

# HOUSE BILL REPORT

## 2SHB 1168

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### As Amended by the Senate

**Title:** An act relating to providing prevention services, diagnoses, treatment, and support for prenatal substance exposure.

**Brief Description:** Providing prevention services, diagnoses, treatment, and support for prenatal substance exposure.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Simmons, Ramel, Callan, Wylie, Davis and Ormsby).

### Brief History:

#### Committee Activity:

Health Care & Wellness: 1/17/23, 1/20/23 [DPS];  
Appropriations: 2/1/23, 2/13/23 [DP2S(w/o sub HCW)].

#### Floor Activity:

Passed House: 3/7/23, 95-0.  
Senate Amended.  
Passed Senate: 4/7/23, 47-0.

### Brief Summary of Second Substitute Bill

- Expands the scope of the Fetal Alcohol Exposure Interagency Agreement (Interagency Agreement) to include exposure to prenatal substances other than alcohol, adds the Department of Children, Youth, and Families (DCYF) as a party to the agreement, and directs the DCYF to contract with a provider with expertise in comprehensive prenatal exposure treatment by January 1, 2024, and up to three providers statewide by January 1, 2025.
- Requires the Health Care Authority (HCA) to consult with specified stakeholders and submit recommendations to the Legislature on ways to increase access to diagnoses, treatment, services, and supports by June 1, 2024.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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## HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard, Bronoske, Davis, Graham, Harris, Macri, Maycumber, Mosbrucker, Orwall, Simmons, Stonier, Thai and Tharinger.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Schmick, Ranking Minority Member.

**Staff:** Ingrid Lewis, (786-7293).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by 29 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg, Chopp, Connors, Couture, Davis, Dye, Fitzgibbon, Hansen, Harris, Lekanoff, Pollet, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

**Staff:** Jackie Wheeler (786-7125).

### **Background:**

#### Fetal Alcohol Spectrum Disorders.

Fetal alcohol spectrum disorders (FASD) are a group of conditions that can occur in a person who was exposed to alcohol before birth. These effects can include physical problems and problems with behavior and learning. Conditions can range from mild to severe and can affect each person differently. According to the Centers for Disease Control and Prevention, FASD manifests in a variety of ways, including but not limited to: low body weight, poor coordination, hyperactive behavior, difficulty with attention, poor memory, speech and language delays, vision or hearing problems, problems with the heart, kidneys, or bones, shorter-than-average height, and abnormal facial features.

Fetal alcohol spectrum disorder diagnoses are based on particular symptoms and include fetal alcohol syndrome, alcohol-related neurodevelopmental disorder, alcohol-related birth defects, and neurobehavioral disorder associated with prenatal alcohol exposure.

#### Fetal Alcohol Exposure Interagency Agreement.

The Department of Social and Health Services, the Department of Health, the Department of Corrections, and the Office of the Superintendent of Public Instruction execute a Fetal

Alcohol Exposure Interagency Agreement (Interagency Agreement) to ensure the coordination of identification, prevention, and intervention programs for children who have fetal alcohol exposure, and for women at high risk of having children with fetal alcohol exposure.

Department of Children, Youth, and Families.

The Department of Children, Youth, and Families (DCYF) is the agency responsible over child welfare, early learning, and juvenile justice programs.

**Summary of Second Substitute Bill:**

The DCYF is required to contract with a provider with expertise in comprehensive prenatal exposure treatment and support (initial contractor) to offer services to children over the age of three and families who are or have been involved in the child welfare system or who are at risk of involvement in the system by January 1, 2024. The contract must maximize the number of families served through the DCYF and community referrals, reduce the number of placements, and prevent adverse outcomes for impacted children.

In addition, by June 1, 2024, the DCYF must contract with up to three providers across the state to offer comprehensive treatment services for prenatal substance exposure and family supports for children both currently and formerly involved with the child welfare system who were exposed to substances before birth. The DCYF must also contract with the initial contractor to support these providers. Support includes creating education and training programs and offering ongoing coaching and support.

Comprehensive treatment services family supports must be trauma-informed and may include the following:

- occupational, speech, and language therapy;
- behavioral health counseling and caregiver counseling;
- sensory processing support;
- educational advocacy, psychoeducation, social skills support, and groups;
- linkages to community resources; and
- family supports and education.

The DCYF must work with contracted providers and families to collect outcome data. The DCYF must submit a report to the Legislature by June 1, 2028, addressing the expansion of services under the contracts, outcome data and ways to improve outcomes, and recommendations related to improving the availability of and access to services.

The Health Care Authority (HCA) must submit recommendations to the Legislature on ways to increase access to diagnoses, treatment, services, and supports for children who were exposed to substances before birth and their families and caregivers by June 1, 2024.

Subject to the availability of amounts appropriated, the HCA must contract with a statewide

nonprofit entity with expertise in both FASD and family and caregiver support to offer free support groups for individuals with FASD and their parents and caregivers.

Fetal Alcohol Exposure Interagency Agreement.

The DCYF is added to the agencies participating in the Fetal Alcohol Exposure Interagency Agreement (Interagency Agreement), and the scope of the Interagency Agreement is expanded to include exposure to prenatal substances other than alcohol.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment shifts all duties and requirements placed on the Department of Children, Youth, and Families (DCYF) regarding contracting with providers to offer comprehensive prenatal substance exposure treatment and family supports to the Health Care Authority on behalf of clients and potential clients of DCFY.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on April 5, 2023.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony (Health Care & Wellness):**

(In support) Studies show that one in 10 babies are born with prenatal substance exposure. Prenatal substance exposure can cause lifelong physical, developmental, behavioral, and intellectual disabilities and is an invisible disability. Alcohol is legal but it is the most common and harmful substance to a developing fetus and can result in fetal alcohol spectrum disorders (FASD). Many other substances can affect the developing brain. Treatment for FASD and other prenatal substances is a blend of behavioral, mental health, and occupational therapies as well as providing family supports. Diagnosis is complicated because a multidisciplinary team is needed. Diagnosis and treatment can prevent secondary disabilities. Without intervention and support, children with FASD are more likely to drop out of school, be involved in the juvenile justice system, and have reduced life expectancies. This bill is the first step in developing critical supports. There are only two clinics that diagnose and one provider that offers comprehensive care for children birth to 13 years of age statewide. When children and families access services, children can thrive. This bill offers increase in services and funding for free peer to peer groups.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) One in 10 children born in the United States are born with prenatal exposure to

drugs or alcohol, with this exposure often happening before the individual knows they are pregnant. These families have very few options for services in our state. Currently only two locations in Washington provide fetal alcohol spectrum diagnoses and only one location provides comprehensive services for families. Volunteer-based organizations that provide services and supports to these families are limited in what they can offer without more resources.

Children who are exposed to prenatal substances, including alcohol, are more likely to be expelled from school, be involved in the juvenile rehabilitation system, end up in prison, and have severe health problems later in life. Getting upstream of this is important and it has been decades since the Legislature has considered this issue. This is a step to start that process, get recommendations, and expand the limited services that we have now and provide support to caregivers. This bill is scalable, and reductions can be made if needed.

(Opposed) None.

**Persons Testifying (Health Care & Wellness):** Representative Tarra Simmons, prime sponsor; Alex Lundy, Wonderland Child and Family Services; Julia Bledsoe; and Lauren Burke.

**Persons Testifying (Appropriations):** Melanie Smith, Wonderland Child and Family Services; and Allison Brooks, The National Organization on Fetal Alcohol Syndrome Washington State.

**Persons Signed In To Testify But Not Testifying (Health Care & Wellness):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.