

# HOUSE BILL REPORT

## ESSB 6641

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### As Reported by House Committee On: Health Care & Wellness

**Title:** An act relating to increasing the availability of certified sex offender treatment providers.

**Brief Description:** Increasing the availability of certified sex offender treatment providers.

**Sponsors:** Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators O'Ban, Conway and Wilson, C.).

#### **Brief History:**

##### **Committee Activity:**

Health Care & Wellness: 2/27/20 [DPA].

#### **Brief Summary of Engrossed Substitute Bill (As Amended by Committee)**

- Expands the qualifications for who may be a supervisor of certified affiliate sex offender treatment providers by allowing supervision by persons who are not certified sex offender treatment providers, but have a minimum amount of experience providing direct sex offender specific treatment and assessment services.
- Allows persons to become certified sex offender treatment providers if they held a similar credential in another state, have provided at least 2,000 hours of direct sex offender specific treatment and assessment services, or have two years of full-time experience providing direct sex offender specific treatment and assessment services in a state-operated facility or treatment program.
- Establishes the Sex Offender Treatment Providers Advisory Committee to provide advice to the Secretary of the Department of Health regarding issues related to the certification of sex offender treatment providers and maintenance of the sex offender treatment provider workforce.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

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*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:** Do pass as amended. Signed by 14 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers, Chopp, Davis, DeBolt, Harris, Maycumber, Riccelli, Robinson, Stonier, Thai and Tharinger.

**Staff:** Chris Blake (786-7392).

**Background:**

Sex offender treatment providers are credentialed health professionals who are certified by the Department of Health (Department) to counsel or treat sex offenders accused of, or convicted of, a sex offense. To become certified, a credentialed health care provider must have completed a master's or doctoral program in a behavioral health-related field or a physician or osteopathic physician degree program, completed at least 2,000 hours of supervised treatment and evaluation experience, and passed an examination.

Affiliate sex offender treatment providers are certified by the Department as having met the education and examination requirements for becoming certified as a sex offender treatment provider and are working toward the completion of their experience hours under the supervision of a certified sex offender treatment provider. Supervising sex offender treatment providers assume full ethical and legal responsibility for the quality of work of the affiliate sex offender treatment provider. A supervising sex offender treatment provider may not supervise more than two affiliate sex offender treatment providers. Supervision involves regular, direct, face-to-face contact, including sitting in sessions and audio and video recordings.

Certified sex offender treatment providers and certified affiliate sex offender treatment providers who have completed at least half of their supervised experience hours may conduct evaluations under the special sexual offender sentencing alternative or the special sexual offender disposition alternative, provide treatment to Level I through III sex offenders, and treat sexually violent predators who are conditionally released to a less restrictive alternative. Certified affiliate sex offender treatment providers who have completed less than half of their supervised experience hours may only treat Level I and Level II sex offenders who have been sentenced and ordered into treatment and adjudicated juvenile Level I and Level II sex offenders who are sentenced and ordered into treatment.

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**Summary of Amended Bill:**

Certified sex offender treatment providers and certified affiliate sex offender treatment providers must either be a psychologist, marriage and family therapist, social worker, mental health professional, or psychiatrist.

The requirement that certified affiliate sex offender treatment providers practice under the supervision of a certified sex offender treatment provider is changed to require the supervision be provided by a qualified supervisor. A "qualified supervisor" may be a person who either: (1) meets the requirements for certification as a sex offender treatment provider; (2) has provided at least 2,000 hours of direct sex offender specific treatment and assessment

services and maintains professional involvement in the field; or (3) has at least two years of full-time work in a state-operated facility or state-operated treatment program providing direct sex offender specific treatment and assessment services and maintains professional involvement in the field. Qualified supervisors who are not certified by the Department of Health (Department) as a sex offender treatment provider must sign and submit an attestation to the Department that they meet the requirements to provide supervision.

Certified affiliate sex offender treatment providers who have completed less than half of their supervised experience hours may, in addition to providing treatment, conduct evaluations of: (1) convicted Level I and Level II sex offenders who have been sentenced and ordered into treatment; and (2) adjudicated juvenile Level I and Level II sex offenders who are sentenced and ordered into treatment. Employees of state-operated facilities and treatment programs may perform the work of a certified sex offender treatment provider without being certified.

The Department's standards for approving alternate training must consider credit for experience obtained while working in a state-operated facility or treatment program in Washington or another state. The credit applies if the applicant provided at least 2,000 hours of experience providing sex offender treatment and assessment services or has two years of full-time work in a state-operated facility or treatment program providing such services. The Department must consider an applicant for certification who has held a comparable credential in another state if the applicant:

- held a credential within the previous 36 months in another state deemed to be substantially equivalent to sex offender treatment provider certification in Washington;
- provided at least 2,000 hours of direct sex offender specific treatment and assessment services and maintains professional involvement in the field; or
- has two years of full-time work in a state-operated facility or treatment program providing direct sex offender specific treatment and assessment services and maintains professional involvement in the field.

Employees of state-operated facilities and treatment programs do not need to be certified affiliate sex offender treatment providers to obtain experience requirements to apply toward certification if they demonstrate proof of supervision by a qualified supervisor.

The Sex Offender Treatment Providers Advisory Committee (Advisory Committee) is established to advise the Secretary of the Department. The members of the Advisory Committee are appointed by the Secretary of the Department and include:

- a superior court judge;
- three sex offender treatment providers;
- a mental health practitioner who specializes in the treatment of victims of sexual assault;
- a representative from a statewide association representing prosecuting attorneys;
- the Secretary of the Department of Social and Health Services, or the Secretary's designee;
- the Secretary of the Department of Corrections, or the Secretary's designee; and
- the Secretary of the Department of Children, Youth, and Families, or the Secretary's designee.

The Advisory Committee must provide advice to the Secretary of the Department regarding certification standards and procedures, maintenance of an adequate workforce, and reform of agency regulatory practices.

**Amended Bill Compared to Engrossed Substitute Bill:**

The amended bill removes the general reference that requires a certified sex offender treatment provider or certified affiliate sex offender treatment provider be credentialed as a health professional and specifies that they must either be a psychologist, marriage and family therapist, social worker, mental health professional, or psychiatrist.

The amended bill exempts employees of state-run facilities and treatment programs from having to be certified sex offender treatment providers. The work of an employee at a state-run facility or treatment program may give the employee the necessary experience to qualify for certification. The reference to "education" is removed from the term "state-run treatment and education programs."

The amended bill specifies that when the Department of Health is considering applying credit for experience working in a state-run facility or state-run treatment program, the applicants must have accumulated at least 2,000 hours of experience or two years of full-time experience at the facility or program.

The amended bill changes the name of the advisory committee to the Sex Offender Treatment Providers Advisory Committee (Advisory Committee). The requirement that one of the members of the Advisory Committee represent the Washington Association for the Treatment of Sexual Abusers is removed and there must be one member from a statewide organization representing prosecutors, rather than from the Washington Association of Prosecuting Attorneys.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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

**Staff Summary of Public Testimony:**

(In support) None.

(Opposed) None.

(Other) There is a need for an adequate sex offender treatment provider workforce in the community. There are not enough providers to provide treatment to individuals who leave the Department of Corrections (DOC) or the Special Commitment Center. There is research about how much more effective the recidivism rate is if there is access to sex offender

treatment providers. This bill does not lower the standard for clinical qualifications for treatment providers, but offers another pathway towards certification. This bill attempts to improve the quality and availability of sex offender treatment providers. Having more providers will decrease the number of violations of persons on supervision, which will mean fewer people returning to prison on technical violations. This bill will increase access to services in counties that have traditionally had a low number of providers. The advisory committee will be helpful to the Department of Health in implementing the bill. The amended language is good because it restricts the practice of nontherapeutic providers.

This bill reduces the current recognized barriers for becoming a certified provider in the community and will likely increase the number of providers and improve access for those needing services. One of the barriers for state-operated programs is that they cannot provide supervision and training for individuals seeking to be licensed as community practitioners. Professionals working for the DOC typically have not been able to achieve certification because they cannot work under the supervision of a certified provider in the community, since the clients needing these services are under DOC supervision and this would create a conflict of interest. The bill will improve recruitment and retention of qualified individuals for state employment.

**Persons Testifying:** Melena Thompson and Corey McNally, Department of Corrections.

**Persons Signed In To Testify But Not Testifying:** None.