
HOUSE BILL 2115

State of Washington

59th Legislature

2005 Regular Session

By Representatives Dickerson, Roach, Simpson, Upthegrove, Ormsby, Chase, Roberts and Darneille; by request of Lieutenant Governor

Read first time 02/17/2005. Referred to Committee on Children & Family Services.

1 AN ACT Relating to drug use among pregnant women; amending RCW
2 70.96A.090; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that drug use among
5 pregnant women is a significant and growing concern statewide. The
6 legislature further finds that methadone, although an effective
7 alternative to other substance use treatments, can result in babies who
8 are exposed to methadone while in uteri being born addicted and facing
9 the painful effects of withdrawal.

10 It is the intent of the legislature to notify all pregnant mothers
11 who are receiving methadone treatment of the risks and benefits
12 methadone could have on their baby during pregnancy through birth and
13 to inform them of the potential need for the newborn baby to be taken
14 care of in a hospital setting or in a specialized supportive
15 environment designed specifically to address newborn addiction
16 problems.

17 **Sec. 2.** RCW 70.96A.090 and 1995 c 312 s 46 are each amended to
18 read as follows:

1 (1) The department shall adopt rules establishing standards for
2 approved treatment programs, the process for the review and inspection
3 program applying to the department for certification as an approved
4 treatment program, and fixing the fees to be charged by the department
5 for the required inspections. The standards may concern the health
6 standards to be met and standards of services and treatment to be
7 afforded patients.

8 (2) The department may suspend, revoke, limit, restrict, or modify
9 an approval, or refuse to grant approval, for failure to meet the
10 provisions of this chapter, or the standards adopted under this
11 chapter. RCW 43.20A.205 governs notice of a license denial,
12 revocation, suspension, or modification and provides the right to an
13 adjudicative proceeding.

14 (3) No treatment program may advertise or represent itself as an
15 approved treatment program if approval has not been granted, has been
16 denied, suspended, revoked, or canceled.

17 (4) Certification as an approved treatment program is effective for
18 one calendar year from the date of issuance of the certificate. The
19 certification shall specify the types of services provided by the
20 approved treatment program that meet the standards adopted under this
21 chapter. Renewal of certification shall be made in accordance with
22 this section for initial approval and in accordance with the standards
23 set forth in rules adopted by the secretary.

24 (5) Approved treatment programs shall not provide alcoholism or
25 other drug addiction treatment services for which the approved
26 treatment program has not been certified. Approved treatment programs
27 may provide services for which approval has been sought and is pending,
28 if approval for the services has not been previously revoked or denied.

29 (6) The department periodically shall inspect approved public and
30 private treatment programs at reasonable times and in a reasonable
31 manner.

32 (7) The department shall maintain and periodically publish a
33 current list of approved treatment programs.

34 (8) Each approved treatment program shall file with the department
35 on request, data, statistics, schedules, and information the department
36 reasonably requires. An approved treatment program that without good
37 cause fails to furnish any data, statistics, schedules, or information

1 as requested, or files fraudulent returns thereof, may be removed from
2 the list of approved treatment programs, and its certification revoked
3 or suspended.

4 (9) The department shall use the data provided in subsection (8) of
5 this section to evaluate each program that admits children to inpatient
6 treatment upon application of their parents. The evaluation shall be
7 done at least once every twelve months. In addition, the department
8 shall randomly select and review the information on individual children
9 who are admitted on application of the child's parent for the purpose
10 of determining whether the child was appropriately placed into
11 treatment based on an objective evaluation of the child's condition and
12 the outcome of the child's treatment.

13 (10) Upon petition of the department and after a hearing held upon
14 reasonable notice to the facility, the superior court may issue a
15 warrant to an officer or employee of the department authorizing him or
16 her to enter and inspect at reasonable times, and examine the books and
17 accounts of, any approved public or private treatment program refusing
18 to consent to inspection or examination by the department or which the
19 department has reasonable cause to believe is operating in violation of
20 this chapter.

21 (11)(a) All approved opiate substitution treatment programs that
22 provide services to women who are pregnant are required to disseminate
23 up-to-date and accurate health education information to all their
24 pregnant clients concerning the possible addiction and health risks
25 that their opiate substitution treatment may have on their baby. All
26 pregnant clients must also be advised of the risks to both them and
27 their baby associated with not remaining on the opiate substitute
28 program. The information must be provided to these clients both
29 verbally and in writing. The health education information provided to
30 the pregnant clients must include referral options for the addicted
31 baby.

32 (b) The department shall adopt rules that require all opiate
33 treatment programs to educate all pregnant women in their program on
34 the benefits and risks of methadone treatment to their fetus before
35 they are provided these medications, as part of their addiction
36 treatment. The department shall meet the requirements under this
37 subsection within the appropriations provided for opiate treatment

1 programs. The department, working with treatment providers and medical
2 experts, shall develop and disseminate the educational materials to all
3 certified opiate treatment programs.

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