



## Department of Health (department) Response to Public Comments Proposed Opioid Treatment Program (OTP) Lynnwood Comprehensive Treatment Center

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## **Department of Health (department) Response to Public Comments Proposed Opioid Treatment Program (OTP) Lynnwood Comprehensive Treatment Center**

### [What is the proposed location of the OTP?](#)

2232 196<sup>th</sup> SW Street, Lynnwood, WA 98036

### [Has this proposed OTP been licensed?](#)

No. As of January 12, 2023, the department has not made a licensing decision for the OTP proposed to be located at 2236 196<sup>th</sup> SW Street in Lynnwood.

The proposed OTP submitted their application to relocate their Program from Bothell to Lynnwood in October of 2022. Their application and community relations plan are still under review.

### [When will a decision be made about licensure of the proposed OTP?](#)

This has not yet been determined. The department is waiting for all licensing requirements to be met by the proposed OTP before making a licensing decision. This includes outreach to the city and county legislative authorities and the local community that needs to be updated on their Community Relations Plan.

### [When was the Bothell location originally licensed?](#)

The Bothell OTP, Canyon Park Treatment Solutions, was originally licensed by the Washington State Department of Social Health Services in April of 2004.

### [Who determines and approves the location of an OTP?](#)

The location is selected by the proposed OTP and then must be approved by city and/or county authorities. The proposed OTP must submit to the department, documentation that they communicated with the county legislative authority and if applicable, the city legislative authority, in order to secure a location for the new program that meets county, tribal or city land use ordinances.

The department received a copy of the proposed OTP's City issued siting determination dated March 7, 2022, and Certificate of Occupancy dated December 19, 2022.

### [Does the Department of Health own, operate or provide funding to OTPs?](#)

No. The department does not own, operate, or provide funding to OTP clinics.

### [What is the licensing and certification process for OTPs?](#)

The licensing process is directed by RCW 71.24.590 and WAC 246-341-1005.

The licensing steps for a proposed OTP include:

- Submitting a behavioral health agency (BHA) licensing application, community relations plan, and a fee.
- Submitting policies and procedures demonstrating compliance with the BHA Licensing and Certification Requirements.
- Obtaining a drug other controlled substance registration from the Pharmacy Quality Assurance Commission.

The following steps are related to federal approval to certify the proposed program:

- Obtaining accreditation from a federally approved accreditation body.
- Obtaining approval from the Substance Abuse and Mental Health Administration (SAMHSA).

The Department must:

- Consult with the county and city legislative authorities where the application proposes to be located to ensure that program is sited in accordance with the appropriate county or city land use ordinances.
- Hold one public hearing for the community where the program proposes to be located.
- Respond to public comments.

## What is the purpose of an OTP public hearing held by the department?

The public hearing is a step in the licensing process. The purpose of the public hearing is to listen for comments that may indicate that the proposed program does not meet minimum licensing requirements. In addition, comments provided during the hearing are used to identify concerns with the proposed agency or the services they will provide so the agency can amend their community relations plan to mitigate those concerns.

## What is the process for scheduling a public hearing?

The process for OTP public hearings includes:

- Notify local media. The department is required to notify the local media three weeks prior to the public hearing. The department sent a media notification with information about the public hearing to local media that reaches the Lynnwood area on December 6th. In addition, the department also placed an ad in the Lynnwood Times that ran on December 14<sup>th</sup>, and on December 28<sup>th</sup>.
- Post the media notification and Department of Health presentation on our website.
- Hold public hearing for the date and time scheduled.
- Department presents on the licensing and certification process.
- Collect comments. The department and proposed agency respond to questions and concerns within two weeks of the hearing date and post the responses publicly on the DOH website.

## Why was the public hearing scheduled on December 29<sup>th</sup>?

The hearing was scheduled for December 29<sup>th</sup> based on when the application was received and processed by the department, time allowed to develop materials for the hearing, time to collaborate with the department's public affairs office to assist with the media notification, media notification

timeline requirement of three weeks, and availability of department staff who assist with facilitating the public hearing.

## How many people attended the public hearing?

There were 80 attendees out of 388 registrants. The public hearing for the proposed Lynnwood location had the highest attendance rate of all previous OTP hearings held by the department. The public comment period was extended an additional day to December 30<sup>th</sup>.

## What are the comments from the public hearing used for?

Public comments are used in a few different ways. The department is listening to validate that proposed agencies meet the licensing requirements set forth in state regulations. Additionally, public comments are used to identify concerns with a proposed agency or the services they will provide so that the agency can document those on their community relations plan along with plans to mitigate concerns.

## Is the Department of Health responsible for engaging with residents where an OTP proposes to be located? What information about this program did DOH provide to Lynnwood residents?

The law requires the department to hold one hearing for the community in which the opioid treatment program is proposed to be located to allow the public to provide comment on the proposed agency. The law also requires the department to provide public notification about this meeting to local media outlets. Local media outlets were alerted on December 6, 2022, and a notice was published on December 14, and 28, 2022. The community hearing was completed on December 29, 2022. Information about the public hearing was posted to the department's [Proposed OTP webpage](#), including information about the licensing process. Additional information about the proposed agency and the licensing requirements was provided during the public hearing.

The department is not responsible for siting approval at the proposed location. Siting approval is the responsibility of the County and/or City.

## Are there other programs like this in Lynnwood?

There are currently no licensed OTPs in Lynnwood. See the WA State Health Care Authority [Opioid Treatment Program Guide for 2022](#). This document lists licensed programs by county. There are currently 35 programs in Washington State. Out of those, there are two programs located in Snohomish County.

## What are the public transportation requirements for OTPs?

The department considers the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment.

For the Lynnwood location, according to Google Maps, there are two bus stops near the proposed OTP: one on 196<sup>th</sup> and one near the Alderwood Mall. Both are 0.3 miles from the Proposed OTP, about a six-

minute walk. Not all patients will use public transportation. For more information about transportation and flow of patients to the clinic on a given day, please contact the proposed OTP.

## How are licensed OTPs regulated?

Licensed OTPs are regulated by:

- The Washington State Department of Health. The department licenses OTPs and conducts routine inspections to review compliance with the Behavioral Health Agency Licensing and Certification Regulations and look for indications of deficiencies that pose patient safety risks.
- Pharmacy Quality Assurance Commission. Conducts routine inspections to ensure compliance with pharmacy regulations.

OTPs also have routine oversight by federal agencies:

- Federally approved accreditation organization (AO). The accrediting organization provides oversight to ensure that OTPs are compliant with federal regulations (42 Code of Federal Regulations Part 8).
- Drug Enforcement Agency. For more information about DEA oversight, please contact the local DEA.

OTPs are also required to follow local rules and ordinances, as applicable to the location.

## Why does the OTP need to move from Bothell to Lynnwood?

The department does not determine when a licensed agency needs to move. This is determined by the agency. Department rules require them to submit a change of location application. For more information about why there was a change of location request, please contact the proposed OTP.

## Were there any violent crimes committed by any of the Bothell OTP patients?

The department does not collect data about crimes that OTP patients may commit. Information about crimes should be directed to the proposed OTP and local law enforcement.

## Does the department determine or choose the location of the proposed Opioid Treatment Program?

No, the department does not determine, approve, choose or otherwise suggest the location of proposed OTPs. However, the department does consider the size of the population in need of treatment in the area in which the program would be located and license or certify only applicants whose programs meet the necessary treatment needs of that population.

There are currently no licensed OTPs located in Lynnwood. The Bothell location is less than five miles from the proposed location in Lynnwood, and currently serves about 300 patients.

The ongoing opioid crisis highlights the need for access to treatment in all areas across the state.

## What information about this program did the department provide to Lynnwood city officials as part of the licensing process?

The proposed OTP is responsible for reaching out to the local community and city officials about the program and its location. This information is required to be documented on the community relations plan. This plan should be routinely updated to identify the ongoing outreach that takes place in order to document community concerns and how the agency plans to mitigate those concerns.

The department is responsible for consulting with the local legislative authorities to validate the minimum licensing standards are met. Outreach was done via letter and email on December 12, 2022 to both the city and county councils to inquire if the proposed program consulted with the council and received local siting approval. In that letter, the department provides a form with specific questions related to the proposed agency in order to help the department determine if the proper steps have been taken by the agency prior to issuing a license. The department also offered the city council additional time to provide responses. Questions include:

1. Please comment on support or lack of support by city or county legislative authorities for proposed OTP services.
2. Has the proposed OTP communicated with you in order to secure a location that meets city or county land use ordinances?
3. Is the location of this OTP sited in accordance with appropriate city or county land use ordinances including the business license, certificate of occupancy, and/or conditional or special use permits issued by the local authorities?
4. Please comment on the proposed site location including any applicable requirements or other issues that DOH should consider about the proposed site of the OTP.
5. A county may impose a maximum capacity for a program of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county as per [RCW 71.24.590\(2\)](#). Would your county impose a maximum capacity for this OTP? If so, what is the maximum capacity imposed?
6. Has the proposed OTP consulted with you when developing their community relations plan in order to minimize the impact of the program on the businesses and residential neighborhoods in which the program will be located?
7. Please comment on any positive or negative outcomes related to the communication and consultation that has occurred between you and the proposed OTP.

## Is the Department of Health required to share the notice of public hearing with local city and county authorities?

Information about the public hearing is not required by law to be shared with the local legislative authorities, however the department does share that information as a courtesy in our consult letter and email that we send two weeks prior to the public hearing.

## What is required in a Community Relations Plan?

Per [WAC 246-341-1005](#), the proposed agency must ensure that a [community relations plan](#) (CRP) is developed in consultation with the county, city, or tribal authority or their designee, in order to

minimize the impact of the OTP upon the businesses and residential neighborhoods in which the program is located. The CRP must include documentation of strategies used to:

- Obtain stakeholder input regarding the proposed location;
- Address any concerns identified by stakeholders; and
- Develop an ongoing community relations plan to address new concerns expressed by stakeholders.

## How will the state communicate with and engage the local community about the proposed facility and its operations after the hearing and public comments?

Public comments will be posted to the [Proposed OTP webpage](#) on the department website. The department will collect all required information to determine if an applicant has met the minimum standard requirements prior to licensure. The proposed OTP will continue outreach with the community and document that on their ongoing community relations plan. If and when the applicant meets the minimum standards required by statute, the department will issue a license.

To provide services, the agency must have an “Active” BHA license. The status of an agency’s license can be found on our [Facility Search webpage](#).

## Are there further actions that residents can take to protest and appeal the licensing decision if it is approved?

There is not a State administrative process for the public to request further review of a licensing decision.



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