

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5187

62nd Legislature
2011 Regular Session

Passed by the Senate April 21, 2011
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 9, 2011
YEAS 95 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5187** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5187

AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Becker, Keiser, Hargrove, Stevens, and Carrell)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to the accountability of mental health
2 professionals employed by an evaluation and treatment facility for
3 communicating with a parent or guardian about the option of parent-
4 initiated mental health treatment; amending RCW 71.34.375, 70.41.130,
5 and 71.12.590; and adding new sections to chapter 71.34 RCW.

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

7 **Sec. 1.** RCW 71.34.375 and 2003 c 107 s 1 are each amended to read
8 as follows:

9 (1) ~~((The))~~ If a parent or guardian, for the purpose of mental
10 health treatment or evaluation, brings his or her minor child to an
11 evaluation and treatment facility, a hospital emergency room, an
12 inpatient facility licensed under chapter 72.23 RCW, or an inpatient
13 facility licensed under chapter 70.41 or 71.12 RCW operating inpatient
14 psychiatric beds for minors, the facility is required to promptly
15 provide written and verbal notice of all statutorily available
16 treatment options contained in this chapter ~~((to every parent or~~
17 ~~guardian of a minor child when the parent or guardian seeks to have his~~
18 ~~or her minor child treated at an evaluation and treatment facility)).~~

1 The notice need not be given more than once if written and verbal
2 notice has already been provided and documented by the facility.

3 (2) The provision of notice must be documented by the facilities
4 required to give notice under subsection (1) of this section and must
5 be accompanied by a signed acknowledgment of receipt by the parent or
6 guardian. The notice must contain the following information:

7 (a) All current statutorily available treatment options including
8 but not limited to those provided in this chapter; and

9 (b) The procedures to be followed to utilize the treatment options
10 described in this chapter.

11 (3) The department shall produce, and make available, the written
12 notification that must include, at a minimum, the information contained
13 in subsection (2) of this section. The department must revise the
14 written notification as necessary to reflect changes in the law.

15 NEW SECTION. Sec. 2. A new section is added to chapter 71.34 RCW
16 to read as follows:

17 An evaluation and treatment facility that fails to comply with the
18 requirement to provide verbal and written notice to a parent or
19 guardian of a child under RCW 71.34.375 is subject to a civil penalty
20 of one thousand dollars for each failure to provide adequate notice,
21 unless the evaluation and treatment facility is a hospital licensed
22 under chapter 70.41 RCW or a psychiatric hospital licensed under
23 chapter 71.12 RCW in which case the department of health may enforce
24 the notice requirements using its existing enforcement authority
25 provided in chapters 70.41 and 71.12 RCW.

26 **Sec. 3.** RCW 70.41.130 and 1991 c 3 s 335 are each amended to read
27 as follows:

28 The department is authorized to deny, suspend, revoke, or modify a
29 license or provisional license in any case in which it finds that there
30 has been a failure or refusal to comply with the requirements of this
31 chapter or the standards or rules adopted under this chapter or the
32 requirements of RCW 71.34.375. RCW 43.70.115 governs notice of a
33 license denial, revocation, suspension, or modification and provides
34 the right to an adjudicative proceeding.

1 **Sec. 4.** RCW 71.12.590 and 1983 c 3 s 180 are each amended to read
2 as follows:

3 Failure to comply with any of the provisions of RCW 71.12.550
4 through 71.12.570 or the requirements of RCW 71.34.375 shall constitute
5 grounds for revocation of license: PROVIDED, HOWEVER, That nothing in
6 this chapter or the rules and regulations adopted pursuant thereto
7 shall be construed as authorizing the supervision, regulation, or
8 control of the remedial care or treatment of residents or patients in
9 any establishment, as defined in this chapter conducted in accordance
10 with the practice and principles of the body known as Church of Christ,
11 Scientist.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.34 RCW
13 to read as follows:

14 (1) By December 1, 2011, facilities licensed under chapter 70.41,
15 71.12, or 72.23 RCW are required to adopt policies and protocols
16 regarding the notice requirements described in RCW 71.34.375; and

17 (2) By December 1, 2012, the department, in collaboration with the
18 department of health, shall provide a detailed report to the
19 legislature regarding the facilities' compliance with RCW 71.34.375 and
20 subsection (1) of this section.

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