
HOUSE BILL 2508

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Klippert, Haler, and Hayes

Read first time 01/20/14. Referred to Committee on Judiciary.

1 AN ACT Relating to the mental health evaluation and treatment of
2 individuals who threaten to murder a family member or other person who
3 resides with the individual; reenacting and amending RCW 71.05.020; and
4 declaring an emergency.

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

6 **Sec. 1.** RCW 71.05.020 and 2011 c 148 s 1 and 2011 c 89 s 14 are
7 each reenacted and amended to read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Admission" or "admit" means a decision by a physician or
11 psychiatric advanced registered nurse practitioner that a person should
12 be examined or treated as a patient in a hospital;

13 (2) "Antipsychotic medications" means that class of drugs primarily
14 used to treat serious manifestations of mental illness associated with
15 thought disorders, which includes, but is not limited to atypical
16 antipsychotic medications;

17 (3) "Attending staff" means any person on the staff of a public or
18 private agency having responsibility for the care and treatment of a
19 patient;

1 (4) "Commitment" means the determination by a court that a person
2 should be detained for a period of either evaluation or treatment, or
3 both, in an inpatient or a less restrictive setting;

4 (5) "Conditional release" means a revocable modification of a
5 commitment, which may be revoked upon violation of any of its terms;

6 (6) "Crisis stabilization unit" means a short-term facility or a
7 portion of a facility licensed by the department of health and
8 certified by the department of social and health services under RCW
9 71.24.035, such as an evaluation and treatment facility or a hospital,
10 which has been designed to assess, diagnose, and treat individuals
11 experiencing an acute crisis without the use of long-term
12 hospitalization;

13 (7) "Custody" means involuntary detention under the provisions of
14 this chapter or chapter 10.77 RCW, uninterrupted by any period of
15 unconditional release from commitment from a facility providing
16 involuntary care and treatment;

17 (8) "Department" means the department of social and health
18 services;

19 (9) "Designated chemical dependency specialist" means a person
20 designated by the county alcoholism and other drug addiction program
21 coordinator designated under RCW 70.96A.310 to perform the commitment
22 duties described in chapters 70.96A and 70.96B RCW;

23 (10) "Designated crisis responder" means a mental health
24 professional appointed by the county or the regional support network to
25 perform the duties specified in this chapter;

26 (11) "Designated mental health professional" means a mental health
27 professional designated by the county or other authority authorized in
28 rule to perform the duties specified in this chapter;

29 (12) "Detention" or "detain" means the lawful confinement of a
30 person, under the provisions of this chapter;

31 (13) "Developmental disabilities professional" means a person who
32 has specialized training and three years of experience in directly
33 treating or working with persons with developmental disabilities and is
34 a psychiatrist, psychologist, psychiatric advanced registered nurse
35 practitioner, or social worker, and such other developmental
36 disabilities professionals as may be defined by rules adopted by the
37 secretary;

1 (14) "Developmental disability" means that condition defined in RCW
2 71A.10.020(~~(+3)~~) (4);

3 (15) "Discharge" means the termination of hospital medical
4 authority. The commitment may remain in place, be terminated, or be
5 amended by court order;

6 (16) "Evaluation and treatment facility" means any facility which
7 can provide directly, or by direct arrangement with other public or
8 private agencies, emergency evaluation and treatment, outpatient care,
9 and timely and appropriate inpatient care to persons suffering from a
10 mental disorder, and which is certified as such by the department. A
11 physically separate and separately operated portion of a state hospital
12 may be designated as an evaluation and treatment facility. A facility
13 which is part of, or operated by, the department or any federal agency
14 will not require certification. No correctional institution or
15 facility, or jail, shall be an evaluation and treatment facility within
16 the meaning of this chapter;

17 (17) "Gravely disabled" means a condition in which a person, as a
18 result of a mental disorder: (a) Is in danger of serious physical harm
19 resulting from a failure to provide for his or her essential human
20 needs of health or safety; or (b) manifests severe deterioration in
21 routine functioning evidenced by repeated and escalating loss of
22 cognitive or volitional control over his or her actions and is not
23 receiving such care as is essential for his or her health or safety;

24 (18) "Habilitative services" means those services provided by
25 program personnel to assist persons in acquiring and maintaining life
26 skills and in raising their levels of physical, mental, social, and
27 vocational functioning. Habilitative services include education,
28 training for employment, and therapy. The habilitative process shall
29 be undertaken with recognition of the risk to the public safety
30 presented by the person being assisted as manifested by prior charged
31 criminal conduct;

32 (19) "History of one or more violent acts" refers to the period of
33 time ten years prior to the filing of a petition under this chapter,
34 excluding any time spent, but not any violent acts committed, in a
35 mental health facility or in confinement as a result of a criminal
36 conviction;

37 (20) "Imminent" means the state or condition of being likely to
38 occur at any moment or near at hand, rather than distant or remote;

1 (21) "Individualized service plan" means a plan prepared by a
2 developmental disabilities professional with other professionals as a
3 team, for a person with developmental disabilities, which shall state:

4 (a) The nature of the person's specific problems, prior charged
5 criminal behavior, and habilitation needs;

6 (b) The conditions and strategies necessary to achieve the purposes
7 of habilitation;

8 (c) The intermediate and long-range goals of the habilitation
9 program, with a projected timetable for the attainment;

10 (d) The rationale for using this plan of habilitation to achieve
11 those intermediate and long-range goals;

12 (e) The staff responsible for carrying out the plan;

13 (f) Where relevant in light of past criminal behavior and due
14 consideration for public safety, the criteria for proposed movement to
15 less-restrictive settings, criteria for proposed eventual discharge or
16 release, and a projected possible date for discharge or release; and

17 (g) The type of residence immediately anticipated for the person
18 and possible future types of residences;

19 (22) "Information related to mental health services" means all
20 information and records compiled, obtained, or maintained in the course
21 of providing services to either voluntary or involuntary recipients of
22 services by a mental health service provider. This may include
23 documents of legal proceedings under this chapter or chapter 71.34 or
24 10.77 RCW, or somatic health care information;

25 (23) "Judicial commitment" means a commitment by a court pursuant
26 to the provisions of this chapter;

27 (24) "Legal counsel" means attorneys and staff employed by county
28 prosecutor offices or the state attorney general acting in their
29 capacity as legal representatives of public mental health service
30 providers under RCW 71.05.130;

31 (25) "Likelihood of serious harm" means:

32 (a) A substantial risk that: (i) Physical harm will be inflicted
33 by a person upon his or her own person, as evidenced by threats or
34 attempts to commit suicide or inflict physical harm on oneself; (ii)
35 physical harm will be inflicted by a person upon another, as evidenced
36 by behavior which has caused such harm or which places another person
37 or persons in reasonable fear of sustaining such harm; (~~(e)~~) (iii)
38 physical harm will be inflicted by a person who has threatened to

1 murder a family member or other person who resides with the person, the
2 threat seriously alarms the family member or other person, and the
3 threat places the family member or other person in reasonable fear the
4 person will attempt to carry out the threat; or (iv) physical harm will
5 be inflicted by a person upon the property of others, as evidenced by
6 behavior which has caused substantial loss or damage to the property of
7 others; or

8 (b) The person has threatened the physical safety of another and
9 has a history of one or more violent acts;

10 (26) "Mental disorder" means any organic, mental, or emotional
11 impairment which has substantial adverse effects on a person's
12 cognitive or volitional functions;

13 (27) "Mental health professional" means a psychiatrist,
14 psychologist, psychiatric advanced registered nurse practitioner,
15 psychiatric nurse, or social worker, and such other mental health
16 professionals as may be defined by rules adopted by the secretary
17 pursuant to the provisions of this chapter;

18 (28) "Mental health service provider" means a public or private
19 agency that provides mental health services to persons with mental
20 disorders as defined under this section and receives funding from
21 public sources. This includes, but is not limited to, hospitals
22 licensed under chapter 70.41 RCW, evaluation and treatment facilities
23 as defined in this section, community mental health service delivery
24 systems or community mental health programs as defined in RCW
25 71.24.025, facilities conducting competency evaluations and restoration
26 under chapter 10.77 RCW, and correctional facilities operated by state
27 and local governments;

28 (29) "Peace officer" means a law enforcement official of a public
29 agency or governmental unit, and includes persons specifically given
30 peace officer powers by any state law, local ordinance, or judicial
31 order of appointment;

32 (30) "Private agency" means any person, partnership, corporation,
33 or association that is not a public agency, whether or not financed in
34 whole or in part by public funds, which constitutes an evaluation and
35 treatment facility or private institution, or hospital, which is
36 conducted for, or includes a department or ward conducted for, the care
37 and treatment of persons who are mentally ill;

1 (31) "Professional person" means a mental health professional and
2 shall also mean a physician, psychiatric advanced registered nurse
3 practitioner, registered nurse, and such others as may be defined by
4 rules adopted by the secretary pursuant to the provisions of this
5 chapter;

6 (32) "Psychiatric advanced registered nurse practitioner" means a
7 person who is licensed as an advanced registered nurse practitioner
8 pursuant to chapter 18.79 RCW; and who is board certified in advanced
9 practice psychiatric and mental health nursing;

10 (33) "Psychiatrist" means a person having a license as a physician
11 and surgeon in this state who has in addition completed three years of
12 graduate training in psychiatry in a program approved by the American
13 medical association or the American osteopathic association and is
14 certified or eligible to be certified by the American board of
15 psychiatry and neurology;

16 (34) "Psychologist" means a person who has been licensed as a
17 psychologist pursuant to chapter 18.83 RCW;

18 (35) "Public agency" means any evaluation and treatment facility or
19 institution, or hospital which is conducted for, or includes a
20 department or ward conducted for, the care and treatment of persons
21 with mental illness, if the agency is operated directly by, federal,
22 state, county, or municipal government, or a combination of such
23 governments;

24 (36) "Registration records" include all the records of the
25 department, regional support networks, treatment facilities, and other
26 persons providing services to the department, county departments, or
27 facilities which identify persons who are receiving or who at any time
28 have received services for mental illness;

29 (37) "Release" means legal termination of the commitment under the
30 provisions of this chapter;

31 (38) "Resource management services" has the meaning given in
32 chapter 71.24 RCW;

33 (39) "Secretary" means the secretary of the department of social
34 and health services, or his or her designee;

35 (40) "Serious violent offense" has the same meaning as provided in
36 RCW 9.94A.030;

37 (41) "Social worker" means a person with a master's or further

1 advanced degree from a social work educational program accredited and
2 approved as provided in RCW 18.320.010;

3 (42) "Therapeutic court personnel" means the staff of a mental
4 health court or other therapeutic court which has jurisdiction over
5 defendants who are dually diagnosed with mental disorders, including
6 court personnel, probation officers, a court monitor, prosecuting
7 attorney, or defense counsel acting within the scope of therapeutic
8 court duties;

9 (43) "Treatment records" include registration and all other records
10 concerning persons who are receiving or who at any time have received
11 services for mental illness, which are maintained by the department, by
12 regional support networks and their staffs, and by treatment
13 facilities. Treatment records include mental health information
14 contained in a medical bill including but not limited to mental health
15 drugs, a mental health diagnosis, provider name, and dates of service
16 stemming from a medical service. Treatment records do not include
17 notes or records maintained for personal use by a person providing
18 treatment services for the department, regional support networks, or a
19 treatment facility if the notes or records are not available to others;

20 (44) "Triage facility" means a short-term facility or a portion of
21 a facility licensed by the department of health and certified by the
22 department of social and health services under RCW 71.24.035, which is
23 designed as a facility to assess and stabilize an individual or
24 determine the need for involuntary commitment of an individual, and
25 must meet department of health residential treatment facility
26 standards. A triage facility may be structured as a voluntary or
27 involuntary placement facility;

28 (~~(44)~~) ~~"Treatment records" include registration and all other~~
29 ~~records concerning persons who are receiving or who at any time have~~
30 ~~received services for mental illness, which are maintained by the~~
31 ~~department, by regional support networks and their staffs, and by~~
32 ~~treatment facilities. Treatment records include mental health~~
33 ~~information contained in a medical bill including but not limited to~~
34 ~~mental health drugs, a mental health diagnosis, provider name, and~~
35 ~~dates of service stemming from a medical service. Treatment records do~~
36 ~~not include notes or records maintained for personal use by a person~~
37 ~~providing treatment services for the department, regional support~~

1 ~~networks, or a treatment facility if the notes or records are not~~
2 ~~available to others;))~~

3 (45) "Violent act" means behavior that resulted in homicide,
4 attempted suicide, nonfatal injuries, or substantial damage to
5 property.

6 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

--- END ---