
HOUSE BILL 1427

State of Washington

65th Legislature

2017 Regular Session

By Representatives Cody, Jinkins, Peterson, and Pollet

Read first time 01/19/17. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to opioid treatment programs; and amending RCW
2 71.24.560, 71.24.585, 71.24.590, and 71.24.595.

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

4 **Sec. 1.** RCW 71.24.560 and 2016 sp.s. c 29 s 506 are each amended
5 to read as follows:

6 (1) All approved (~~opiate substitution~~) opioid treatment
7 programs that provide services to women who are pregnant are required
8 to disseminate up-to-date and accurate health education information
9 to all their pregnant clients concerning the possible addiction and
10 health risks that their (~~opiate substitution~~) treatment may have on
11 their baby. All pregnant clients must also be advised of the risks to
12 both them and their baby associated with not remaining on the
13 (~~opiate substitute~~) opioid treatment program. The information must
14 be provided to these clients both verbally and in writing. The health
15 education information provided to the pregnant clients must include
16 referral options for the addicted baby.

17 (2) The department shall adopt rules that require all (~~opiate~~)
18 opioid treatment programs to educate all pregnant women in their
19 program on the benefits and risks of (~~methadone~~) medication-
20 assisted treatment to their fetus before they are provided these
21 medications, as part of their (~~addiction~~) treatment. The department

1 shall meet the requirements under this subsection within the
2 appropriations provided for (~~opiate~~) opioid treatment programs. The
3 department, working with treatment providers and medical experts,
4 shall develop and disseminate the educational materials to all
5 certified (~~opiate~~) opioid treatment programs.

6 **Sec. 2.** RCW 71.24.585 and 2016 sp.s. c 29 s 519 are each amended
7 to read as follows:

8 (~~The state of Washington declares that there is no fundamental
9 right to opiate substitution treatment. The state of Washington
10 further declares that while opiate substitution drugs used in the
11 treatment of opiate dependency are addictive substances, that they
12 nevertheless have several legal, important, and justified uses and
13 that one of their appropriate and legal uses is, in conjunction with
14 other required therapeutic procedures, in the treatment of persons
15 addicted to or habituated to opioids. Opiate substitution treatment
16 should only be used for participants who are deemed appropriate to
17 need this level of intervention and should not be the first treatment
18 intervention for all opiate addicts~~) The state of Washington
19 recognizes as evidence-based for the management of opioid use
20 disorders the treatment approaches acknowledged by the University of
21 Washington alcohol and drug abuse institute, as well as the
22 medications approved by the federal food and drug administration for
23 the treatment of opioid use disorder.

24 Because (~~opiate substitution drugs, used in the treatment of
25 opiate dependency are addictive and are listed as a schedule II~~)
26 some such medications are controlled substances in chapter 69.50 RCW,
27 the state of Washington (~~has~~) maintains the legal obligation and
28 right to regulate the (~~use of opiate substitution treatment. The
29 state of Washington declares its authority to control and regulate
30 carefully, in consultation with counties and cities, all clinical
31 uses of opiate substitution drugs used in the treatment of opiate
32 addiction~~) clinical uses of these medications in the treatment of
33 opioid use disorder.

34 The state declares that choices between recognized treatment
35 options for opioid use disorder should be patient-centered and
36 determined by shared decision making between patients and their
37 health care providers.

38 Further, the state declares that the primary goals of (~~opiate
39 substitution treatment is total abstinence from substance use for the~~

1 individuals who participate in the treatment program. The state
2 recognizes that a small percentage of persons who participate in
3 opiate substitution treatment programs require treatment for an
4 extended period of time. Opiate substitution treatment programs shall
5 provide a comprehensive transition program to eliminate substance
6 use, including opiate and opiate substitute addiction of program
7 participants)) treatment for persons with opioid use disorder is the
8 cessation of unprescribed opioid use, reduced morbidity, and
9 restoration of the ability to lead a productive and fulfilling life.

10 **Sec. 3.** RCW 71.24.590 and 2001 c 242 s 2 are each amended to
11 read as follows:

12 (1) (~~For purposes of this section, "area" means the county in~~
13 ~~which an applicant proposes to locate a certified program and~~
14 ~~counties adjacent, or near to, the county in which the program is~~
15 ~~proposed to be located.))~~

16 When making a decision on an application for certification of a
17 program, the department shall:

18 (a) Consult with the county legislative authorities in the area
19 in which an applicant proposes to locate a program and the city
20 legislative authority in any city in which an applicant proposes to
21 locate a program;

22 (b) Certify only programs that will be sited in accordance with
23 the appropriate county or city land use ordinances. Counties and
24 cities may require conditional or special use permits with reasonable
25 conditions for the siting of programs. Pursuant to RCW 36.70A.200, no
26 local comprehensive plan or development regulation may preclude the
27 siting of essential public facilities;

28 (c) Not discriminate in its certification decision on the basis
29 of the corporate structure of the applicant;

30 (d) Consider the size of the population in need of treatment in
31 the area in which the program would be located and certify only
32 applicants whose programs meet the necessary treatment needs of that
33 population;

34 (e) (~~Demonstrate a need in the community for opiate substitution~~
35 ~~treatment and not certify more program slots than justified by the~~
36 ~~need in that community.)) Ensure that no program ((shall)) exceeds
37 three hundred fifty participants unless specifically authorized by
38 the county in which the program is certified;~~

1 (f) Consider the availability of other certified opioid treatment
2 programs near the area in which the applicant proposes to locate the
3 program;

4 (g) Consider the transportation systems that would provide
5 service to the program and whether the systems will provide
6 reasonable opportunities to access the program for persons in need of
7 treatment;

8 (h) Consider whether the applicant has, or has demonstrated in
9 the past, the capability to provide the appropriate services to
10 assist the persons who utilize the program in meeting goals
11 established by the legislature, including (~~abstinence from opiates~~
12 ~~and opiate substitutes,~~) obtaining (~~mental~~) behavioral health
13 treatment services, improving economic independence, and reducing
14 adverse consequences associated with illegal use of controlled
15 substances. The department shall prioritize certification to
16 applicants who have demonstrated such capability;

17 (i) Hold at least one public hearing in the county in which the
18 facility is proposed to be located (~~and one hearing in the area in~~
19 ~~which the facility is proposed to be located~~). The hearing shall be
20 held at a time and location that are most likely to permit the
21 largest number of interested persons to attend and present testimony.
22 The department shall notify all appropriate media outlets of the
23 time, date, and location of the hearing at least three weeks in
24 advance of the hearing.

25 (2) A program applying for certification from the department and
26 a program applying for a contract from a state agency that has been
27 denied the certification or contract shall be provided with a written
28 notice specifying the rationale and reasons for the denial.

29 (3) For the purpose of this chapter, (~~opiate substitution~~)
30 opioid treatment program means:

31 (a) Dispensing (~~an opiate substitution drug~~) a medication
32 approved by the federal drug administration for the treatment of
33 (~~opiate addiction~~) opioid use disorder; and

34 (b) Providing a comprehensive range of medical and rehabilitative
35 services.

36 **Sec. 4.** RCW 71.24.595 and 2003 c 207 s 6 are each amended to
37 read as follows:

38 (1) The department, in consultation with (~~opiate substitution~~)
39 opioid treatment program service providers and counties and cities,

1 shall establish statewide treatment standards for certified ((~~opiate~~
2 ~~substitution~~)) opioid treatment programs. The department shall
3 enforce these treatment standards. The treatment standards shall
4 include, but not be limited to, reasonable provisions for all
5 appropriate and necessary medical procedures, counseling
6 requirements, urinalysis, and other suitable tests as needed to
7 ensure compliance with this chapter.

8 (2) The department, in consultation with ((~~opiate substitution~~))
9 opioid treatment programs and counties, shall establish statewide
10 operating standards for certified ((~~opiate substitution~~)) opioid
11 treatment programs. The department shall enforce these operating
12 standards. The operating standards shall include, but not be limited
13 to, reasonable provisions necessary to enable the department and
14 counties to monitor certified and licensed ((~~opiate substitution~~))
15 opioid treatment programs for compliance with this chapter and the
16 treatment standards authorized by this chapter and to minimize the
17 impact of the ((~~opiate substitution~~)) opioid treatment programs upon
18 the business and residential neighborhoods in which the program is
19 located.

20 (3) ((~~The department shall establish criteria for evaluating the~~
21 ~~compliance of opiate substitution treatment programs with the goals~~
22 ~~and standards established under this chapter. As a condition of~~
23 ~~certification, opiate substitution programs shall submit an annual~~
24 ~~report to the department and county legislative authority, including~~
25 ~~data as specified by the department necessary for outcome analysis.~~
26 ~~The department shall analyze and evaluate the data submitted by each~~
27 ~~treatment program and take corrective action where necessary to~~
28 ~~ensure compliance with the goals and standards enumerated under this~~
29 ~~chapter~~)) Opioid treatment programs are subject to the oversight
30 required for other substance use disorder treatment programs, as
31 described in this chapter.

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