

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 6641

Chapter 266, Laws of 2020

66th Legislature
2020 Regular Session

CERTIFIED SEX OFFENDER TREATMENT PROVIDERS--CERTIFICATION

EFFECTIVE DATE: June 11, 2020

Passed by the Senate March 11, 2020
Yeas 48 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House March 11, 2020
Yeas 96 Nays 1

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 31, 2020 11:28 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6641** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 31, 2020

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6641

AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

State of Washington 66th Legislature 2020 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators O'Ban, Conway, and Wilson, C.)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to increasing the availability of certified sex
2 offender treatment providers; amending RCW 18.155.020, 18.155.030,
3 18.155.075, 18.155.080, and 18.155.040; adding a new section to
4 chapter 18.155 RCW; adding a new section to chapter 71.09 RCW; and
5 decodifying RCW 18.155.900, 18.155.901, and 18.155.902.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 18.155.020 and 2004 c 38 s 3 are each amended to
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter:

11 (1) "Advisory committee" means the sex offender treatment
12 providers advisory committee established under section 5 of this act.

13 (2) "Certified sex offender treatment provider" means ((a
14 licensed, certified, or registered health professional)) an
15 individual who is a licensed psychologist, licensed marriage and
16 family therapist, licensed social worker, licensed mental health
17 counselor, or psychiatrist as defined in RCW 71.05.020, who is
18 certified to examine and treat sex offenders pursuant to chapters
19 9.94A and 13.40 RCW and sexually violent predators under chapter
20 71.09 RCW.

1 ~~((2))~~ (3) "Certified affiliate sex offender treatment provider"
2 means ~~((a licensed, certified, or registered health professional))~~ an
3 individual who is a licensed psychologist, licensed marriage and
4 family therapist, licensed social worker, licensed mental health
5 counselor, or psychiatrist as defined in RCW 71.05.020, who is
6 certified as an affiliate to examine and treat sex offenders pursuant
7 to chapters 9.94A and 13.40 RCW and sexually violent predators under
8 chapter 71.09 RCW under the supervision of a ~~((certified sex offender~~
9 ~~treatment provider))~~ qualified supervisor.

10 ~~((3))~~ (4) "Department" means the department of health.

11 ~~((4))~~ (5)(a) "Qualified supervisor" means:

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

14 (ii) A person who meets a lifetime experience threshold of having
15 provided at least two thousand hours of direct sex offender specific
16 treatment and assessment services and who continues to maintain
17 professional involvement in the field; or

18 (iii) A person who meets a lifetime experience threshold of at
19 least two years of full-time work in a state-run facility or state-
20 run treatment program providing direct sex offender specific
21 treatment and assessment services and who continues to maintain
22 professional involvement in the field.

23 (b) A qualified supervisor not credentialed by the department as
24 a sex offender treatment provider must sign and submit to the
25 department an attestation form provided by the department stating
26 under penalty of perjury that the qualified supervisor has met the
27 requisite education, training, or experience requirements and that
28 the qualified supervisor is able to substantiate the qualified
29 supervisor's claim to have met the requirements for education,
30 training, or experience.

31 (6) "Secretary" means the secretary of health.

32 ~~((5))~~ (7) "Sex offender treatment provider" or "affiliate sex
33 offender treatment provider" means a person who counsels or treats
34 sex offenders accused of or convicted of a sex offense as defined by
35 RCW 9.94A.030.

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

38 (1) No person shall represent himself or herself as a certified
39 sex offender treatment provider or certified affiliate sex offender

1 treatment provider without first applying for and receiving a
2 certificate pursuant to this chapter.

3 (2) Only a certified sex offender treatment provider, or
4 certified affiliate sex offender treatment provider who has completed
5 at least fifty percent of the required hours under the supervision of
6 a (~~certified sex offender treatment provider~~) qualified supervisor,
7 may perform or provide the following services:

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

10 ~~(b)~~) Treatment or evaluation of convicted level III sex
11 offenders who are sentenced and ordered into treatment pursuant to
12 chapter 9.94A RCW and adjudicated level III juvenile sex offenders
13 who are ordered into treatment pursuant to chapter 13.40 RCW; or

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

18 (3) A certified sex offender treatment provider, or certified
19 affiliate sex offender treatment provider who has completed at least
20 fifty percent of the required hours under the supervision of a
21 (~~certified sex offender treatment provider~~) qualified supervisor,
22 may not perform or provide treatment of sexually violent predators
23 under subsection (2) (~~(e)~~) (b) of this section if the treatment
24 provider has been:

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

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

29 (c) Suspended or otherwise restricted from practicing any health
30 care profession by competent authority in any state, federal, or
31 foreign jurisdiction.

32 (4) Certified sex offender treatment providers and certified
33 affiliate sex offender treatment providers may perform or provide the
34 following service: Treatment or evaluation of convicted level I and
35 level II sex offenders who are sentenced and ordered into treatment
36 pursuant to chapter 9.94A RCW and adjudicated juvenile level I and
37 level II sex offenders who are sentenced and ordered into treatment
38 pursuant to chapter 13.40 RCW.

39 (5) Employees of state-run facilities or state-run treatment
40 programs are not required to be a certified sex offender treatment

1 provider or a certified affiliate sex offender treatment provider to
2 do the work described in this section as part of their job duties if
3 not pursuing certification under this chapter.

4 (6) Individuals credentialed by the department of health as a
5 certified sex offender treatment provider or a certified affiliate
6 sex offender treatment provider prior to the effective date of this
7 section are considered to have met the requirement of holding an
8 underlying health license or credential described in RCW 18.155.020
9 (2) and (3), provided the underlying license or credential remains
10 active and in good standing.

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

13 (1) The department shall issue an affiliate certificate to any
14 applicant who meets the following requirements:

15 ~~((1))~~ (a) Successful completion of an educational program
16 approved by the secretary or successful completion of alternate
17 training which meets the criteria of the secretary;

18 ~~((2))~~ (b) Successful completion of an examination administered
19 or approved by the secretary;

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

22 ~~((4))~~ (d) Not having engaged in unprofessional conduct or being
23 unable to practice with reasonable skill and safety as a result of a
24 physical or mental impairment;

25 ~~((5))~~ (e) Not convicted of a sex offense, as defined in RCW
26 9.94A.030 or convicted in any other jurisdiction of an offense that
27 under the laws of this state would be classified as a sex offense as
28 defined in RCW 9.94A.030; and

29 ~~((6))~~ (f) Other requirements as may be established by the
30 secretary that impact the competence of the sex offender treatment
31 provider.

32 (2) Individuals credentialed by the department of health as a
33 certified affiliate sex offender treatment provider prior to the
34 effective date of this section are considered to have met the
35 requirement of holding an underlying health license or credential
36 described in RCW 18.155.020(3), provided the underlying license or
37 credential remains active and in good standing.

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 program in Washington or in another
8 state or territory of the United States where the applicant
9 demonstrates having provided at least two thousand hours of direct
10 sex offender specific treatment and assessment services, or two years
11 full-time experience working in a state-run facility or state-run
12 treatment program providing direct sex offender specific treatment
13 and assessment services, and continue to maintain professional
14 involvement in the field;

15 (2) Examination procedures;

16 (3) (a) Certifying applicants who have a comparable certification
17 in another jurisdiction, who must be allowed to receive consideration
18 of certification if:

19 (i) They hold or have held within the past thirty-six months a
20 credential in good standing from another state or territory of the
21 United States that the secretary, with advice from the advisory
22 committee, deems to be substantially equivalent to sex offender
23 treatment provider certification in Washington; or

24 (ii) They meet a lifetime experience threshold of having provided
25 at least two thousand hours of direct sex offender specific treatment
26 and assessment services, or two years full-time experience working in
27 a state-run facility or state-run treatment program providing direct
28 sex offender specific treatment and assessment services, and continue
29 to maintain professional involvement in the field;

30 (b) Nothing in (a) of this subsection prohibits the secretary
31 from requiring background checks as a condition of receiving a
32 credential;

33 (4) Application method and forms;

34 (5) Requirements for renewals of certificates;

35 (6) Requirements of certified sex offender treatment providers
36 and certified affiliate sex offender treatment providers who seek
37 inactive status;

38 (7) Other rules, policies, administrative procedures, and
39 administrative requirements as appropriate to carry out the purposes
40 of this chapter.

1 (8) In construing the requirements of this section, the applicant
2 may sign attestation forms under penalty of perjury indicating that
3 the applicant has participated in the required training and that the
4 applicant is able to substantiate the applicant's claim to have met
5 the requirements for hours of training if such substantiation is
6 requested. Substantiation may include letters of recommendation from
7 experts in the field with personal knowledge of the applicant's
8 qualifications and experience to treat sex offenders in the
9 community.

10 (9) Employees of a state-run facility or state-run treatment
11 program may obtain the necessary experience to qualify for this
12 certification through their work and do not need to be certified as
13 an affiliate sex offender treatment provider to obtain the necessary
14 experience requirements upon demonstrating proof of supervision by a
15 qualified supervisor.

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

18 (1) The sex offender treatment providers advisory committee is
19 established to advise the secretary concerning the administration of
20 this chapter.

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

23 (a) One superior court judge;

24 (b) Three sex offender treatment providers;

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

27 (d) One defense attorney with experience in representing persons
28 charged with sexual offenses;

29 (e) One representative from a statewide association representing
30 prosecuting attorneys;

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

33 (g) The secretary of the department of corrections or the
34 secretary's designee; and

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

37 (3) The advisory committee shall be a permanent body. The members
38 shall serve staggered six-year terms, to be set by the secretary. No
39 person other than the members representing the departments of social

1 and health services, children, youth, and families, and corrections
2 may serve more than two consecutive terms.

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

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

9 (a) Certification procedures under this chapter and their
10 implementation;

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

13 (c) Issues pertaining to maintaining a healthy workforce of
14 certified sex offender treatment providers to meet the needs of the
15 state of Washington. In considering workforce issues, the advisory
16 committee must evaluate options for reducing or eliminating some or
17 all of the certification-related fees, including the feasibility of
18 requiring that the cost of regulation of persons certified under this
19 chapter be borne by the professions that are identified as eligible
20 to be an underlying credential for certification; and

21 (d) Recommendations for reform of regulatory or administrative
22 practices of the department, the department of social and health
23 services, or the department of corrections that are within the
24 purview and expertise of the advisory committee. The advisory
25 committee may submit recommendations requiring statutory reform to
26 the office of the governor, the secretary of the senate, and the
27 chief clerk of the house of representatives.

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

30 (7) The advisory committee shall elect officers as deemed
31 necessary to administer its duties. A simple majority of the advisory
32 committee members currently serving shall constitute a quorum of the
33 advisory committee.

34 (8) Members of the advisory committee shall be residents of the
35 state of Washington.

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

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

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 71.09
4 RCW to read as follows:

5 To facilitate the equitable geographic distribution of
6 conditional releases under this chapter, the department shall notify
7 the secretary of health, or the secretary's designee, whenever a sex
8 offender treatment provider in an underserved county has been
9 contracted to provide treatment services to persons on conditional
10 release under this chapter, in which case the secretary of health
11 shall waive any fees for the initial issue, renewal, and reissuance
12 of a credential for the provider under chapter 18.155 RCW. An
13 underserved county is any county identified by the department as
14 having an inadequate supply of qualified sex offender treatment
15 providers to achieve equitable geographic distribution of conditional
16 releases under this chapter.

17 **Sec. 7.** RCW 18.155.040 and 2004 c 38 s 5 are each amended to
18 read as follows:

19 In addition to any other authority provided by law, the secretary
20 shall have the following authority:

21 (1) To set administrative procedures, administrative
22 requirements, and fees in accordance with RCW 43.70.250 (~~and~~),
23 43.70.280, and section 6 of this act;

24 (2) To establish forms necessary to administer this chapter;

25 (3) To issue a certificate or an affiliate certificate to any
26 applicant who has met the education, training, and examination
27 requirements for certification or an affiliate certification and deny
28 a certificate to applicants who do not meet the minimum
29 qualifications for certification or affiliate certification.
30 Proceedings concerning the denial of certificates based on
31 unprofessional conduct or impaired practice shall be governed by the
32 uniform disciplinary act, chapter 18.130 RCW;

33 (4) To hire clerical, administrative, and investigative staff as
34 needed to implement and administer this chapter and to hire
35 individuals including those certified under this chapter to serve as
36 examiners or consultants as necessary to implement and administer
37 this chapter;

- 1 (5) To maintain the official department record of all applicants
2 and certifications;
- 3 (6) To conduct a hearing on an appeal of a denial of a
4 certificate on the applicant's failure to meet the minimum
5 qualifications for certification. The hearing shall be conducted
6 pursuant to chapter 34.05 RCW;
- 7 (7) To issue subpoenas, statements of charges, statements of
8 intent to deny certificates, and orders and to delegate in writing to
9 a designee the authority to issue subpoenas, statements of charges,
10 and statements of intent to deny certificates;
- 11 (8) To determine the minimum education, work experience, and
12 training requirements for certification or affiliate certification,
13 including but not limited to approval of educational programs;
- 14 (9) To prepare and administer or approve the preparation and
15 administration of examinations for certification;
- 16 (10) To establish by rule the procedure for appeal of an
17 examination failure;
- 18 (11) To adopt rules implementing a continuing competency program;
- 19 (12) To adopt rules in accordance with chapter 34.05 RCW as
20 necessary to implement this chapter.

- 21 NEW SECTION. **Sec. 8.** The following sections are decodified:
- 22 (1) RCW 18.155.900 (Index, part headings not law—1990 c 3);
- 23 (2) RCW 18.155.901 (Severability—1990 c 3); and
- 24 (3) RCW 18.155.902 (Effective dates—Application—1990 c 3).

Passed by the Senate March 11, 2020.
Passed by the House March 11, 2020.
Approved by the Governor March 31, 2020.
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