S-1778.2

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**SUBSTITUTE SENATE BILL 5645**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Human Services, Mental Health & Housing (originally sponsored by Senators Parlette, Cleveland, O'Ban, and Darneille)

AN ACT Relating to data reporting concerning the collection of data when a psychiatric patient meets detention criteria and no evaluation and treatment bed is available; adding a new section to chapter 71.05 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The Washington state supreme court has ruled that, with the exception of persons with medical needs, the involuntary treatment act does not allow the use of single bed certifications without appropriate mental health treatment for persons who meet detention criteria under the involuntary treatment act. In order to better understand the need for inpatient psychiatric beds across the state and take appropriate action, the legislature requires information. It is the intent of the legislature to create a process for reporting that provides the data necessary for legislative decision making.

NEW SECTION. **Sec.**  A new section is added to chapter 71.05 RCW to read as follows:

(1) A designated mental health professional shall make a report to the department when he or she determines a person meets detention criteria under RCW 71.05.150, 71.05.153, 71.34.700, or 71.34.710 and there are not any beds available at an evaluation and treatment facility, the person has not been provisionally accepted for admission by a facility, and the person cannot be served on a single bed certification or less restrictive alternative. Starting at the time when the designated mental health professional determines a person meets detention criteria and the investigation has been completed, the designated mental health professional has twenty-four hours to submit a completed report to the department.

(2) The report required under subsection (1) of this section must contain at a minimum:

(a) The date and time that the investigation was completed;

(b) The identity of the responsible regional support network or behavioral health organization;

(c) A list of facilities which refused to admit the person; and

(d) Identifying information for the person, including age or date of birth.

(3) The department shall develop a standardized reporting form or modify the current form used for single bed certifications for the report required under subsection (2) of this section and may require additional reporting elements as it determines are necessary or supportive. The department shall also determine the method for the transmission of the completed report from the designated mental health professional to the department.

(4) The department shall create quarterly reports displayed on its web site that summarize the information reported under subsection (2) of this section. At a minimum, the reports must display data by county and by month. The reports must also include the number of single bed certifications granted by category. The categories must include all of the reasons that the department recognizes for issuing a single bed certification, as identified in rule.

(5) The reports provided according to this section may not display "protected health information" as that term is used in the federal health insurance portability and accountability act of 1996, nor information contained in "mental health treatment records" as that term is used in chapter 70.02 RCW or elsewhere in state law, and must otherwise be compliant with state and federal privacy laws.

(6) For purposes of this section, the term "single bed certification" means a situation in which an adult on a seventy-two hour detention, fourteen-day commitment, ninety-day commitment, or one hundred eighty-day commitment is detained to a facility that is:

(a) Not certified as an inpatient evaluation and treatment facility; or

(b) A certified inpatient evaluation and treatment facility that is already at capacity.

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