substance use disorder professional or substance use disorder professional trainee must spend in a substance abuse monitoring program to one year.
- Prohibits a facility that cares for vulnerable adults from automatically denying employment to an applicant for a position as a substance use disorder professional or substance use disorder professional trainee if at least one year has passed since a conviction, the conviction was committed as a result of the applicant's substance use or untreated mental health symptoms, and the applicant has been in recovery for at least one year.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers, Davis, DeBolt, Harris, Jinkins, Maycumber, Riccelli, Robinson, Stonier, Thai and Tharinger.

Staff: Chris Blake (786-7392).

Background:

Chemical Dependency Professionals.

Chemical dependency professionals are health care providers who assist persons to develop and maintain abstinence from alcohol and other drugs. The Department of Health certifies chemical dependency professionals. To become certified, a person must meet specific education, examination, and experience requirements.

In their practice, chemical dependency professionals use the core competencies of chemical dependency counseling which include the assessment and diagnosis of chemical dependency, chemical dependency treatment planning and referral, patient and family education, individual and group counseling, relapse prevention counseling, and case management. These activities are to be performed with the stated goal of assisting patients in achieving and maintaining abstinence from alcohol and drugs and developing independent support systems.

Substance Use Disorders.

In 2013 the American Psychiatric Association released the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5). The DSM 5 replaced the terms "substance abuse" and "substance dependence" with the single term "substance use disorder." The term "substance use disorder" includes a scale of subcategories of mild, moderate, and severe for defining the extent of the person's condition.

Substance Abuse Monitoring Programs.

A disciplining authority may refer a licensee to a substance abuse monitoring program in lieu of formal discipline if the disciplining authority determines that unprofessional conduct is the product of substance abuse. The licensee must consent to the referral and the referral may include probationary conditions. If the licensee does not consent to the referral or fails to meet the requirements of the program, the disciplining authority may take formal disciplinary action against the licensee.

There are four substance abuse monitoring programs in Washington for credentialed health care providers. Each program serves specific professions or groups of professions. Although the programs do not provide substance use disorder treatment, they contract with and monitor health care providers for compliance with treatment and recovery goals. The contract includes random drug testing and worksite monitoring to ensure a safe return to practice. Some professions pay a fee to cover program expenses, while other professions require the individual to bear the expenses of the program.

Disqualifying Crimes.

Agencies, facilities, and individuals who provide care to vulnerable adults may not allow persons to work in a position that may involve unsupervised access to minors or vulnerable

adults if the person has been convicted of or has a pending charge for certain disqualifying crimes. In some cases a person will not be automatically disqualified from employment if a designated number of years have passed since the date of conviction for the disqualifying crime. In those instances, the person may be allowed to work in a position with access to minors and vulnerable adults depending on the results of a character, competence, and suitability review.

Summary of Engrossed Substitute Bill:

Chemical dependency professionals are renamed "substance use disorder professionals" and chemical dependency professional trainees are renamed "substance use disorder professional trainees." Persons holding the titles of "chemical dependency professional" or "chemical dependency professional trainee" are considered to have the titles of "substance use disorder professional" or "substance use disorder professional trainee," respectively, until the person's certification expires or is renewed. Statutory references to chemical dependency professionals are changed accordingly. The term "chemical dependency" is changed to "substance use disorder" in the Substance Use Disorder Professionals' Practice Act.

References to the purpose of substance use disorder counseling as assisting clients with the achievement and maintenance of abstinence from alcohol and drug use are removed and replaced with the purpose of assisting individuals with substance use disorder in their recovery. The term "recovery" is defined as a process of change through which individuals improve their health and wellness, live self-directed lives, and strive to reach their full potential

The amount of time that a person who is or is applying to be a substance use disorder professional or substance use disorder professional trainee must spend in the voluntary substance abuse monitoring program is limited to the amount of time necessary for the person to achieve one year in recovery. If the person has at least one year in recovery from a substance use disorder, the person may not be required to participate in the substance abuse monitoring program.

Facilities that care for vulnerable adults are prohibited from automatically denying employment to an applicant for a position as a substance use disorder professional or substance use disorder professional trainee if: (1) at least one year has passed since the most recent conviction and the date of application; (2) the offense was committed as a result of the applicant's substance use or untreated mental health symptoms; and (3) the applicant has been in recovery for at least one year from a mental health disorder or substance use disorder, whether through abstinence or stability on medication-assisted therapy.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after the adjournment of the session in which the bill is passed, except for section 12, relating to training in suicide assessment, treatment, and management, which takes effect on August 1, 2020, and section 18, relating to the

examination and evaluation of a minor approved for inpatient admission, which takes effect on July 1, 2026.

Staff Summary of Public Testimony:

(In support) The terms "chemical" and "dependence" are stigmatizing and this bill updates that terminology. This change recognizes substance use disorder as the brain disease that it is. There will be language related to the goal of substance use disorder treatment which has to do with a self-directed process that is person-centered. Some of the language from House Bill 1529 should be incorporated into this bill to align the subject matter.

(Opposed) None.

Persons Testifying: Representative Davis, prime sponsor; Susie Tracy, Alcohol and Addiction Programs of Washington; and Michael Transue, Seattle Drug and Narcotic Treatment Center.

Persons Signed In To Testify But Not Testifying: None.