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## Early Learning & Human Services Committee

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### SSB 5187

**Brief Description:** Concerning the accountability of mental health professionals employed by an evaluation and treatment facility for communicating with a parent or guardian about the option of parent-initiated mental health treatment.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Becker, Keiser, Hargrove, Stevens and Carrell).

#### Brief Summary of Substitute Bill

- Requires an evaluation and treatment facility, a facility operating under a single-bed certification, and any mental health professional employed or contracted by such facility to promptly provide to a parent or guardian of a minor seeking treatment for the minor at the facility written and verbal notice of all statutory available treatment options, including parent-initiated treatment.
- Provides that the failure to provide notice to a parent or guardian of a minor of all of the statutory available treatment options is presumed to be unprofessional conduct under the Uniform Disciplinary Act for the regulation of health professions.

**Hearing Date:** 3/17/11

**Staff:** Linda Merelle (786-7092).

#### **Background:**

##### Evaluation and Treatment Facility.

An evaluation and treatment (E&T) facility is a public or private facility that is certified by the Department of Social and Health Services (DSHS) to provide emergency, inpatient, residential, or outpatient mental health E&T services for minors. An E&T facility must be certified by the

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DSHS. A facility may receive a "single-bed" certification, which is an exception to the E&T certification requirement for the entire facility.

If a minor, age 13 years or older, is brought to an E&T facility or hospital emergency room for immediate mental health services, a mental health professional must evaluate the minor's mental condition, determine whether he or she suffers from a mental disorder, and needs immediate inpatient treatment. If the mental health professional determines that the minor suffers from a mental disorder, that inpatient treatment is required, and the minor is unwilling to consent to voluntary admission, the facility may detain or arrange for the detention of the minor for up to 12 hours to enable a designated mental health provider to evaluate the minor for initial involuntary mental health treatment proceedings.

#### Parent-Initiated Treatment.

In 1998 the Legislature passed Substitute Senate Bill 6208 which contained provisions which allowed a parent to bring his or her minor child to an E&T facility and request that a mental health professional examine the minor to determine whether the minor had a mental disorder and was in need of inpatient treatment. This was referred to as "parent-initiated" treatment.

In 2003 the Legislature passed House Bill 1612 which contained a provision requiring an E&T facility to promptly provide written and verbal notice to parents or guardians of a minor child of all statutorily available treatment options, including parent-initiated treatment, when the parent or guardian sought to have his or her minor child treated at the facility. In addition to the treatment options, the notice was required to include procedures to be followed to utilize the available treatment options. No provider was obligated to provide treatment to a minor under the new provisions, and no provider could admit a minor to treatment unless it was medically necessary.

In 2005 the Legislature modified the provision regarding whether a provider was obligated to provide treatment to a minor under the parent-initiated provisions. A provider was not obligated to provide treatment to a minor, but the provider could not refuse to treat the minor solely on the basis that the minor has not consented to treatment.

#### **Summary of Bill:**

An E&T facility, a facility operating under a single-bed certification, and any mental health professional employed or contracted by the E&T facility or facility with a single-bed certification has a professional duty to promptly provide written and verbal notice of all statutory available treatment options, including parent-initiated treatment, to every parent or guardian of a minor child when the parent or guardian seeks to have the minor child treated at the facility.

The notice is required only once and must be documented by the E&T facility and accompanied by a signed acknowledgment of receipt by the parent or guardian. A failure to comply with the notice provisions is presumed to be unprofessional conduct under the Uniform Disciplinary Act for the regulation of health professions.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.