

Unless the brand name drug is requested by the patient or the patient's representative, the pharmacist shall substitute an equivalent drug product which he has in stock if its wholesale price to the pharmacist is less than the wholesale price of the prescribed drug product, and at least sixty percent of the savings shall be passed on to the purchaser.

Passed the House February 6, 1986.

Passed the Senate March 1, 1986.

Approved by the Governor March 11, 1986.

Filed in Office of Secretary of State March 11, 1986.

CHAPTER 53

[Engrossed Substitute House Bill No. 1479]

METHADONE TREATMENT CENTERS

AN ACT Relating to drug treatment centers; amending RCW 69.54.030; adding a new section to chapter 69.54 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 69.54 RCW to read as follows:

The department, in consultation with treatment service providers, shall establish state-wide treatment standards for methadone treatment centers no later than December 1, 1986, and shall submit such standards to the legislature in a report for review and consideration prior to the regular session of the legislature in 1987.

Sec. 2. Section 3, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.030 are each amended to read as follows:

Every drug treatment center in this state shall apply to the secretary of social and health services for certification as an approved drug treatment center: PROVIDED, That after the effective date of this 1986 act, no certifications shall be made until the standards developed by the department shall have been established, pursuant to section 1 of this 1986 act, or until December 1, 1986, whichever is soonest.

The secretary of social and health services shall issue application forms which shall require the following, where applicable:

- (1) The name and address of the applicant drug treatment center;
- (2) The name of the director or head of such drug treatment center;
- (3) The names of the members of the board of directors or sponsors of such drug treatment center;
- (4) The names and addresses of all physicians affiliated with such drug treatment center;
- (5) A short description of the nature of treatment and/or rehabilitation used by such drug treatment center; and the qualifications of staff to employ such treatment and/or rehabilitation methods;

(6) The source of funds used to finance the activities of such drug treatment center;

(7) Any other information required by rule or regulation of the secretary of social and health services pertaining to the qualifications of such drug treatment center.

The secretary of social and health services may either grant or deny approval or revoke or suspend approval previously granted after investigation to ascertain whether or not such center is adequate to the care, treatment, and rehabilitation of such persons who have voluntarily submitted themselves to the care of such center; such grant, denial or revocation of approval shall be in accordance with standards as set forth in rules and regulations promulgated by the secretary.

No program may be certified by the department in any county, where the county legislative authority has prohibited methadone treatment. Counties may license methadone treatment programs based on compliance with the department's treatment regulations under this section and section one of this act. Counties shall be authorized to monitor methadone treatment programs for compliance with the department's treatment regulations under this section and section one of this act. Any county legislative authority may limit the number of licenses granted in that county where such number is based on methadone programs per population provided that such number shall not be less than the number of clinics certified in such county as of the effective date of this act.

In certifying programs or awarding contracts, neither the department nor any county may discriminate against any methadone program on the basis of its corporate structure.

Any program applying for certification from the department and any program applying for a contract from any state agency or any county legislative authority which has been denied such certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

Such approval shall be effective for one calendar year from the date of such approval. Renewal of approval shall be made in accordance with the provisions of this section for initial approval and in accordance with the standards set forth in rules and regulations promulgated by the secretary.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the House March 9, 1986.

Passed the Senate March 7, 1986.

Approved by the Governor March 12, 1986.

Filed in Office of Secretary of State March 12, 1986.

CHAPTER 54

[House Bill No. 1490]

INDUSTRIAL INSURANCE—REIMBURSEMENT OF PAYMENTS

AN ACT Relating to reimbursement of industrial insurance payments; and amending RCW 51.32.240.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 13, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.240 are each amended to read as follows:

(1) Whenever any payment of benefits under this title is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof mistakenly acted upon, or any other circumstance of a similar nature, all not induced by fraud, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The department or self-insurer, as the case may be, must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed any claim therefor has been waived. The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.04 RCW, may exercise his discretion to waive, in whole or in part, the amount of any such timely claim where the recovery would be against equity and good conscience.

(2) Whenever the department issues an order rejecting a claim for benefits paid pursuant to RCW 51.32.190 or 51.32.210, after payment for temporary disability benefits has been paid by a self-insurer pursuant to RCW 51.32.190(3) or by the department pursuant to RCW 51.32.210, the recipient thereof shall repay such benefits and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The director, under rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.04 RCW, may exercise discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(3) Whenever any payment of benefits under this title has been made pursuant to an adjudication by the department or by order of the board or