

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1528

66th Legislature
2019 Regular Session

Passed by the House April 18, 2019
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 16, 2019
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1528** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1528

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington **66th Legislature** **2019 Regular Session**

By House Appropriations (originally sponsored by Representatives Davis, Harris, Irwin, Stonier, Rude, Jenkins, Sutherland, Thai, Entenman, Mead, Callan, Goodman, Frame, Kloba, Chapman, Tarleton, Senn, Eslick, Barkis, Peterson, Walen, Ryu, Bergquist, Paul, Stanford, Valdez, Pollet, Leavitt, and Macri)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to recovery support services; reenacting and
2 amending RCW 71.24.385; adding new sections to chapter 41.05 RCW;
3 adding a new section to chapter 71.24 RCW; creating new sections; and
4 providing expiration dates.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that substance
7 use disorder is a disease impacting the whole family and the whole
8 society and requires a system of care that includes prevention,
9 treatment, and recovery services that support and strengthen impacted
10 individuals, families, and the community at large.

11 (2) The legislature further finds that access to quality recovery
12 housing is crucial for helping individuals remain in recovery from
13 substance use disorder beyond treatment. Furthermore, recovery
14 housing serves to preserve the state's financial investment in a
15 person's treatment. Without access to quality recovery housing,
16 individuals are much less likely to recover from substance use
17 disorder and more likely to face continued issues that impact their
18 well-being, their families, and their communities. These issues
19 include death by overdose or other substance use disorder-related
20 medical complications; higher health care costs; high use of
21 emergency departments and public health care systems; higher risk for

1 involvement with law enforcement and incarceration; and an inability
2 to obtain and maintain employment. These challenges are compounded by
3 an overall lack of affordable housing nationwide.

4 (3) The legislature recognizes that recovery is a long-term
5 process and requires a comprehensive approach. Recognizing the
6 potential for fraudulent and unethical recovery housing operators,
7 this act is designed to address the quality of recovery housing in
8 the state of Washington.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05
10 RCW to read as follows:

11 (1) The authority shall establish and maintain a registry of
12 approved recovery residences. The authority may contract with a
13 nationally recognized recovery residence certification organization
14 based in Washington to establish and maintain the registry.

15 (2) The authority or the contracted entity described in
16 subsection (1) of this section shall determine that a recovery
17 residence is approved for inclusion in the registry if the recovery
18 residence has been certified by a nationally recognized recovery
19 residence certification organization based in Washington that is
20 approved by the authority or if the recovery residence is a chapter
21 of a national recovery residence organization with peer-run homes
22 that is approved by the authority as meeting the following standards
23 in its certification process:

24 (a) Peers are required to be involved in the governance of the
25 recovery residence;

26 (b) Recovery support is integrated into the daily activities;

27 (c) The recovery residence must be maintained as a home-like
28 environment that promotes healthy recovery;

29 (d) Resident activities are promoted within the recovery
30 residence and in the community through work, education, community
31 engagement, or other activities; and

32 (e) The recovery residence maintains an environment free from
33 alcohol and illicit drugs.

34 (3) Nothing in this section requires that a recovery residence
35 become certified by the certifying organization approved by the
36 authority in subsection (2) of this section or be included in the
37 registry, unless the recovery residence decides to participate in the
38 recovery residence program activities established in this chapter.

1 (4) For the purposes of this section, "recovery residence" means
2 a home-like environment that promotes healthy recovery from a
3 substance use disorder and supports persons recovering from a
4 substance use disorder through the use of peer recovery support.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.05
6 RCW to read as follows:

7 (1) Subject to the availability of amounts appropriated for this
8 specific purpose, the authority shall contract with the nationally
9 recognized recovery residence organization based in Washington that
10 is approved by the authority in section 2 of this act to provide
11 technical assistance to recovery residences actively seeking
12 certification. The technical assistance shall include, but not be
13 limited to:

- 14 (a) New manager training;
- 15 (b) Assistance preparing facility operations documents and
16 policies; and
- 17 (c) Support for working with residents on medication-assisted
18 treatment.

19 (2) This section expires July 1, 2025.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.05
21 RCW to read as follows:

22 (1) The authority shall establish a revolving fund for loans to
23 operators of new recovery residences or existing recovery residences
24 actively seeking certification and registration under section 2 of
25 this act. Approved uses of the funds include, but are not limited to:

- 26 (a) Facility modifications necessary to achieve certification;
27 and
- 28 (b) Operating start-up costs, including rent or mortgage
29 payments, security deposits, salaries for on-site staff, and minimal
30 maintenance costs.

31 (2) This section expires July 1, 2025.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24
33 RCW to read as follows:

34 Beginning January 1, 2023, a licensed or certified service
35 provider may not refer a client who is appropriate for housing in a
36 recovery residence, to support the client's recovery from a substance
37 use disorder, to a recovery residence that is not included in the

1 registry of approved recovery residences maintained by the authority
2 under section 2 of this act. This section does not otherwise limit
3 the discharge or referral options available for a person in recovery
4 from a substance use disorder to any other appropriate placements or
5 services.

6 **Sec. 6.** RCW 71.24.385 and 2018 c 201 s 4023 and 2018 c 175 s 6
7 are each reenacted and amended to read as follows:

8 (1) Within funds appropriated by the legislature for this
9 purpose, behavioral health organizations shall develop the means to
10 serve the needs of people:

11 (a) With mental disorders residing within the boundaries of their
12 regional service area. Elements of the program may include:

- 13 (i) Crisis diversion services;
- 14 (ii) Evaluation and treatment and community hospital beds;
- 15 (iii) Residential treatment;
- 16 (iv) Programs for intensive community treatment;
- 17 (v) Outpatient services, including family support;
- 18 (vi) Peer support services;
- 19 (vii) Community support services;
- 20 (viii) Resource management services; and
- 21 (ix) Supported housing and supported employment services.

22 (b) With substance use disorders and their families, people
23 incapacitated by alcohol or other psychoactive chemicals, and
24 intoxicated people.

25 (i) Elements of the program shall include, but not necessarily be
26 limited to, a continuum of substance use disorder treatment services
27 that includes:

- 28 (A) Withdrawal management;
- 29 (B) Residential treatment; and
- 30 (C) Outpatient treatment.

31 (ii) The program may include peer support, supported housing,
32 supported employment, crisis diversion, ~~((or))~~ recovery support
33 services, or technology-based recovery supports.

34 (iii) The authority may contract for the use of an approved
35 substance use disorder treatment program or other individual or
36 organization if the director considers this to be an effective and
37 economical course to follow.

38 (2)(a) The behavioral health organization shall have the
39 flexibility, within the funds appropriated by the legislature for

1 this purpose and the terms of their contract, to design the mix of
2 services that will be most effective within their service area of
3 meeting the needs of people with behavioral health disorders and
4 avoiding placement of such individuals at the state mental hospital.
5 Behavioral health organizations are encouraged to maximize the use of
6 evidence-based practices and alternative resources with the goal of
7 substantially reducing and potentially eliminating the use of
8 institutions for mental diseases.

9 (b) The behavioral health organization may allow reimbursement to
10 providers for services delivered through a partial hospitalization or
11 intensive outpatient program. Such payment and services are distinct
12 from the state's delivery of wraparound with intensive services under
13 the *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and*
14 *Porter*, settlement agreement.

15 (3)(a) Treatment provided under this chapter must be purchased
16 primarily through managed care contracts.

17 (b) Consistent with RCW 71.24.580, services and funding provided
18 through the criminal justice treatment account are intended to be
19 exempted from managed care contracting.

20 NEW SECTION. **Sec. 7.** If specific funding for the purposes of
21 this act, referencing this act by bill or chapter number, is not
22 provided by June 30, 2019, in the omnibus appropriations act, this
23 act is null and void.

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