

2 **ESHB 1298** - S COMM AMD

3 By Committee on Human Services & Corrections

4 ADOPTED 4/10/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 70.96A.400 and 1989 c 270 s 20 are each amended to
8 read as follows:

9 The state of Washington declares that there is no fundamental right
10 to ~~((methadone))~~ opiate substitution treatment. The state of
11 Washington further declares that while methadone ~~((is an))~~ and other
12 like pharmacological drugs, used in the treatment of opiate dependency
13 are addictive substances, that ~~((it))~~ they nevertheless ~~((has))~~ have
14 several legal, important, and justified uses and that one of ~~((its))~~
15 their appropriate and legal uses is, in conjunction with other required
16 therapeutic procedures, in the treatment of persons addicted to or
17 habituated to opioids.

18 Because methadone ~~((is))~~ and other like pharmacological drugs, used
19 in the treatment of opiate dependency are addictive and ~~((is))~~ are
20 listed as a schedule II controlled substance in chapter 69.50 RCW, the
21 state of Washington and authorizing counties on behalf of their
22 citizens have the legal obligation and right to regulate the use of
23 ~~((methadone))~~ opiate substitution treatment. The state of Washington
24 declares its authority to control and regulate carefully, in
25 cooperation with the authorizing counties, all clinical uses of
26 methadone and other pharmacological drugs used in the treatment of
27 ~~((opium))~~ opiate addiction.

28 Further, the state declares that the primary goal of ~~((methadone))~~
29 opiate substitution treatment is ~~((drug-free living))~~ total abstinence
30 from chemical dependency for the individuals who participate in the
31 treatment program. The state recognizes that a small percentage of
32 persons who participate in opiate substitute treatment programs require
33 treatment for an extended period of time. Opiate substitution
34 treatment programs shall provide a comprehensive transition program to
35 eliminate chemical dependency; including opiate and opiate substitute
36 addiction of program participants.

1 **Sec. 2.** RCW 70.96A.410 and 1989 c 270 s 21 are each amended to
2 read as follows:

3 (1) A county legislative authority may prohibit ~~((methadone))~~
4 opiate substitution treatment in that county. The department shall not
5 certify ~~((a methadone))~~ an opiate substitution treatment program in a
6 county where the county legislative authority has prohibited
7 ~~((methadone))~~ opiate substitution treatment. If a county legislative
8 authority authorizes ~~((methadone))~~ opiate substitution treatment
9 programs, it shall limit by ordinance the number of ~~((methadone))~~
10 opiate substitution treatment programs operating in that county by
11 limiting the number of licenses granted in that county. If a county
12 has authorized ~~((methadone))~~ opiate substitution treatment programs in
13 that county, it shall only license ~~((methadone))~~ opiate substitution
14 treatment programs that comply with the department's operating and
15 treatment standards under this section and RCW 70.96A.420. A county
16 that authorizes ~~((methadone))~~ opiate substitution treatment may operate
17 the programs directly or through a local health department or health
18 district or it may authorize certified ~~((methadone))~~ opiate
19 substitution treatment programs that the county licenses to provide the
20 services within the county. Counties shall monitor ~~((methadone))~~
21 opiate substitution treatment programs for compliance with the
22 department's operating and treatment regulations under this section and
23 RCW 70.96A.420.

24 (2) A county that authorizes ~~((methadone))~~ opiate substitution
25 treatment programs shall develop and enact by ordinance licensing
26 standards, consistent with this chapter and the operating and treatment
27 standards adopted under this chapter, that govern the application for,
28 issuance of, renewal of, and revocation of the licenses. Certified
29 programs existing before May 18, 1987, applying for renewal of
30 licensure in subsequent years, that maintain certification and meet all
31 other requirements for licensure, shall be given preference.

32 (3) In certifying programs, the department shall not discriminate
33 against ~~((a methadone))~~ an opiate substitution treatment program on the
34 basis of its corporate structure. In licensing programs, the county
35 shall not discriminate against ~~((a methadone))~~ an opiate substitution
36 treatment program on the basis of its corporate structure.

37 (4) A program applying for certification from the department and a
38 program applying for a contract from a state agency that has been
39 denied the certification or contract shall be provided with a written

1 notice specifying the rationale and reasons for the denial. A program
2 applying for a license or a contract from a county that has been denied
3 the license or contract shall be provided with a written notice
4 specifying the rationale and reasons for the denial.

5 (5) A license is effective for one calendar year from the date of
6 issuance. The license shall be renewed in accordance with the
7 provisions of this section for initial approval (~~and in accordance~~
8 ~~with~~); the goals for treatment programs under RCW 70.96A.400; the
9 standards set forth in RCW 70.96A.420; and the rules adopted by the
10 secretary.

11 (6) For the purpose of this chapter, opiate substitution treatment
12 means dispensing an opiate substitution drug approved by the Federal
13 Drug Administration for the treatment of opiate addiction and providing
14 a comprehensive range of medical and rehabilitative services.

15 **Sec. 3.** RCW 70.96A.420 and 1989 c 270 s 22 are each amended to
16 read as follows:

17 (1) The department, in consultation with (~~methadone~~) opiate
18 substitution treatment service providers and counties authorizing
19 (~~methadone~~) opiate substitution treatment programs, shall establish
20 state-wide treatment standards for (~~methadone~~) opiate substitution
21 treatment programs. The department and counties that authorize
22 (~~methadone~~) opiate substitution treatment programs shall enforce
23 these treatment standards. The treatment standards shall include, but
24 not be limited to, reasonable provisions for all appropriate and
25 necessary medical procedures, counseling requirements, urinalysis, and
26 other suitable tests as needed to ensure compliance with this chapter
27 (~~and the treatment standard authorized by this chapter~~). A
28 (~~methadone~~) opiate substitution treatment program shall not have a
29 caseload in excess of three hundred fifty persons.

30 (2) The department, in consultation with (~~methadone~~) opiate
31 substitution treatment programs and counties authorizing (~~methadone~~)
32 opiate substitution treatment programs, shall establish state-wide
33 operating standards for (~~methadone~~) opiate substitution treatment
34 programs. The department and counties that authorize (~~methadone~~)
35 opiate substitution treatment programs shall enforce these operating
36 standards. The operating standards shall include, but not be limited
37 to, reasonable provisions necessary to enable the department and
38 authorizing counties to monitor certified and licensed (~~methadone~~)

1 opiate substitution treatment programs for compliance with this chapter
2 and the treatment standards authorized by this chapter and to minimize
3 the impact of the ((methadone)) opiate substitution treatment programs
4 upon the business and residential neighborhoods in which the program is
5 located.

6 (3) The department shall establish criteria for evaluating the
7 compliance of opiate substitute treatment programs with the goals and
8 standards established under this chapter. As a condition of
9 certification, opiate substitution programs shall submit an annual
10 report to the department and county legislative authority, including
11 data as specified by the department necessary for outcome analysis.
12 The department shall analyze and evaluate the data submitted by each
13 treatment program and take corrective action where necessary to ensure
14 compliance with the goals and standards enumerated under this chapter.
15 Before January 1 of each year, the department shall submit an annual
16 report to the legislature, including the outcome analysis of each
17 treatment program."

18 **ESHB 1298** - S COMM AMD

19 By Committee on Human Services & Corrections

20 ADOPTED 4/10/95

21 On page 1, line 1 of the title, after "treatment;" strike the
22 remainder of the title and insert "and amending RCW 70.96A.400,
23 70.96A.410, and 70.96A.420."

--- END ---