

SSB 5073 - H COMM AMD
By Committee on Appropriations

ADOPTED AS AMENDED 04/07/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 71.05.150 and 2020 c 302 s 13, 2020 c 256 s 302,
4 and 2020 c 5 s 2 are each reenacted and amended to read as follows:

5 (1) When a designated crisis responder receives information
6 alleging that a person, as a result of a behavioral health disorder,
7 presents a likelihood of serious harm or is gravely disabled, or that
8 a person is in need of assisted outpatient behavioral health
9 treatment; the designated crisis responder may, after investigation
10 and evaluation of the specific facts alleged and of the reliability
11 and credibility of any person providing information to initiate
12 detention or involuntary outpatient treatment, if satisfied that the
13 allegations are true and that the person will not voluntarily seek
14 appropriate treatment, file a petition for initial detention under
15 this section or a petition for involuntary outpatient behavioral
16 health treatment under RCW 71.05.148. Before filing the petition, the
17 designated crisis responder must personally interview the person,
18 unless the person refuses an interview, and determine whether the
19 person will voluntarily receive appropriate evaluation and treatment
20 at an evaluation and treatment facility, crisis stabilization unit,
21 triage facility, secure withdrawal management and stabilization
22 facility, or approved substance use disorder treatment program. As
23 part of the assessment, the designated crisis responder must attempt
24 to ascertain if the person has executed a mental health advance
25 directive under chapter 71.32 RCW. The interview performed by the
26 designated crisis responder may be conducted by video provided that a
27 licensed health care professional or professional person who can
28 adequately and accurately assist with obtaining any necessary
29 information is present with the person at the time of the interview.

30 (2) (a) A (~~written order of apprehension~~) superior court judge
31 may issue a warrant to detain a person with a behavioral health
32 disorder to a designated evaluation and treatment facility, a secure

1 withdrawal management and stabilization facility, or an approved
2 substance use disorder treatment program, for a period of not more
3 than one hundred twenty hours for evaluation and treatment (~~(, may be~~
4 ~~issued by a judge of the superior court)~~) upon request of a
5 designated crisis responder, subject to (d) of this subsection,
6 whenever it appears to the satisfaction of ((a)) the judge (~~(of the~~
7 ~~superior court)~~) that:

8 (i) (~~(That there)~~) There is probable cause to support the
9 petition; and

10 (ii) (~~(That the)~~) The person has refused or failed to accept
11 appropriate evaluation and treatment voluntarily.

12 (b) The petition for initial detention, signed under penalty of
13 perjury, or sworn telephonic testimony may be considered by the court
14 in determining whether there are sufficient grounds for issuing the
15 order.

16 (c) The order shall designate retained counsel or, if counsel is
17 appointed from a list provided by the court, the name, business
18 address, and telephone number of the attorney appointed to represent
19 the person.

20 (d) A court may not issue an order to detain a person to a secure
21 withdrawal management and stabilization facility or approved
22 substance use disorder treatment program unless there is an available
23 secure withdrawal management and stabilization facility or approved
24 substance use disorder treatment program that has adequate space for
25 the person.

26 (e) If the court does not issue an order to detain a person
27 pursuant to this subsection (2), the court shall issue an order to
28 dismiss the initial petition.

29 (3) The designated crisis responder shall then serve or cause to
30 be served on such person, his or her guardian, and conservator, if
31 any, a copy of the order together with a notice of rights, and a
32 petition for initial detention. After service on such person the
33 designated crisis responder shall file the return of service in court
34 and provide copies of all papers in the court file to the evaluation
35 and treatment facility, secure withdrawal management and
36 stabilization facility, or approved substance use disorder treatment
37 program, and the designated attorney. The designated crisis responder
38 shall notify the court and the prosecuting attorney that a probable
39 cause hearing will be held within one hundred twenty hours of the
40 date and time of outpatient evaluation or admission to the evaluation

1 and treatment facility, secure withdrawal management and
2 stabilization facility, or approved substance use disorder treatment
3 program. The person shall be permitted to be accompanied by one or
4 more of his or her relatives, friends, an attorney, a personal
5 physician, or other professional or religious advisor to the place of
6 evaluation. An attorney accompanying the person to the place of
7 evaluation shall be permitted to be present during the admission
8 evaluation. Any other individual accompanying the person may be
9 present during the admission evaluation. The facility may exclude the
10 individual if his or her presence would present a safety risk, delay
11 the proceedings, or otherwise interfere with the evaluation.

12 (4) The designated crisis responder may notify a peace officer to
13 take such person or cause such person to be taken into custody and
14 placed in an evaluation and treatment facility, secure withdrawal
15 management and stabilization facility, or approved substance use
16 disorder treatment program. At the time such person is taken into
17 custody there shall commence to be served on such person, his or her
18 guardian, and conservator, if any, a copy of the original order
19 together with a notice of rights and a petition for initial
20 detention.

21 (5) An Indian tribe shall have jurisdiction exclusive to the
22 state as to any involuntary commitment of an American Indian or
23 Alaska Native to an evaluation and treatment facility located within
24 the boundaries of that tribe, unless the tribe has consented to the
25 state's concurrent jurisdiction, or the tribe has expressly declined
26 to exercise its exclusive jurisdiction.

27 (6) Tribal court orders for involuntary commitment shall be
28 recognized and enforced in accordance with superior court civil rule
29 82.5.

30 (7) In any investigation and evaluation of an individual under
31 RCW 71.05.150 or 71.05.153 in which the designated crisis responder
32 knows, or has reason to know, that the individual is an American
33 Indian or Alaska Native who receives medical or behavioral health
34 services from a tribe within this state, the designated crisis
35 responder shall notify the tribe or Indian health care provider
36 regarding whether or not a petition for initial detention or
37 involuntary outpatient treatment will be filed. Notification shall be
38 made in person or by telephonic or electronic communication to the
39 tribal contact listed in the authority's tribal crisis coordination
40 plan as soon as possible but no later than three hours subject to the

1 requirements in RCW 70.02.230 (2) ~~((dd))~~ (ee) and (3). A designated
2 crisis responder may restrict the release of information as necessary
3 to comply with 42 C.F.R. Part 2.

4 **Sec. 2.** RCW 71.05.150 and 2020 c 302 s 14, 2020 c 256 s 303, and
5 2020 c 5 s 3 are each reenacted and amended to read as follows:

6 (1) When a designated crisis responder receives information
7 alleging that a person, as a result of a behavioral health disorder,
8 presents a likelihood of serious harm or is gravely disabled, or that
9 a person is in need of assisted outpatient behavioral health
10 treatment; the designated crisis responder may, after investigation
11 and evaluation of the specific facts alleged and of the reliability
12 and credibility of any person providing information to initiate
13 detention or involuntary outpatient treatment, if satisfied that the
14 allegations are true and that the person will not voluntarily seek
15 appropriate treatment, file a petition for initial detention under
16 this section or a petition for involuntary outpatient behavioral
17 health treatment under RCW 71.05.148. Before filing the petition, the
18 designated crisis responder must personally interview the person,
19 unless the person refuses an interview, and determine whether the
20 person will voluntarily receive appropriate evaluation and treatment
21 at an evaluation and treatment facility, crisis stabilization unit,
22 triage facility, secure withdrawal management and stabilization
23 facility, or approved substance use disorder treatment program. As
24 part of the assessment, the designated crisis responder must attempt
25 to ascertain if the person has executed a mental health advance
26 directive under chapter 71.32 RCW. The interview performed by the
27 designated crisis responder may be conducted by video provided that a
28 licensed health care professional or professional person who can
29 adequately and accurately assist with obtaining any necessary
30 information is present with the person at the time of the interview.

31 (2) (a) A ~~((written order of apprehension))~~ superior court judge
32 may issue a warrant to detain a person with a behavioral health
33 disorder to a designated evaluation and treatment facility, a secure
34 withdrawal management and stabilization facility, or an approved
35 substance use disorder treatment program, for a period of not more
36 than one hundred twenty hours for evaluation and treatment ~~((, may be~~
37 ~~issued by a judge of the superior court))~~ upon request of a
38 designated crisis responder whenever it appears to the satisfaction
39 of ~~((a))~~ the judge ~~((of the superior court))~~ that:

1 (i) (~~That—there~~) There is probable cause to support the
2 petition; and

3 (ii) (~~That—the~~) The person has refused or failed to accept
4 appropriate evaluation and treatment voluntarily.

5 (b) The petition for initial detention, signed under penalty of
6 perjury, or sworn telephonic testimony may be considered by the court
7 in determining whether there are sufficient grounds for issuing the
8 order.

9 (c) The order shall designate retained counsel or, if counsel is
10 appointed from a list provided by the court, the name, business
11 address, and telephone number of the attorney appointed to represent
12 the person.

13 (d) If the court does not issue an order to detain a person
14 pursuant to this subsection (2), the court shall issue an order to
15 dismiss the initial petition.

16 (3) The designated crisis responder shall then serve or cause to
17 be served on such person, his or her guardian, and conservator, if
18 any, a copy of the order together with a notice of rights, and a
19 petition for initial detention. After service on such person the
20 designated crisis responder shall file the return of service in court
21 and provide copies of all papers in the court file to the evaluation
22 and treatment facility, secure withdrawal management and
23 stabilization facility, or approved substance use disorder treatment
24 program, and the designated attorney. The designated crisis responder
25 shall notify the court and the prosecuting attorney that a probable
26 cause hearing will be held within one hundred twenty hours of the
27 date and time of outpatient evaluation or admission to the evaluation
28 and treatment facility, secure withdrawal management and
29 stabilization facility, or approved substance use disorder treatment
30 program. The person shall be permitted to be accompanied by one or
31 more of his or her relatives, friends, an attorney, a personal
32 physician, or other professional or religious advisor to the place of
33 evaluation. An attorney accompanying the person to the place of
34 evaluation shall be permitted to be present during the admission
35 evaluation. Any other individual accompanying the person may be
36 present during the admission evaluation. The facility may exclude the
37 individual if his or her presence would present a safety risk, delay
38 the proceedings, or otherwise interfere with the evaluation.

39 (4) The designated crisis responder may notify a peace officer to
40 take such person or cause such person to be taken into custody and

1 placed in an evaluation and treatment facility, secure withdrawal
2 management and stabilization facility, or approved substance use
3 disorder treatment program. At the time such person is taken into
4 custody there shall commence to be served on such person, his or her
5 guardian, and conservator, if any, a copy of the original order
6 together with a notice of rights and a petition for initial
7 detention.

8 (5) An Indian tribe shall have jurisdiction exclusive to the
9 state as to any involuntary commitment of an American Indian or
10 Alaska Native to an evaluation and treatment facility located within
11 the boundaries of that tribe, unless the tribe has consented to the
12 state's concurrent jurisdiction, or the tribe has expressly declined
13 to exercise its exclusive jurisdiction.

14 (6) Tribal court orders for involuntary commitment shall be
15 recognized and enforced in accordance with superior court civil rule
16 82.5.

17 (7) In any investigation and evaluation of an individual under
18 RCW 71.05.150 or 71.05.153 in which the designated crisis responder
19 knows, or has reason to know, that the individual is an American
20 Indian or Alaska Native who receives medical or behavioral health
21 services from a tribe within this state, the designated crisis
22 responder shall notify the tribe or Indian health care provider
23 regarding whether or not a petition for initial detention or
24 involuntary outpatient treatment will be filed. Notification shall be
25 made in person or by telephonic or electronic communication to the
26 tribal contact listed in the authority's tribal crisis coordination
27 plan as soon as possible but no later than three hours subject to the
28 requirements in RCW 70.02.230 (2) ~~((dd))~~ (ee) and (3). A designated
29 crisis responder may restrict the release of information as necessary
30 to comply with 42 C.F.R. Part 2.

31 **Sec. 3.** RCW 71.05.153 and 2020 c 302 s 16 and 2020 c 5 s 4 are
32 each reenacted and amended to read as follows:

33 (1) When a designated crisis responder receives information
34 alleging that a person, as the result of a behavioral health
35 disorder, presents an imminent likelihood of serious harm, or is in
36 imminent danger because of being gravely disabled, after
37 investigation and evaluation of the specific facts alleged and of the
38 reliability and credibility of the person or persons providing the
39 information if any, the designated crisis responder may take such

1 person, or cause by oral or written order such person to be taken
2 into emergency custody in an evaluation and treatment facility,
3 secure withdrawal management and stabilization facility if available
4 with adequate space for the person, or approved substance use
5 disorder treatment program if available with adequate space for the
6 person, for not more than one hundred twenty hours as described in
7 RCW 71.05.180.

8 (2)(a) Subject to (b) of this subsection, a peace officer may
9 take or cause such person to be taken into custody and immediately
10 delivered to a triage facility, crisis stabilization unit, evaluation
11 and treatment facility, secure withdrawal management and
12 stabilization facility, approved substance use disorder treatment
13 program, or the emergency department of a local hospital under the
14 following circumstances:

15 (i) Pursuant to subsection (1) of this section; or

16 (ii) When he or she has reasonable cause to believe that such
17 person is suffering from a behavioral health disorder and presents an
18 imminent likelihood of serious harm or is in imminent danger because
19 of being gravely disabled.

20 (b) A peace officer's delivery of a person, to a secure
21 withdrawal management and stabilization facility or approved
22 substance use disorder treatment program is subject to the
23 availability of a secure withdrawal management and stabilization
24 facility or approved substance use disorder treatment program with
25 adequate space for the person.

26 (3) Persons delivered to a crisis stabilization unit, evaluation
27 and treatment facility, emergency department of a local hospital,
28 triage facility that has elected to operate as an involuntary
29 facility, secure withdrawal management and stabilization facility, or
30 approved substance use disorder treatment program by peace officers
31 pursuant to subsection (2) of this section may be held by the
32 facility for a period of up to twelve hours, not counting time
33 periods prior to medical clearance.

34 (4) Within three hours after arrival, not counting time periods
35 prior to medical clearance, the person must be examined by a mental
36 health professional or substance use disorder professional. Within
37 twelve hours of notice of the need for evaluation, not counting time
38 periods prior to medical clearance, the designated crisis responder
39 must determine whether the individual meets detention criteria. As
40 part of the assessment, the designated crisis responder must attempt

1 to ascertain if the person has executed a mental health advance
2 directive under chapter 71.32 RCW. The interview performed by the
3 designated crisis responder may be conducted by video provided that a
4 licensed health care professional or professional person who can
5 adequately and accurately assist with obtaining any necessary
6 information is present with the person at the time of the interview.
7 If the individual is detained, the designated crisis responder shall
8 file a petition for detention or a supplemental petition as
9 appropriate and commence service on the designated attorney for the
10 detained person. If the individual is released to the community, the
11 behavioral health service provider shall inform the peace officer of
12 the release within a reasonable period of time after the release if
13 the peace officer has specifically requested notification and
14 provided contact information to the provider.

15 (5) Dismissal of a commitment petition is not the appropriate
16 remedy for a violation of the timeliness requirements of this section
17 based on the intent of this chapter under RCW 71.05.010 except in the
18 few cases where the facility staff or designated crisis responder has
19 totally disregarded the requirements of this section.

20 **Sec. 4.** RCW 71.05.153 and 2020 c 302 s 17 and 2020 c 5 s 5 are
21 each reenacted and amended to read as follows:

22 (1) When a designated crisis responder receives information
23 alleging that a person, as the result of a behavioral health
24 disorder, presents an imminent likelihood of serious harm, or is in
25 imminent danger because of being gravely disabled, after
26 investigation and evaluation of the specific facts alleged and of the
27 reliability and credibility of the person or persons providing the
28 information if any, the designated crisis responder may take such
29 person, or cause by oral or written order such person to be taken
30 into emergency custody in an evaluation and treatment facility,
31 secure withdrawal management and stabilization facility, or approved
32 substance use disorder treatment program, for not more than one
33 hundred twenty hours as described in RCW 71.05.180.

34 (2) A peace officer may take or cause such person to be taken
35 into custody and immediately delivered to a triage facility, crisis
36 stabilization unit, evaluation and treatment facility, secure
37 withdrawal management and stabilization facility, approved substance
38 use disorder treatment program, or the emergency department of a
39 local hospital under the following circumstances:

1 (a) Pursuant to subsection (1) of this section; or

2 (b) When he or she has reasonable cause to believe that such
3 person is suffering from a behavioral health disorder and presents an
4 imminent likelihood of serious harm or is in imminent danger because
5 of being gravely disabled.

6 (3) Persons delivered to a crisis stabilization unit, evaluation
7 and treatment facility, emergency department of a local hospital,
8 triage facility that has elected to operate as an involuntary
9 facility, secure withdrawal management and stabilization facility, or
10 approved substance use disorder treatment program by peace officers
11 pursuant to subsection (2) of this section may be held by the
12 facility for a period of up to twelve hours, not counting time
13 periods prior to medical clearance.

14 (4) Within three hours after arrival, not counting time periods
15 prior to medical clearance, the person must be examined by a mental
16 health professional or substance use disorder professional. Within
17 twelve hours of notice of the need for evaluation, not counting time
18 periods prior to medical clearance, the designated crisis responder
19 must determine whether the individual meets detention criteria. As
20 part of the assessment, the designated crisis responder must attempt
21 to ascertain if the person has executed a mental health advance
22 directive under chapter 71.32 RCW. The interview performed by the
23 designated crisis responder may be conducted by video provided that a
24 licensed health care professional or professional person who can
25 adequately and accurately assist with obtaining any necessary
26 information is present with the person at the time of the interview.
27 If the individual is detained, the designated crisis responder shall
28 file a petition for detention or a supplemental petition as
29 appropriate and commence service on the designated attorney for the
30 detained person. If the individual is released to the community, the
31 behavioral health service provider shall inform the peace officer of
32 the release within a reasonable period of time after the release if
33 the peace officer has specifically requested notification and
34 provided contact information to the provider.

35 (5) Dismissal of a commitment petition is not the appropriate
36 remedy for a violation of the timeliness requirements of this section
37 based on the intent of this chapter under RCW 71.05.010 except in the
38 few cases where the facility staff or designated crisis responder has
39 totally disregarded the requirements of this section.

1 **Sec. 5.** RCW 71.05.210 and 2020 c 302 s 26 are each amended to
2 read as follows:

3 (1) Each person involuntarily detained and accepted or admitted
4 at an evaluation and treatment facility, secure withdrawal management
5 and stabilization facility, or approved substance use disorder
6 treatment program:

7 (a) Shall, within twenty-four hours of his or her admission or
8 acceptance at the facility, not counting time periods prior to
9 medical clearance, be examined and evaluated by:

10 (i) One physician, physician assistant, or advanced registered
11 nurse practitioner; and

12 (ii) One mental health professional. If the person is detained
13 for substance use disorder evaluation and treatment, the person may
14 be examined by a substance use disorder professional instead of a
15 mental health professional; and

16 (b) Shall receive such treatment and care as his or her condition
17 requires including treatment on an outpatient basis for the period
18 that he or she is detained, except that, beginning twenty-four hours
19 prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240,
20 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may
21 refuse psychiatric medications, but may not refuse: (i) Any other
22 medication previously prescribed by a person licensed under Title 18
23 RCW; or (ii) emergency lifesaving treatment, and the individual shall
24 be informed at an appropriate time of his or her right of such
25 refusal. The person shall be detained up to one hundred twenty hours,
26 if, in the opinion of the professional person in charge of the
27 facility, or his or her professional designee, the person presents a
28 likelihood of serious harm, or is gravely disabled. A person who has
29 been detained for one hundred twenty hours shall no later than the
30 end of such period be released, unless referred for further care on a
31 voluntary basis, or detained pursuant to court order for further
32 treatment as provided in this chapter.

33 (2) If, (~~after~~) at any time during the involuntary treatment
34 hold and following the initial examination and evaluation, the mental
35 health professional or substance use disorder professional and
36 licensed physician, physician assistant, or psychiatric advanced
37 registered nurse practitioner determine that the initial needs of the
38 person, if detained to an evaluation and treatment facility, would be
39 better served by placement in a secure withdrawal management and
40 stabilization facility or approved substance use disorder treatment

1 program, or, if detained to a secure withdrawal management and
2 stabilization facility or approved substance use disorder treatment
3 program, would be better served in an evaluation and treatment
4 facility then the person shall be referred to the more appropriate
5 placement for the remainder of the current commitment period without
6 any need for further court review; however, a person may only be
7 referred to a secure withdrawal management and stabilization facility
8 or approved substance use disorder treatment program if there is an
9 available secure withdrawal management and stabilization facility or
10 approved substance use disorder treatment program with adequate space
11 for the person.

12 (3) An evaluation and treatment center, secure withdrawal
13 management and stabilization facility, or approved substance use
14 disorder treatment program admitting or accepting any person pursuant
15 to this chapter whose physical condition reveals the need for
16 hospitalization shall assure that such person is transferred to an
17 appropriate hospital for evaluation or admission for treatment.
18 Notice of such fact shall be given to the court, the designated
19 attorney, and the designated crisis responder and the court shall
20 order such continuance in proceedings under this chapter as may be
21 necessary, but in no event may this continuance be more than fourteen
22 days.

23 **Sec. 6.** RCW 71.05.210 and 2020 c 302 s 27 are each amended to
24 read as follows:

25 (1) Each person involuntarily detained and accepted or admitted
26 at an evaluation and treatment facility, secure withdrawal management
27 and stabilization facility, or approved substance use disorder
28 treatment program:

29 (a) Shall, within twenty-four hours of his or her admission or
30 acceptance at the facility, not counting time periods prior to
31 medical clearance, be examined and evaluated by:

32 (i) One physician, physician assistant, or advanced registered
33 nurse practitioner; and

34 (ii) One mental health professional. If the person is detained
35 for substance use disorder evaluation and treatment, the person may
36 be examined by a substance use disorder professional instead of a
37 mental health professional; and

38 (b) Shall receive such treatment and care as his or her condition
39 requires including treatment on an outpatient basis for the period

1 that he or she is detained, except that, beginning twenty-four hours
2 prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240,
3 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may
4 refuse psychiatric medications, but may not refuse: (i) Any other
5 medication previously prescribed by a person licensed under Title 18
6 RCW; or (ii) emergency lifesaving treatment, and the individual shall
7 be informed at an appropriate time of his or her right of such
8 refusal. The person shall be detained up to one hundred twenty hours,
9 if, in the opinion of the professional person in charge of the
10 facility, or his or her professional designee, the person presents a
11 likelihood of serious harm, or is gravely disabled. A person who has
12 been detained for one hundred twenty hours shall no later than the
13 end of such period be released, unless referred for further care on a
14 voluntary basis, or detained pursuant to court order for further
15 treatment as provided in this chapter.

16 (2) If, ~~((after))~~ at any time during the involuntary treatment
17 hold and following the initial examination and evaluation, the mental
18 health professional or substance use disorder professional and
19 licensed physician, physician assistant, or psychiatric advanced
20 registered nurse practitioner determine that the initial needs of the
21 person, if detained to an evaluation and treatment facility, would be
22 better served by placement in a secure withdrawal management and
23 stabilization facility or approved substance use disorder treatment
24 program, or, if detained to a secure withdrawal management and
25 stabilization facility or approved substance use disorder treatment
26 program, would be better served in an evaluation and treatment
27 facility then the person shall be referred to the more appropriate
28 placement for the remainder of the current commitment period without
29 any need for further court review.

30 (3) An evaluation and treatment center, secure withdrawal
31 management and stabilization facility, or approved substance use
32 disorder treatment program admitting or accepting any person pursuant
33 to this chapter whose physical condition reveals the need for
34 hospitalization shall assure that such person is transferred to an
35 appropriate hospital for evaluation or admission for treatment.
36 Notice of such fact shall be given to the court, the designated
37 attorney, and the designated crisis responder and the court shall
38 order such continuance in proceedings under this chapter as may be
39 necessary, but in no event may this continuance be more than fourteen
40 days.

1 **Sec. 7.** RCW 71.05.240 and 2020 c 302 s 39 are each amended to
2 read as follows:

3 (1) If a petition is filed for fourteen day involuntary treatment
4 or ninety days of less restrictive alternative treatment, the court
5 shall hold a probable cause hearing within one hundred twenty hours
6 of the initial detention of such person as determined in RCW
7 71.05.180, or at a time determined under RCW 71.05.148.

8 (2) If the petition is for mental health treatment, the court or
9 the prosecutor at the time of the probable cause hearing and before
10 an order of commitment is entered shall inform the person both orally
11 and in writing that the failure to make a good faith effort to seek
12 voluntary treatment as provided in RCW 71.05.230 will result in the
13 loss of his or her firearm rights if the person is subsequently
14 detained for involuntary treatment under this section.

15 (3) If the person or his or her attorney alleges, prior to the
16 commencement of the hearing, that the person has in good faith
17 volunteered for treatment, the petitioner must show, by preponderance
18 of the evidence, that the person has not in good faith volunteered
19 for appropriate treatment. In order to qualify as a good faith
20 volunteer, the person must abide by procedures and a treatment plan
21 as prescribed by a treatment facility and professional staff.

22 (4)(a) Subject to (b) of this subsection, at the conclusion of
23 the probable cause hearing, if the court finds by a preponderance of
24 the evidence that such person, as the result of a behavioral health
25 disorder, presents a likelihood of serious harm, or is gravely
26 disabled, and, after considering less restrictive alternatives to
27 involuntary detention and treatment, finds that no such alternatives
28 are in the best interests of such person or others, the court shall
29 order that such person be detained for involuntary treatment not to
30 exceed fourteen days in a facility licensed or certified to provide
31 treatment by the department or under RCW 71.05.745.

32 (b) A court may only order commitment to a secure withdrawal
33 management and stabilization facility or approved substance use
34 disorder treatment program if there is an available facility with
35 adequate space for the person.

36 (c) At the conclusion of the probable cause hearing, if the court
37 finds by a preponderance of the evidence that such person, as the
38 result of a behavioral health disorder, presents a likelihood of
39 serious harm or is gravely disabled, but that treatment in a less
40 restrictive setting than detention is in the best interest of such

1 person or others, the court shall order an appropriate less
2 restrictive alternative course of treatment for up to ninety days.

3 (d) If the court finds by a preponderance of the evidence that
4 such person, as the result of a behavioral health disorder, is in
5 need of assisted outpatient behavioral health treatment, and that the
6 person does not present a likelihood of serious harm and is not
7 gravely disabled, the court shall order an appropriate less
8 restrictive alternative course of treatment for up to ninety days.

9 (5) An order for less restrictive alternative treatment must name
10 the behavioral health service provider responsible for identifying
11 the services the person will receive in accordance with RCW
12 71.05.585, and must include a requirement that the person cooperate
13 with the treatment recommendations of the behavioral health service
14 provider.

15 (6) The court shall notify the person orally and in writing that
16 if involuntary treatment is sought beyond the fourteen-day inpatient
17 or ninety-day less restrictive treatment period, the person has the
18 right to a full hearing or jury trial under RCW 71.05.310. If the
19 commitment is for mental health treatment, the court shall also
20 notify the person orally and in writing that the person is barred
21 from the possession of firearms and that the prohibition remains in
22 effect until a court restores his or her right to possess a firearm
23 under RCW 9.41.047.

24 (7) If the court does not issue an order to detain a person under
25 this section, the court shall issue an order to dismiss the petition.

26 (8) Nothing in this section precludes the court from subsequently
27 modifying the terms of an order for less restrictive alternative
28 treatment under RCW 71.05.590(3).

29 **Sec. 8.** RCW 71.05.240 and 2020 c 302 s 40 are each amended to
30 read as follows:

31 (1) If a petition is filed for fourteen day involuntary treatment
32 or ninety days of less restrictive alternative treatment, the court
33 shall hold a probable cause hearing within one hundred twenty hours
34 of the initial detention of such person as determined in RCW
35 71.05.180, or at a time determined under RCW 71.05.148.

36 (2) If the petition is for mental health treatment, the court or
37 the prosecutor at the time of the probable cause hearing and before
38 an order of commitment is entered shall inform the person both orally
39 and in writing that the failure to make a good faith effort to seek

1 voluntary treatment as provided in RCW 71.05.230 will result in the
2 loss of his or her firearm rights if the person is subsequently
3 detained for involuntary treatment under this section.

4 (3) If the person or his or her attorney alleges, prior to the
5 commencement of the hearing, that the person has in good faith
6 volunteered for treatment, the petitioner must show, by preponderance
7 of the evidence, that the person has not in good faith volunteered
8 for appropriate treatment. In order to qualify as a good faith
9 volunteer, the person must abide by procedures and a treatment plan
10 as prescribed by a treatment facility and professional staff.

11 (4) (a) At the conclusion of the probable cause hearing, if the
12 court finds by a preponderance of the evidence that such person, as
13 the result of a behavioral health disorder, presents a likelihood of
14 serious harm, or is gravely disabled, and, after considering less
15 restrictive alternatives to involuntary detention and treatment,
16 finds that no such alternatives are in the best interests of such
17 person or others, the court shall order that such person be detained
18 for involuntary treatment not to exceed fourteen days in a facility
19 licensed or certified to provide treatment by the department or under
20 RCW 71.05.745.

21 (b) At the conclusion of the probable cause hearing, if the court
22 finds by a preponderance of the evidence that such person, as the
23 result of a behavioral health disorder, presents a likelihood of
24 serious harm or is gravely disabled, but that treatment in a less
25 restrictive setting than detention is in the best interest of such
26 person or others, the court shall order an appropriate less
27 restrictive alternative course of treatment for up to ninety days.

28 (c) If the court finds by a preponderance of the evidence that
29 such person, as the result of a behavioral health disorder, is in
30 need of assisted outpatient behavioral health treatment, and that the
31 person does not present a likelihood of serious harm and is not
32 gravely disabled, the court shall order an appropriate less
33 restrictive alternative course of treatment for up to ninety days.

34 (5) An order for less restrictive alternative treatment must name
35 the behavioral health service provider responsible for identifying
36 the services the person will receive in accordance with RCW
37 71.05.585, and must include a requirement that the person cooperate
38 with the treatment recommendations of the behavioral health service
39 provider.

1 (6) The court shall notify the person orally and in writing that
2 if involuntary treatment is sought beyond the fourteen-day inpatient
3 or ninety-day less restrictive treatment period, such person has the
4 right to a full hearing or jury trial under RCW 71.05.310. If the
5 commitment is for mental health treatment, the court shall also
6 notify the person orally and in writing that the person is barred
7 from the possession of firearms and that the prohibition remains in
8 effect until a court restores his or her right to possess a firearm
9 under RCW 9.41.047.

10 (7) If the court does not issue an order to detain a person under
11 this section, the court shall issue an order to dismiss the petition.

12 (8) Nothing in this section precludes the court from subsequently
13 modifying the terms of an order for less restrictive alternative
14 treatment under RCW 71.05.590(3).

15 **Sec. 9.** RCW 71.05.320 and 2020 c 302 s 45 are each amended to
16 read as follows:

17 (1)(a) Subject to (b) of this subsection, if the court or jury
18 finds that grounds set forth in RCW 71.05.280 have been proven and
19 that the best interests of the person or others will not be served by
20 a less restrictive treatment which is an alternative to detention,
21 the court shall remand him or her to the custody of the department of
22 social and health services or to a facility certified for ninety day
23 treatment by the department for a further period of intensive
24 treatment not to exceed ninety days from the date of judgment.

25 (b) If the order for inpatient treatment is based on a substance
26 use disorder, treatment must take place at an approved substance use
27 disorder treatment program. The court may only enter an order for
28 commitment based on a substance use disorder if there is an available
29 approved substance use disorder treatment program with adequate space
30 for the person.

31 (c) If the grounds set forth in RCW 71.05.280(3) are the basis of
32 commitment, then the period of treatment may be up to but not exceed
33 one hundred eighty days from the date of judgment to the custody of
34 the department of social and health services or to a facility
35 certified for one hundred eighty-day treatment by the department or
36 under RCW 71.05.745.

37 (2) If the court or jury finds that grounds set forth in RCW
38 71.05.280 have been proven, but finds that treatment less restrictive
39 than detention will be in the best interest of the person or others,

1 then the court shall remand him or her to the custody of the
2 department of social and health services or to a facility certified
3 for ninety day treatment by the department or to a less restrictive
4 alternative for a further period of less restrictive treatment not to
5 exceed ninety days from the date of judgment. If the grounds set
6 forth in RCW 71.05.280(3) are the basis of commitment, then the
7 period of treatment may be up to but not exceed one hundred eighty
8 days from the date of judgment. If the court or jury finds that the
9 grounds set forth in RCW 71.05.280(5) have been proven, and provide
10 the only basis for commitment, the court must enter an order for less
11 restrictive alternative treatment for up to ninety days from the date
12 of judgment and may not order inpatient treatment.

13 (3) An order for less restrictive alternative treatment entered
14 under subsection (2) of this section must name the behavioral health
15 service provider responsible for identifying the services the person
16 will receive in accordance with RCW 71.05.585, and must include a
17 requirement that the person cooperate with the services planned by
18 the behavioral health service provider.

19 (4) The person shall be released from involuntary treatment at
20 the expiration of the period of commitment imposed under subsection
21 (1) or (2) of this section unless the superintendent or professional
22 person in charge of the facility in which he or she is confined, or
23 in the event of a less restrictive alternative, the designated crisis
24 responder, files a new petition for involuntary treatment on the
25 grounds that the committed person:

26 (a) During the current period of court ordered treatment: (i) Has
27 threatened, attempted, or inflicted physical harm upon the person of
28 another, or substantial damage upon the property of another, and (ii)
29 as a result of a behavioral health disorder or developmental
30 disability presents a likelihood of serious harm; or

31 (b) Was taken into custody as a result of conduct in which he or
32 she attempted or inflicted serious physical harm upon the person of
33 another, and continues to present, as a result of a behavioral health
34 disorder or developmental disability, a likelihood of serious harm;
35 or

36 (c) (i) Is in custody pursuant to RCW 71.05.280(3) and as a result
37 of a behavioral health disorder or developmental disability continues
38 to present a substantial likelihood of repeating acts similar to the
39 charged criminal behavior, when considering the person's life
40 history, progress in treatment, and the public safety.

1 (ii) In cases under this subsection where the court has made an
2 affirmative special finding under RCW 71.05.280(3)(b), the commitment
3 shall continue for up to an additional one hundred eighty-day period
4 whenever the petition presents prima facie evidence that the person
5 continues to suffer from a behavioral health disorder or
6 developmental disability that results in a substantial likelihood of
7 committing acts similar to the charged criminal behavior, unless the
8 person presents proof through an admissible expert opinion that the
9 person's condition has so changed such that the behavioral health
10 disorder or developmental disability no longer presents a substantial
11 likelihood of the person committing acts similar to the charged
12 criminal behavior. The initial or additional commitment period may
13 include transfer to a specialized program of intensive support and
14 treatment, which may be initiated prior to or after discharge from
15 the state hospital; or

16 (d) Continues to be gravely disabled; or

17 (e) Is in need of assisted outpatient behavioral health
18 treatment.

19 If the conduct required to be proven in (b) and (c) of this
20 subsection was found by a judge or jury in a prior trial under this
21 chapter, it shall not be necessary to prove such conduct again.

22 If less restrictive alternative treatment is sought, the petition
23 shall set forth any recommendations for less restrictive alternative
24 treatment services.

25 (5) A new petition for involuntary treatment filed under
26 subsection (4) of this section shall be filed and heard in the
27 superior court of the county of the facility which is filing the new
28 petition for involuntary treatment unless good cause is shown for a
29 change of venue. The cost of the proceedings shall be borne by the
30 state.

31 (6)(a) The hearing shall be held as provided in RCW 71.05.310,
32 and if the court or jury finds that the grounds for additional
33 confinement as set forth in this section are present, subject to
34 subsection (1)(b) of this section, the court may order the committed
35 person returned for an additional period of treatment not to exceed
36 one hundred eighty days from the date of judgment, except as provided
37 in subsection (7) of this section. If the court's order is based
38 solely on the grounds identified in subsection (4)(e) of this
39 section, the court may enter an order for less restrictive
40 alternative treatment not to exceed one hundred eighty days from the

1 date of judgment, and may not enter an order for inpatient treatment.
2 An order for less restrictive alternative treatment must name the
3 behavioral health service provider responsible for identifying the
4 services the person will receive in accordance with RCW 71.05.585,
5 and must include a requirement that the person cooperate with the
6 services planned by the behavioral health service provider.

7 (b) At the end of the one hundred eighty-day period of
8 commitment, or one-year period of commitment if subsection (7) of
9 this section applies, the committed person shall be released unless a
10 petition for an additional one hundred eighty-day period of continued
11 treatment is filed and heard in the same manner as provided in this
12 section. Successive one hundred eighty-day commitments are
13 permissible on the same grounds and pursuant to the same procedures
14 as the original one hundred eighty-day commitment.

15 (7) An order for less restrictive treatment entered under
16 subsection (6) of this section may be for up to one year when the
17 person's previous commitment term was for intensive inpatient
18 treatment in a state hospital.

19 (8) No person committed as provided in this section may be
20 detained unless a valid order of commitment is in effect. No order of
21 commitment can exceed one hundred eighty days in length except as
22 provided in subsection (7) of this section.

23 (9) Nothing in this section precludes the court from subsequently
24 modifying the terms of an order for less restrictive alternative
25 treatment under RCW 71.05.590(3).

26 **Sec. 10.** RCW 71.05.320 and 2020 c 302 s 46 are each amended to
27 read as follows:

28 (1) If the court or jury finds that grounds set forth in RCW
29 71.05.280 have been proven and that the best interests of the person
30 or others will not be served by a less restrictive treatment which is
31 an alternative to detention, the court shall remand him or her to the
32 custody of the department of social and health services or to a
33 facility certified for ninety day treatment by the department for a
34 further period of intensive treatment not to exceed ninety days from
35 the date of judgment.

36 If the order for inpatient treatment is based on a substance use
37 disorder, treatment must take place at an approved substance use
38 disorder treatment program. If the grounds set forth in RCW
39 71.05.280(3) are the basis of commitment, then the period of

1 treatment may be up to but not exceed one hundred eighty days from
2 the date of judgment to the custody of the department of social and
3 health services or to a facility certified for one hundred eighty-day
4 treatment by the department or under RCW 71.05.745.

5 (2) If the court or jury finds that grounds set forth in RCW
6 71.05.280 have been proven, but finds that treatment less restrictive
7 than detention will be in the best interest of the person or others,
8 then the court shall remand him or her to the custody of the
9 department of social and health services or to a facility certified
10 for ninety day treatment by the department or to a less restrictive
11 alternative for a further period of less restrictive treatment not to
12 exceed ninety days from the date of judgment. If the grounds set
13 forth in RCW 71.05.280(3) are the basis of commitment, then the
14 period of treatment may be up to but not exceed one hundred eighty
15 days from the date of judgment. If the court or jury finds that the
16 grounds set forth in RCW 71.05.280(5) have been proven, and provide
17 the only basis for commitment, the court must enter an order for less
18 restrictive alternative treatment for up to ninety days from the date
19 of judgment and may not order inpatient treatment.

20 (3) An order for less restrictive alternative treatment entered
21 under subsection (2) of this section must name the behavioral health
22 service provider responsible for identifying the services the person
23 will receive in accordance with RCW 71.05.585, and must include a
24 requirement that the person cooperate with the services planned by
25 the behavioral health service provider.

26 (4) The person shall be released from involuntary treatment at
27 the expiration of the period of commitment imposed under subsection
28 (1) or (2) of this section unless the superintendent or professional
29 person in charge of the facility in which he or she is confined, or
30 in the event of a less restrictive alternative, the designated crisis
31 responder, files a new petition for involuntary treatment on the
32 grounds that the committed person:

33 (a) During the current period of court ordered treatment: (i) Has
34 threatened, attempted, or inflicted physical harm upon the person of
35 another, or substantial damage upon the property of another, and (ii)
36 as a result of a behavioral health disorder or developmental
37 disability presents a likelihood of serious harm; or

38 (b) Was taken into custody as a result of conduct in which he or
39 she attempted or inflicted serious physical harm upon the person of
40 another, and continues to present, as a result of a behavioral health

1 disorder or developmental disability, a likelihood of serious harm;
2 or

3 (c) (i) Is in custody pursuant to RCW 71.05.280(3) and as a result
4 of a behavioral health disorder or developmental disability continues
5 to present a substantial likelihood of repeating acts similar to the
6 charged criminal behavior, when considering the person's life
7 history, progress in treatment, and the public safety.

8 (ii) In cases under this subsection where the court has made an
9 affirmative special finding under RCW 71.05.280(3)(b), the commitment
10 shall continue for up to an additional one hundred eighty-day period
11 whenever the petition presents prima facie evidence that the person
12 continues to suffer from a behavioral health disorder or
13 developmental disability that results in a substantial likelihood of
14 committing acts similar to the charged criminal behavior, unless the
15 person presents proof through an admissible expert opinion that the
16 person's condition has so changed such that the behavioral health
17 disorder or developmental disability no longer presents a substantial
18 likelihood of the person committing acts similar to the charged
19 criminal behavior. The initial or additional commitment period may
20 include transfer to a specialized program of intensive support and
21 treatment, which may be initiated prior to or after discharge from
22 the state hospital; or

23 (d) Continues to be gravely disabled; or

24 (e) Is in need of assisted outpatient behavioral health
25 treatment.

26 If the conduct required to be proven in (b) and (c) of this
27 subsection was found by a judge or jury in a prior trial under this
28 chapter, it shall not be necessary to prove such conduct again.

29 If less restrictive alternative treatment is sought, the petition
30 shall set forth any recommendations for less restrictive alternative
31 treatment services.

32 (5) A new petition for involuntary treatment filed under
33 subsection (4) of this section shall be filed and heard in the
34 superior court of the county of the facility which is filing the new
35 petition for involuntary treatment unless good cause is shown for a
36 change of venue. The cost of the proceedings shall be borne by the
37 state.

38 (6) (a) The hearing shall be held as provided in RCW 71.05.310,
39 and if the court or jury finds that the grounds for additional
40 confinement as set forth in this section are present, the court may

1 order the committed person returned for an additional period of
2 treatment not to exceed one hundred eighty days from the date of
3 judgment, except as provided in subsection (7) of this section. If
4 the court's order is based solely on the grounds identified in
5 subsection (4)(e) of this section, the court may enter an order for
6 less restrictive alternative treatment not to exceed one hundred
7 eighty days from the date of judgment, and may not enter an order for
8 inpatient treatment. An order for less restrictive alternative
9 treatment must name the behavioral health service provider
10 responsible for identifying the services the person will receive in
11 accordance with RCW 71.05.585, and must include a requirement that
12 the person cooperate with the services planned by the behavioral
13 health service provider.

14 (b) At the end of the one hundred eighty-day period of
15 commitment, or one-year period of commitment if subsection (7) of
16 this section applies, the committed person shall be released unless a
17 petition for an additional one hundred eighty-day period of continued
18 treatment is filed and heard in the same manner as provided in this
19 section. Successive one hundred eighty-day commitments are
20 permissible on the same grounds and pursuant to the same procedures
21 as the original one hundred eighty-day commitment.

22 (7) An order for less restrictive treatment entered under
23 subsection (6) of this section may be for up to one year when the
24 person's previous commitment term was for intensive inpatient
25 treatment in a state hospital.

26 (8) No person committed as provided in this section may be
27 detained unless a valid order of commitment is in effect. No order of
28 commitment can exceed one hundred eighty days in length except as
29 provided in subsection (7) of this section.

30 (9) Nothing in this section precludes the court from subsequently
31 modifying the terms of an order for less restrictive alternative
32 treatment under RCW 71.05.590(3).

33 **Sec. 11.** RCW 71.05.340 and 2018 c 201 s 3017 are each amended to
34 read as follows:

35 (1)(a) When, in the opinion of the superintendent or the
36 professional person in charge of the hospital or facility providing
37 involuntary treatment, the committed person can be appropriately
38 served by outpatient treatment prior to or at the expiration of the
39 period of commitment, then such outpatient care may be required as a

1 term of conditional release for a period which, when (~~added to the~~)
2 combined with the number of days the person has spent in inpatient
3 treatment (~~period~~), shall not exceed (~~the period of commitment~~)
4 90 days if the underlying commitment was for a period of 14 or 90
5 days, or 180 days if the underlying commitment was for a period of
6 180 days. If the facility or agency designated to provide outpatient
7 treatment is other than the facility providing involuntary treatment,
8 the outpatient facility so designated must agree in writing to assume
9 such responsibility. A copy of the terms of conditional release shall
10 be given to the patient, the designated crisis responder in the
11 county in which the patient is to receive outpatient treatment, and
12 to the court of original commitment.

13 (b) Before a person committed under grounds set forth in RCW
14 71.05.280(3) or 71.05.320(4)(c) is conditionally released under (a)
15 of this subsection, the superintendent or professional person in
16 charge of the hospital or facility providing involuntary treatment
17 shall in writing notify the prosecuting attorney of the county in
18 which the criminal charges against the committed person were
19 dismissed, of the decision to conditionally release the person.
20 Notice and a copy of the terms of conditional release shall be
21 provided at least thirty days before the person is released from
22 inpatient care. Within twenty days after receiving notice, the
23 prosecuting attorney may petition the court in the county that issued
24 the commitment order to hold a hearing to determine whether the
25 person may be conditionally released and the terms of the conditional
26 release. The prosecuting attorney shall provide a copy of the
27 petition to the superintendent or professional person in charge of
28 the hospital or facility providing involuntary treatment, the
29 attorney, if any, and guardian or conservator of the committed
30 person, and the court of original commitment. If the county in which
31 the committed person is to receive outpatient treatment is the same
32 county in which the criminal charges against the committed person
33 were dismissed, then the court shall, upon the motion of the
34 prosecuting attorney, transfer the proceeding to the court in that
35 county. The court shall conduct a hearing on the petition within ten
36 days of the filing of the petition. The committed person shall have
37 the same rights with respect to notice, hearing, and counsel as for
38 an involuntary treatment proceeding, except as set forth in this
39 subsection and except that there shall be no right to jury trial. The
40 issue to be determined at the hearing is whether or not the person

1 may be conditionally released without substantial danger to other
2 persons, or substantial likelihood of committing criminal acts
3 jeopardizing public safety or security. If the court disapproves of
4 the conditional release, it may do so only on the basis of
5 substantial evidence. Pursuant to the determination of the court upon
6 the hearing, the conditional release of the person shall be approved
7 by the court on the same or modified conditions or the person shall
8 be returned for involuntary treatment on an inpatient basis subject
9 to release at the end of the period for which he or she was
10 committed, or otherwise in accordance with the provisions of this
11 chapter.

12 (2) The facility or agency designated to provide outpatient care
13 or the secretary of the department of social and health services may
14 modify the conditions for continued release when such modification is
15 in the best interest of the person. Notification of such changes
16 shall be sent to all persons receiving a copy of the original
17 conditions. Enforcement or revocation proceedings related to a
18 conditional release (~~order~~) may occur as provided under RCW
19 71.05.590.

20 **Sec. 12.** RCW 71.05.585 and 2020 c 302 s 53 are each amended to
21 read as follows:

22 (1) Less restrictive alternative treatment, at a minimum,
23 includes the following services:

24 (a) Assignment of a care coordinator;

25 (b) An intake evaluation with the provider of the less
26 restrictive alternative treatment;

27 (c) A psychiatric evaluation, a substance use disorder
28 evaluation, or both;

29 (d) A schedule of regular contacts with the provider of the
30 (~~less restrictive alternative~~) treatment services for the duration
31 of the order;

32 (e) A transition plan addressing access to continued services at
33 the expiration of the order;

34 (f) An individual crisis plan; (~~and~~)

35 (g) Consultation about the formation of a mental health advance
36 directive under chapter 71.32 RCW; and

37 (h) Notification to the care coordinator assigned in (a) of this
38 subsection if reasonable efforts to engage the client fail to produce
39 substantial compliance with court-ordered treatment conditions.

1 (2) Less restrictive alternative treatment may additionally
2 include requirements to participate in the following services:

3 (a) Medication management;

4 (b) Psychotherapy;

5 (c) Nursing;

6 (d) Substance ((~~abuse~~)) use disorder counseling;

7 (e) Residential treatment; ((~~and~~))

8 (f) Support for housing, benefits, education, and employment; and

9 (g) Periodic court review.

10 (3) If the person was provided with involuntary medication under
11 RCW 71.05.215 or pursuant to a judicial order during the involuntary
12 commitment period, the less restrictive alternative treatment order
13 may authorize the less restrictive alternative treatment provider or
14 its designee to administer involuntary antipsychotic medication to
15 the person if the provider has attempted and failed to obtain the
16 informed consent of the person and there is a concurring medical
17 opinion approving the medication by a psychiatrist, physician
18 assistant working with a supervising psychiatrist, psychiatric
19 advanced registered nurse practitioner, or physician or physician
20 assistant in consultation with an independent mental health
21 professional with prescribing authority.

22 (4) Less restrictive alternative treatment must be administered
23 by a provider that is certified or licensed to provide or coordinate
24 the full scope of services required under the less restrictive
25 alternative order and that has agreed to assume this responsibility.

26 (5) The care coordinator assigned to a person ordered to less
27 restrictive alternative treatment must submit an individualized plan
28 for the person's treatment services to the court that entered the
29 order. An initial plan must be submitted as soon as possible
30 following the intake evaluation and a revised plan must be submitted
31 upon any subsequent modification in which a type of service is
32 removed from or added to the treatment plan.

33 (6) A care coordinator may disclose information and records
34 related to mental health services pursuant to RCW 70.02.230(2)(k) for
35 purposes of implementing less restrictive alternative treatment.

36 (7) For the purpose of this section, "care coordinator" means a
37 clinical practitioner who coordinates the activities of less
38 restrictive alternative treatment. The care coordinator coordinates
39 activities with the designated crisis responders that are necessary
40 for enforcement and continuation of less restrictive alternative

1 orders and is responsible for coordinating service activities with
2 other agencies and establishing and maintaining a therapeutic
3 relationship with the individual on a continuing basis.

4 **Sec. 13.** RCW 71.05.590 and 2020 c 302 s 55 are each amended to
5 read as follows:

6 (1) Either an agency or facility designated to monitor or provide
7 services under a less restrictive alternative order or conditional
8 release (~~(order)~~), or a designated crisis responder, may take action
9 to enforce, modify, or revoke a less restrictive alternative or
10 conditional release (~~(order)~~). The agency, facility, or designated
11 crisis responder must determine that:

12 (a) The person is failing to adhere to the terms and conditions
13 of the court order;

14 (b) Substantial deterioration in the person's functioning has
15 occurred;

16 (c) There is evidence of substantial decompensation with a
17 reasonable probability that the decompensation can be reversed by
18 further evaluation, intervention, or treatment; or

19 (d) The person poses a likelihood of serious harm.

20 (2) Actions taken under this section must include a flexible
21 range of responses of varying levels of intensity appropriate to the
22 circumstances and consistent with the interests of the individual and
23 the public in personal autonomy, safety, recovery, and compliance.
24 Available actions may include, but are not limited to, any of the
25 following:

26 (a) To counsel or advise the person as to their rights and
27 responsibilities under the court order, and to offer appropriate
28 incentives to motivate compliance;

29 (b) To increase the intensity of outpatient services provided to
30 the person by increasing the frequency of contacts with the provider,
31 referring the person for an assessment for assertive community
32 services, or by other means;

33 (c) To request a court hearing for review and modification of the
34 court order. The request must be made to or by the court with
35 jurisdiction over the order and specify the circumstances that give
36 rise to the request and what modification is being sought. The county
37 prosecutor shall assist the agency or facility in requesting this
38 hearing and issuing an appropriate summons to the person. This
39 subsection does not limit the inherent authority of a treatment

1 provider to alter conditions of treatment for clinical reasons, and
2 is intended to be used only when court intervention is necessary or
3 advisable to secure the person's compliance and prevent
4 decompensation or deterioration;

5 (d) To cause the person to be transported by a peace officer,
6 designated crisis responder, or other means to the agency or facility
7 monitoring or providing services under the court order, or to a
8 triage facility, crisis stabilization unit, emergency department,
9 evaluation and treatment facility, secure withdrawal management and
10 stabilization facility with available space, or an approved substance
11 use disorder treatment program with available space. The person may
12 be detained at the facility for up to twelve hours for the purpose of
13 an evaluation to determine whether modification, revocation, or
14 commitment proceedings are necessary and appropriate to stabilize the
15 person and prevent decompensation, deterioration, or physical harm.
16 Temporary detention for evaluation under this subsection is intended
17 to occur only following a pattern of noncompliance or the failure of
18 reasonable attempts at outreach and engagement, and may occur only
19 when in the clinical judgment of a designated crisis responder or the
20 professional person in charge of an agency or facility designated to
21 monitor less restrictive alternative services temporary detention is
22 appropriate. This subsection does not limit the ability or obligation
23 to pursue revocation procedures under subsection ~~((4))~~ (5) of this
24 section in appropriate circumstances; and

25 (e) To initiate revocation procedures under subsection ~~((4))~~
26 (5) of this section or, if the current commitment is solely based on
27 the person being in need of assisted outpatient behavioral health
28 treatment as defined in RCW 71.05.020, initiate initial inpatient
29 detention procedures under subsection ~~((6))~~ (7) of this section.

30 (3) A court may supervise a person on an order for less
31 restrictive alternative treatment or a conditional release. While the
32 person is under the order, the court may:

33 (a) Require appearance in court for periodic reviews; and

34 (b) Modify the order after considering input from the agency or
35 facility designated to provide or facilitate services. The court may
36 not remand the person into inpatient treatment except as provided
37 under subsection (5) of this section, but may take actions under
38 subsection (2) (a) through (d) of this section.

39 (4) The facility or agency designated to provide outpatient
40 treatment shall notify the secretary of the department of social and

1 health services or designated crisis responder when a person fails to
2 adhere to terms and conditions of court ordered treatment or
3 experiences substantial deterioration in his or her condition and, as
4 a result, presents an increased likelihood of serious harm.

5 ~~((4))~~ (5)(a) Except as provided in subsection ~~((6))~~ (7) of
6 this section, a designated crisis responder or the secretary of the
7 department of social and health services may upon their own motion or
8 notification by the facility or agency designated to provide
9 outpatient care order a person subject to a court order under this
10 chapter to be apprehended and taken into custody and temporary
11 detention in an evaluation and treatment facility, an available
12 secure withdrawal management and stabilization facility with adequate
13 space, or an available approved substance use disorder treatment
14 program with adequate space, in or near the county in which he or she
15 is receiving outpatient treatment. Proceedings under this subsection
16 ~~((4))~~ (5) may be initiated without ordering the apprehension and
17 detention of the person.

18 (b) Except as provided in subsection ~~((6))~~ (7) of this section,
19 a person detained under this subsection ~~((4))~~ (5) must be held
20 until such time, not exceeding five days, as a hearing can be
21 scheduled to determine whether or not the person should be returned
22 to the hospital or facility from which he or she had been released.
23 If the person is not detained, the hearing must be scheduled within
24 five days of service on the person. The designated crisis responder
25 or the secretary of the department of social and health services may
26 modify or rescind the order at any time prior to commencement of the
27 court hearing.

28 (c) The designated crisis responder or secretary of the
29 department of social and health services shall file a revocation
30 petition and order of apprehension and detention with the court of
31 the county where the person is currently located or being detained.
32 The designated crisis responder shall serve the person and their
33 attorney, guardian, and conservator, if any. The person has the same
34 rights with respect to notice, hearing, and counsel as in any
35 involuntary treatment proceeding, except as specifically set forth in
36 this section. There is no right to jury trial. The venue for
37 proceedings is the county where the petition is filed. Notice of the
38 filing must be provided to the court that originally ordered
39 commitment, if different from the court where the petition for

1 revocation is filed, within two judicial days of the person's
2 detention.

3 (d) Except as provided in subsection (~~((6))~~) (7) of this section,
4 the issues for the court to determine are whether: (i) The person
5 adhered to the terms and conditions of the court order; (ii)
6 substantial deterioration in the person's functioning has occurred;
7 (iii) there is evidence of substantial decompensation with a
8 reasonable probability that the decompensation can be reversed by
9 further inpatient treatment; or (iv) there is a likelihood of serious
10 harm; and, if any of the above conditions apply, whether the court
11 should reinstate or modify the person's less restrictive alternative
12 or conditional release (~~(order)~~) or order the person's detention for
13 inpatient treatment. The person may waive the court hearing and allow
14 the court to enter a stipulated order upon the agreement of all
15 parties. If the court orders detention for inpatient treatment, the
16 treatment period must be for fourteen days from the revocation
17 hearing if the outpatient order was based on a petition under RCW
18 71.05.160 or 71.05.230. If the court orders detention for inpatient
19 treatment and the outpatient order was based on a petition under RCW
20 71.05.290 or 71.05.320, the number of days remaining on the
21 outpatient order must be converted to days of inpatient treatment
22 authorized in the original court order. A court may not issue an
23 order to detain a person for inpatient treatment in a secure
24 withdrawal management and stabilization facility or approved
25 substance use disorder treatment program under this subsection unless
26 there is a secure withdrawal management and stabilization facility or
27 approved substance use disorder treatment program available and with
28 adequate space for the person.

29 (~~((5))~~) (6) In determining whether or not to take action under
30 this section the designated crisis responder, agency, or facility
31 must consider the factors specified under RCW 71.05.212 and the court
32 must consider the factors specified under RCW 71.05.245 as they apply
33 to the question of whether to enforce, modify, or revoke a court
34 order for involuntary treatment.

35 (~~((6))~~) (7)(a) If the current commitment is solely based on the
36 person being in need of assisted outpatient behavioral health
37 treatment as defined in RCW 71.05.020, a designated crisis responder
38 may initiate inpatient detention procedures under RCW 71.05.150 or
39 71.05.153 when appropriate. A designated crisis responder or the
40 secretary may, upon their own motion or notification by the facility

1 or agency designated to provide outpatient care to a person subject
2 to a less restrictive alternative treatment order under RCW 71.05.320
3 subsequent to an order for assisted outpatient behavioral health
4 treatment entered under RCW 71.05.148, order the person to be
5 apprehended and taken into custody and temporary detention for
6 inpatient evaluation in an evaluation and treatment facility, secure
7 withdrawal management and stabilization facility, or in an approved
8 substance use disorder treatment program, in or near the county in
9 which he or she is receiving outpatient treatment. Proceedings under
10 this subsection may be initiated without ordering the apprehension
11 and detention of the person.

12 (b) A person detained under this subsection may be held for
13 evaluation for up to one hundred twenty hours, excluding weekends and
14 holidays, pending a court hearing. If the person is not detained, the
15 hearing must be scheduled within one hundred twenty hours of service
16 on the person. The designated crisis responder or the secretary may
17 modify or rescind the order at any time prior to commencement of the
18 court hearing.

19 (c) The issues for the court to determine are whether to continue
20 the detention of the person for inpatient treatment or whether the
21 court should reinstate or modify the person's less restrictive
22 alternative order or order the person's detention for inpatient
23 treatment. To continue detention after the one hundred twenty hour
24 period, the court must find that the person, as a result of a
25 behavioral health disorder, presents a likelihood of serious harm or
26 is gravely disabled and, after considering less restrictive
27 alternatives to involuntary detention and treatment, that no such
28 alternatives are in the best interest of the person or others.

29 (d) A court may not issue an order to detain a person for
30 inpatient treatment in a secure withdrawal management and
31 stabilization facility or approved substance use disorder program
32 under this subsection unless there is a secure withdrawal management
33 and stabilization facility or approved substance use disorder
34 treatment program available and with adequate space for the person.

35 **Sec. 14.** RCW 71.05.590 and 2020 c 302 s 56 are each amended to
36 read as follows:

37 (1) Either an agency or facility designated to monitor or provide
38 services under a less restrictive alternative order or conditional
39 release (~~order~~), or a designated crisis responder, may take action

1 to enforce, modify, or revoke a less restrictive alternative or
2 conditional release (~~order~~). The agency, facility, or designated
3 crisis responder must determine that:

4 (a) The person is failing to adhere to the terms and conditions
5 of the court order;

6 (b) Substantial deterioration in the person's functioning has
7 occurred;

8 (c) There is evidence of substantial decompensation with a
9 reasonable probability that the decompensation can be reversed by
10 further evaluation, intervention, or treatment; or

11 (d) The person poses a likelihood of serious harm.

12 (2) Actions taken under this section must include a flexible
13 range of responses of varying levels of intensity appropriate to the
14 circumstances and consistent with the interests of the individual and
15 the public in personal autonomy, safety, recovery, and compliance.
16 Available actions may include, but are not limited to, any of the
17 following:

18 (a) To counsel or advise the person as to their rights and
19 responsibilities under the court order, and to offer appropriate
20 incentives to motivate compliance;

21 (b) To increase the intensity of outpatient services provided to
22 the person by increasing the frequency of contacts with the provider,
23 referring the person for an assessment for assertive community
24 services, or by other means;

25 (c) To request a court hearing for review and modification of the
26 court order. The request must be made to or by the court with
27 jurisdiction over the order and specify the circumstances that give
28 rise to the request and what modification is being sought. The county
29 prosecutor shall assist the agency or facility in requesting this
30 hearing and issuing an appropriate summons to the person. This
31 subsection does not limit the inherent authority of a treatment
32 provider to alter conditions of treatment for clinical reasons, and
33 is intended to be used only when court intervention is necessary or
34 advisable to secure the person's compliance and prevent
35 decompensation or deterioration;

36 (d) To cause the person to be transported by a peace officer,
37 designated crisis responder, or other means to the agency or facility
38 monitoring or providing services under the court order, or to a
39 triage facility, crisis stabilization unit, emergency department,
40 evaluation and treatment facility, secure withdrawal management and

1 stabilization facility, or an approved substance use disorder
2 treatment program. The person may be detained at the facility for up
3 to twelve hours for the purpose of an evaluation to determine whether
4 modification, revocation, or commitment proceedings are necessary and
5 appropriate to stabilize the person and prevent decompensation,
6 deterioration, or physical harm. Temporary detention for evaluation
7 under this subsection is intended to occur only following a pattern
8 of noncompliance or the failure of reasonable attempts at outreach
9 and engagement, and may occur only when in the clinical judgment of a
10 designated crisis responder or the professional person in charge of
11 an agency or facility designated to monitor less restrictive
12 alternative services temporary detention is appropriate. This
13 subsection does not limit the ability or obligation to pursue
14 revocation procedures under subsection (~~((4))~~) (5) of this section in
15 appropriate circumstances; and

16 (e) To initiate revocation procedures under subsection (~~((4))~~)
17 (5) of this section or, if the current commitment is solely based on
18 the person being in need of assisted outpatient behavioral health
19 treatment as defined in RCW 71.05.020, initial inpatient detention
20 procedures under subsection (~~((6))~~) (7) of this section.

21 (3) A court may supervise a person on an order for less
22 restrictive alternative treatment or a conditional release. While the
23 person is under the order, the court may:

24 (a) Require appearance in court for periodic reviews; and

25 (b) Modify the order after considering input from the agency or
26 facility designated to provide or facilitate services. The court may
27 not remand the person into inpatient treatment except as provided
28 under subsection (5) of this section, but may take actions under
29 subsection (2)(a) through (d) of this section.

30 (4) The facility or agency designated to provide outpatient
31 treatment shall notify the secretary of the department of social and
32 health services or designated crisis responder when a person fails to
33 adhere to terms and conditions of court ordered treatment or
34 experiences substantial deterioration in his or her condition and, as
35 a result, presents an increased likelihood of serious harm.

36 (~~((4))~~) (5)(a) Except as provided in subsection (~~((6))~~) (7) of
37 this section, a designated crisis responder or the secretary of the
38 department of social and health services may upon their own motion or
39 notification by the facility or agency designated to provide
40 outpatient care order a person subject to a court order under this

1 chapter to be apprehended and taken into custody and temporary
2 detention in an evaluation and treatment facility, in a secure
3 withdrawal management and stabilization facility, or in an approved
4 substance use disorder treatment program, in or near the county in
5 which he or she is receiving outpatient treatment. Proceedings under
6 this subsection (~~((4))~~) (5) may be initiated without ordering the
7 apprehension and detention of the person.

8 (b) Except as provided in subsection (~~((6))~~) (7) of this section,
9 a person detained under this subsection (~~((4))~~) (5) must be held
10 until such time, not exceeding five days, as a hearing can be
11 scheduled to determine whether or not the person should be returned
12 to the hospital or facility from which he or she had been released.
13 If the person is not detained, the hearing must be scheduled within
14 five days of service on the person. The designated crisis responder
15 or the secretary of the department of social and health services may
16 modify or rescind the order at any time prior to commencement of the
17 court hearing.

18 (c) The designated crisis responder or secretary of the
19 department of social and health services shall file a revocation
20 petition and order of apprehension and detention with the court of
21 the county where the person is currently located or being detained.
22 The designated crisis responder shall serve the person and their
23 attorney, guardian, and conservator, if any. The person has the same
24 rights with respect to notice, hearing, and counsel as in any
25 involuntary treatment proceeding, except as specifically set forth in
26 this section. There is no right to jury trial. The venue for
27 proceedings is the county where the petition is filed. Notice of the
28 filing must be provided to the court that originally ordered
29 commitment, if different from the court where the petition for
30 revocation is filed, within two judicial days of the person's
31 detention.

32 (d) Except as provided in subsection (~~((6))~~) (7) of this section,
33 the issues for the court to determine are whether: (i) The person
34 adhered to the terms and conditions of the court order; (ii)
35 substantial deterioration in the person's functioning has occurred;
36 (iii) there is evidence of substantial decompensation with a
37 reasonable probability that the decompensation can be reversed by
38 further inpatient treatment; or (iv) there is a likelihood of serious
39 harm; and, if any of the above conditions apply, whether the court
40 should reinstate or modify the person's less restrictive alternative

1 or conditional release (~~order~~) or order the person's detention for
2 inpatient treatment. The person may waive the court hearing and allow
3 the court to enter a stipulated order upon the agreement of all
4 parties. If the court orders detention for inpatient treatment, the
5 treatment period must be for fourteen days from the revocation
6 hearing if the outpatient order was based on a petition under RCW
7 71.05.160 or 71.05.230. If the court orders detention for inpatient
8 treatment and the outpatient order was based on a petition under RCW
9 71.05.290 or 71.05.320, the number of days remaining on the
10 outpatient order must be converted to days of inpatient treatment
11 authorized in the original court order.

12 ~~((+5))~~ (6) In determining whether or not to take action under
13 this section the designated crisis responder, agency, or facility
14 must consider the factors specified under RCW 71.05.212 and the court
15 must consider the factors specified under RCW 71.05.245 as they apply
16 to the question of whether to enforce, modify, or revoke a court
17 order for involuntary treatment.

18 ~~((+6))~~ (7)(a) If the current commitment is solely based on the
19 person being in need of assisted outpatient behavioral health
20 treatment as defined in RCW 71.05.020, a designated crisis responder
21 may initiate inpatient detention procedures under RCW 71.05.150 or
22 71.05.153 when appropriate. A designated crisis responder or the
23 secretary may, upon their own motion or notification by the facility
24 or agency designated to provide outpatient care to a person subject
25 to a less restrictive alternative treatment order under RCW 71.05.320
26 subsequent to an order for assisted outpatient behavioral health
27 treatment entered under RCW 71.05.148, order the person to be
28 apprehended and taken into custody and temporary detention for
29 inpatient evaluation in an evaluation and treatment facility, in a
30 secure withdrawal management and stabilization facility, or in an
31 approved substance use disorder treatment program, in or near the
32 county in which he or she is receiving outpatient treatment.
33 Proceedings under this subsection may be initiated without ordering
34 the apprehension and detention of the person.

35 (b) A person detained under this subsection may be held for
36 evaluation for up to one hundred twenty hours, excluding weekends and
37 holidays, pending a court hearing. The designated crisis responder or
38 the secretary may modify or rescind the order at any time prior to
39 commencement of the court hearing.

1 (c) The issues for the court to determine are whether to continue
2 the detention of the person for inpatient treatment or whether the
3 court should reinstate or modify the person's less restrictive
4 alternative order or order the person's detention for inpatient
5 treatment. To continue detention after the one hundred twenty hour
6 period, the court must find that the person, as a result of a
7 behavioral health disorder, presents a likelihood of serious harm or
8 is gravely disabled and, after considering less restrictive
9 alternatives to involuntary detention and treatment, that no such
10 alternatives are in the best interest of the person or others.

11 **Sec. 15.** RCW 71.34.755 and 2020 c 302 s 96 are each amended to
12 read as follows:

13 (1) Less restrictive alternative treatment, at a minimum, must
14 include the following services:

15 (a) Assignment of a care coordinator;

16 (b) An intake evaluation with the provider of the less
17 restrictive alternative treatment;

18 (c) A psychiatric evaluation, a substance use disorder
19 evaluation, or both;

20 (d) A schedule of regular contacts with the provider of the less
21 restrictive alternative treatment services for the duration of the
22 order;

23 (e) A transition plan addressing access to continued services at
24 the expiration of the order;

25 (f) An individual crisis plan; and

26 (g) Notification to the care coordinator assigned in (a) of this
27 subsection if reasonable efforts to engage the client fail to produce
28 substantial compliance with court-ordered treatment conditions.

29 (2) Less restrictive alternative treatment may include the
30 following additional services:

31 (a) Medication management;

32 (b) Psychotherapy;

33 (c) Nursing;

34 (d) Substance ((~~abuse~~)) use disorder counseling;

35 (e) Residential treatment; ((~~and~~))

36 (f) Support for housing, benefits, education, and employment; and

37 (g) Periodic court review.

38 (3) If the minor was provided with involuntary medication during
39 the involuntary commitment period, the less restrictive alternative

1 treatment order may authorize the less restrictive alternative
2 treatment provider or its designee to administer involuntary
3 antipsychotic medication to the person if the provider has attempted
4 and failed to obtain the informed consent of the person and there is
5 a concurring medical opinion approving the medication by a
6 psychiatrist, physician assistant working with a supervising
7 psychiatrist, psychiatric advanced registered nurse practitioner, or
8 physician or physician assistant in consultation with an independent
9 mental health professional with prescribing authority.

10 (4) Less restrictive alternative treatment must be administered
11 by a provider that is certified or licensed to provide or coordinate
12 the full scope of services required under the less restrictive
13 alternative order and that has agreed to assume this responsibility.

14 (5) The care coordinator assigned to a minor ordered to less
15 restrictive alternative treatment must submit an individualized plan
16 for the minor's treatment services to the court that entered the
17 order. An initial plan must be submitted as soon as possible
18 following the intake evaluation and a revised plan must be submitted
19 upon any subsequent modification in which a type of service is
20 removed from or added to the treatment plan.

21 (6) A care coordinator may disclose information and records
22 related to mental health services pursuant to RCW 70.02.230(2)(k) for
23 purposes of implementing less restrictive alternative treatment.

24 (7) For the purpose of this section, "care coordinator" means a
25 clinical practitioner who coordinates the activities of less
26 restrictive alternative treatment. The care coordinator coordinates
27 activities with the designated crisis responders that are necessary
28 for enforcement and continuation of less restrictive alternative
29 treatment orders and is responsible for coordinating service
30 activities with other agencies and establishing and maintaining a
31 therapeutic relationship with the individual on a continuing basis.

32 **Sec. 16.** RCW 70.02.230 and 2020 c 256 s 402 are each amended to
33 read as follows:

34 (1) (~~Except as provided in this section, RCW 70.02.050,~~
35 ~~71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and~~
36 ~~70.02.265, or pursuant to a valid authorization under RCW 70.02.030,~~
37 ~~the~~) The fact of admission to a provider for mental health services
38 and all information and records compiled, obtained, or maintained in
39 the course of providing mental health services to either voluntary or

1 involuntary recipients of services at public or private agencies
2 (~~must be confidential~~) may not be disclosed except as provided in
3 this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210,
4 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or under a valid
5 authorization under RCW 70.02.030.

6 (2) Information and records related to mental health services,
7 other than those obtained through treatment under chapter 71.34 RCW,
8 may be disclosed (~~only~~):

9 (a) In communications between qualified professional persons to
10 meet the requirements of chapter 71.05 RCW, including Indian health
11 care providers, in the provision of services or appropriate
12 referrals, or in the course of guardianship proceedings if provided
13 to a professional person:

- 14 (i) Employed by the facility;
- 15 (ii) Who has medical responsibility for the patient's care;
- 16 (iii) Who is a designated crisis responder;
- 17 (iv) Who is providing services under chapter 71.24 RCW;
- 18 (v) Who is employed by a state or local correctional facility
19 where the person is confined or supervised; or
- 20 (vi) Who is providing evaluation, treatment, or follow-up
21 services under chapter 10.77 RCW;

22 (b) When the communications regard the special needs of a patient
23 and the necessary circumstances giving rise to such needs and the
24 disclosure is made by a facility providing services to the operator
25 of a facility in which the patient resides or will reside;

26 (c)(i) When the person receiving services, or his or her
27 guardian, designates persons to whom information or records may be
28 released, or if the person is a minor, when his or her parents make
29 such a designation;

30 (ii) A public or private agency shall release to a person's next
31 of kin, attorney, personal representative, guardian, or conservator,
32 if any:

33 (A) The information that the person is presently a patient in the
34 facility or that the person is seriously physically ill;

35 (B) A statement evaluating the mental and physical condition of
36 the patient, and a statement of the probable duration of the
37 patient's confinement, if such information is requested by the next
38 of kin, attorney, personal representative, guardian, or conservator;
39 and

1 (iii) Other information requested by the next of kin or attorney
2 as may be necessary to decide whether or not proceedings should be
3 instituted to appoint a guardian or conservator;

4 (d)(i) To the courts, including tribal courts, as necessary to
5 the administration of chapter 71.05 RCW or to a court ordering an
6 evaluation or treatment under chapter 10.77 RCW solely for the
7 purpose of preventing the entry of any evaluation or treatment order
8 that is inconsistent with any order entered under chapter 71.05 RCW.

9 (ii) To a court or its designee in which a motion under chapter
10 10.77 RCW has been made for involuntary medication of a defendant for
11 the purpose of competency restoration.

12 (iii) Disclosure under this subsection is mandatory for the
13 purpose of the federal health insurance portability and
14 accountability act;

15 (e)(i) When a mental health professional or designated crisis
16 responder is requested by a representative of a law enforcement or
17 corrections agency, including a police officer, sheriff, community
18 corrections officer, a municipal attorney, or prosecuting attorney to
19 undertake an investigation or provide treatment under RCW 71.05.150,
20 10.31.110, or 71.05.153, the mental health professional or designated
21 crisis responder shall, if requested to do so, advise the
22 representative in writing of the results of the investigation
23 including a statement of reasons for the decision to detain or
24 release the person investigated. The written report must be submitted
25 within seventy-two hours of the completion of the investigation or
26 the request from the law enforcement or corrections representative,
27 whichever occurs later.

28 (ii) Disclosure under this subsection is mandatory for the
29 purposes of the federal health insurance portability and
30 accountability act;

31 (f) To the attorney of the detained person;

32 (g) To the prosecuting attorney as necessary to carry out the
33 responsibilities of the office under RCW 71.05.330(2),
34 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
35 access to records regarding the committed person's treatment and
36 prognosis, medication, behavior problems, and other records relevant
37 to the issue of whether treatment less restrictive than inpatient
38 treatment is in the best interest of the committed person or others.
39 Information must be disclosed only after giving notice to the
40 committed person and the person's counsel;

1 (h)(i) To appropriate law enforcement agencies and to a person,
2 when the identity of the person is known to the public or private
3 agency, whose health and safety has been threatened, or who is known
4 to have been repeatedly harassed, by the patient. The person may
5 designate a representative to receive the disclosure. The disclosure
6 must be made by the professional person in charge of the public or
7 private agency or his or her designee and must include the dates of
8 commitment, admission, discharge, or release, authorized or
9 unauthorized absence from the agency's facility, and only any other
10 information that is pertinent to the threat or harassment. The agency
11 or its employees are not civilly liable for the decision to disclose
12 or not, so long as the decision was reached in good faith and without
13 gross negligence.

14 (ii) Disclosure under this subsection is mandatory for the
15 purposes of the federal health insurance portability and
16 accountability act;

17 (i)(i) To appropriate corrections and law enforcement agencies
18 all necessary and relevant information in the event of a crisis or
19 emergent situation that poses a significant and imminent risk to the
20 public. The mental health service agency or its employees are not
21 civilly liable for the decision to disclose or not so long as the
22 decision was reached in good faith and without gross negligence.

23 (ii) Disclosure under this subsection is mandatory for the
24 purposes of the health insurance portability and accountability act;

25 (j) To the persons designated in RCW 71.05.425 for the purposes
26 described in those sections;

27 (k) By a care coordinator under RCW 71.05.585 assigned to a
28 person ordered to receive less restrictive alternative treatment for
29 the purpose of sharing information to parties necessary for the
30 implementation of proceedings under chapter 71.05 RCW;

31 (l) Upon the death of a person. The person's next of kin,
32 personal representative, guardian, or conservator, if any, must be
33 notified. Next of kin who are of legal age and competent must be
34 notified under this section in the following order: Spouse, parents,
35 children, brothers and sisters, and other relatives according to the
36 degree of relation. Access to all records and information compiled,
37 obtained, or maintained in the course of providing services to a
38 deceased patient are governed by RCW 70.02.140;

39 ~~((+))~~ (m) To mark headstones or otherwise memorialize patients
40 interred at state hospital cemeteries. The department of social and

1 health services shall make available the name, date of birth, and
2 date of death of patients buried in state hospital cemeteries fifty
3 years after the death of a patient;

4 ~~((m))~~ (n) To law enforcement officers and to prosecuting
5 attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The
6 extent of information that may be released is limited as follows:

7 (i) Only the fact, place, and date of involuntary commitment, an
8 official copy of any order or orders of commitment, and an official
9 copy of any written or oral notice of ineligibility to possess a
10 firearm that was provided to the person pursuant to RCW 9.41.047(1),
11 must be disclosed upon request;

12 (ii) The law enforcement and prosecuting attorneys may only
13 release the information obtained to the person's attorney as required
14 by court rule and to a jury or judge, if a jury is waived, that
15 presides over any trial at which the person is charged with violating
16 RCW 9.41.040(2)(a)(iv);

17 (iii) Disclosure under this subsection is mandatory for the
18 purposes of the federal health insurance portability and
19 accountability act;

20 ~~((n))~~ (o) When a patient would otherwise be subject to the
21 provisions of this section and disclosure is necessary for the
22 protection of the patient or others due to his or her unauthorized
23 disappearance from the facility, and his or her whereabouts is
24 unknown, notice of the disappearance, along with relevant
25 information, may be made to relatives, the department of corrections
26 when the person is under the supervision of the department, and
27 governmental law enforcement agencies designated by the physician or
28 psychiatric advanced registered nurse practitioner in charge of the
29 patient or the professional person in charge of the facility, or his
30 or her professional designee;

31 ~~((o))~~ (p) Pursuant to lawful order of a court, including a
32 tribal court;

33 ~~((p))~~ (q) To qualified staff members of the department, to the
34 authority, to behavioral health administrative services
35 organizations, to managed care organizations, to resource management
36 services responsible for serving a patient, or to service providers
37 designated by resource management services as necessary to determine
38 the progress and adequacy of treatment and to determine whether the
39 person should be transferred to a less restrictive or more
40 appropriate treatment modality or facility;

1 (~~(q)~~) (r) Within the mental health service agency or Indian
2 health care provider facility where the patient is receiving
3 treatment, confidential information may be disclosed to persons
4 employed, serving in bona fide training programs, or participating in
5 supervised volunteer programs, at the facility when it is necessary
6 to perform their duties;

7 (~~(r)~~) (s) Within the department and the authority as necessary
8 to coordinate treatment for mental illness, developmental
9 disabilities, (~~(alcoholism,)~~) or substance use disorder of persons
10 who are under the supervision of the department;

11 (~~(s)~~) (t) Between the department of social and health services,
12 the department of children, youth, and families, and the health care
13 authority as necessary to coordinate treatment for mental illness,
14 developmental disabilities, (~~(alcoholism, or drug abuse)~~) or
15 substance use disorder of persons who are under the supervision of
16 the department of social and health services or the department of
17 children, youth, and families;

18 (~~(t)~~) (u) To a licensed physician or psychiatric advanced
19 registered nurse practitioner who has determined that the life or
20 health of the person is in danger and that treatment without the
21 information and records related to mental health services could be
22 injurious to the patient's health. Disclosure must be limited to the
23 portions of the records necessary to meet the medical emergency;

24 (~~(u)~~) (v)(i) Consistent with the requirements of the federal
25 health insurance portability and accountability act, to:

26 (A) A health care provider, including an Indian health care
27 provider, who is providing care to a patient, or to whom a patient
28 has been referred for evaluation or treatment; or

29 (B) Any other person who is working in a care coordinator role
30 for a health care facility, health care provider, or Indian health
31 care provider, or is under an agreement pursuant to the federal
32 health insurance portability and accountability act with a health
33 care facility or a health care provider and requires the information
34 and records to assure coordinated care and treatment of that patient.

35 (ii) A person authorized to use or disclose information and
36 records related to mental health services under this subsection (2)

37 (~~(u)~~) (v) must take appropriate steps to protect the information
38 and records relating to mental health services.

1 (iii) Psychotherapy notes may not be released without
2 authorization of the patient who is the subject of the request for
3 release of information;

4 (~~(v)~~) (w) To administrative and office support staff designated
5 to obtain medical records for those licensed professionals listed in
6 (~~(u)~~) (v) of this subsection;

7 (~~(w)~~) (x) To a facility that is to receive a person who is
8 involuntarily committed under chapter 71.05 RCW, or upon transfer of
9 the person from one evaluation and treatment facility to another. The
10 release of records under this subsection is limited to the
11 information and records related to mental health services required by
12 law, a record or summary of all somatic treatments, and a discharge
13 summary. The discharge summary may include a statement of the
14 patient's problem, the treatment goals, the type of treatment which
15 has been provided, and recommendation for future treatment, but may
16 not include the patient's complete treatment record;

17 (~~(x)~~) (y) To the person's counsel or guardian ad litem, without
18 modification, at any time in order to prepare for involuntary
19 commitment or recommitment proceedings, reexaminations, appeals, or
20 other actions relating to detention, admission, commitment, or
21 patient's rights under chapter 71.05 RCW;

22 (~~(y)~~) (z) To staff members of the protection and advocacy
23 agency or to staff members of a private, nonprofit corporation for
24 the purpose of protecting and advocating the rights of persons with
25 mental disorders or developmental disabilities. Resource management
26 services may limit the release of information to the name, birthdate,
27 and county of residence of the patient, information regarding whether
28 the patient was voluntarily admitted, or involuntarily committed, the
29 date and place of admission, placement, or commitment, the name and
30 address of a guardian of the patient, and the date and place of the
31 guardian's appointment. Any staff member who wishes to obtain
32 additional information must notify the patient's resource management
33 services in writing of the request and of the resource management
34 services' right to object. The staff member shall send the notice by
35 mail to the guardian's address. If the guardian does not object in
36 writing within fifteen days after the notice is mailed, the staff
37 member may obtain the additional information. If the guardian objects
38 in writing within fifteen days after the notice is mailed, the staff
39 member may not obtain the additional information;

1 (~~(dd)~~) (ee) To a tribe or Indian health care provider to carry
2 out the requirements of RCW 71.05.150(7).

3 (3) Whenever federal law or federal regulations restrict the
4 release of information contained in the information and records
5 related to mental health services of any patient who receives
6 treatment for a substance use disorder, the department or the
7 authority may restrict the release of the information as necessary to
8 comply with federal law and regulations.

9 (4) Civil liability and immunity for the release of information
10 about a particular person who is committed to the department of
11 social and health services or the authority under RCW 71.05.280(3)
12 and 71.05.320(4)(c) after dismissal of a sex offense as defined in
13 RCW 9.94A.030, is governed by RCW 4.24.550.

14 (5) The fact of admission to a provider of mental health
15 services, as well as all records, files, evidence, findings, or
16 orders made, prepared, collected, or maintained pursuant to chapter
17 71.05 RCW are not admissible as evidence in any legal proceeding
18 outside that chapter without the written authorization of the person
19 who was the subject of the proceeding except as provided in RCW
20 70.02.260, in a subsequent criminal prosecution of a person committed
21 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were
22 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
23 trial, in a civil commitment proceeding pursuant to chapter 71.09
24 RCW, or, in the case of a minor, a guardianship or dependency
25 proceeding. The records and files maintained in any court proceeding
26 pursuant to chapter 71.05 RCW must be confidential and available
27 subsequent to such proceedings only to the person who was the subject
28 of the proceeding or his or her attorney. In addition, the court may
29 order the subsequent release or use of such records or files only
30 upon good cause shown if the court finds that appropriate safeguards
31 for strict confidentiality are and will be maintained.

32 (6)(a) Except as provided in RCW 4.24.550, any person may bring
33 an action against an individual who has willfully released
34 confidential information or records concerning him or her in
35 violation of the provisions of this section, for the greater of the
36 following amounts:

37 (i) One thousand dollars; or

38 (ii) Three times the amount of actual damages sustained, if any.

1 (b) It is not a prerequisite to recovery under this subsection
2 that the plaintiff suffered or was threatened with special, as
3 contrasted with general, damages.

4 (c) Any person may bring an action to enjoin the release of
5 confidential information or records concerning him or her or his or
6 her ward, in violation of the provisions of this section, and may in
7 the same action seek damages as provided in this subsection.

8 (d) The court may award to the plaintiff, should he or she
9 prevail in any action authorized by this subsection, reasonable
10 attorney fees in addition to those otherwise provided by law.

11 (e) If an action is brought under this subsection, no action may
12 be brought under RCW 70.02.170.

13 **Sec. 17.** RCW 70.02.240 and 2019 c 381 s 20 are each amended to
14 read as follows:

15 The fact of admission and all information and records related to
16 mental health services obtained through inpatient or outpatient
17 treatment of a minor under chapter 71.34 RCW must be kept
18 confidential, except as authorized by this section or under RCW
19 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265.
20 Confidential information under this section may be disclosed only:

21 (1) In communications between mental health professionals to meet
22 the requirements of chapter 71.34 RCW, in the provision of services
23 to the minor, or in making appropriate referrals;

24 (2) In the course of guardianship or dependency proceedings;

25 (3) To the minor, the minor's parent, including those acting as a
26 parent as defined in RCW 71.34.020 for purposes of family-initiated
27 treatment, and the minor's attorney, subject to RCW 13.50.100;

28 (4) To the courts as necessary to administer chapter 71.34 RCW;

29 (5) By a care coordinator under RCW 71.34.755 assigned to a
30 person ordered to receive less restrictive alternative treatment for
31 the purpose of sharing information to parties necessary for the
32 implementation of proceedings under chapter 71.34 RCW;

33 (6) To law enforcement officers or public health officers as
34 necessary to carry out the responsibilities of their office. However,
35 only the fact and date of admission, and the date of discharge, the
36 name and address of the treatment provider, if any, and the last
37 known address must be disclosed upon request;

38 ((+6)) (7) To law enforcement officers, public health officers,
39 relatives, and other governmental law enforcement agencies, if a

1 minor has escaped from custody, disappeared from an evaluation and
2 treatment facility, violated conditions of a less restrictive
3 treatment order, or failed to return from an authorized leave, and
4 then only such information as may be necessary to provide for public
5 safety or to assist in the apprehension of the minor. The officers
6 are obligated to keep the information confidential in accordance with
7 this chapter;

8 ((+7)) (8) To the secretary of social and health services and
9 the director of the health care authority for assistance in data
10 collection and program evaluation or research so long as the
11 secretary or director, where applicable, adopts rules for the conduct
12 of such evaluation and research. The rules must include, but need not
13 be limited to, the requirement that all evaluators and researchers
14 sign an oath of confidentiality substantially as follows:

15 "As a condition of conducting evaluation or research concerning
16 persons who have received services from (fill in the facility,
17 agency, or person) I,, agree not to divulge, publish, or
18 otherwise make known to unauthorized persons or the public any
19 information obtained in the course of such evaluation or research
20 regarding minors who have received services in a manner such that the
21 minor is identifiable.

22 I recognize that unauthorized release of confidential information
23 may subject me to civil liability under state law.

24 /s/";

25 ((+8)) (9) To appropriate law enforcement agencies, upon
26 request, all necessary and relevant information in the event of a
27 crisis or emergent situation that poses a significant and imminent
28 risk to the public. The mental health service agency or its employees
29 are not civilly liable for the decision to disclose or not, so long
30 as the decision was reached in good faith and without gross
31 negligence;

32 ((+9)) (10) To appropriate law enforcement agencies and to a
33 person, when the identity of the person is known to the public or
34 private agency, whose health and safety has been threatened, or who
35 is known to have been repeatedly harassed, by the patient. The person
36 may designate a representative to receive the disclosure. The
37 disclosure must be made by the professional person in charge of the
38 public or private agency or his or her designee and must include the
39 dates of admission, discharge, authorized or unauthorized absence

1 from the agency's facility, and only any other information that is
2 pertinent to the threat or harassment. The agency or its employees
3 are not civilly liable for the decision to disclose or not, so long
4 as the decision was reached in good faith and without gross
5 negligence;

6 ~~((10))~~ (11) To a minor's next of kin, attorney, guardian, or
7 conservator, if any, the information that the minor is presently in
8 the facility or that the minor is seriously physically ill and a
9 statement evaluating the mental and physical condition of the minor
10 as well as a statement of the probable duration of the minor's
11 confinement;

12 ~~((11))~~ (12) Upon the death of a minor, to the minor's next of
13 kin;

14 ~~((12))~~ (13) To a facility in which the minor resides or will
15 reside;

16 ~~((13))~~ (14) To law enforcement officers and to prosecuting
17 attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The
18 extent of information that may be released is limited as follows:

19 (a) Only the fact, place, and date of involuntary commitment, an
20 official copy of any order or orders of commitment, and an official
21 copy of any written or oral notice of ineligibility to possess a
22 firearm that was provided to the person pursuant to RCW 9.41.047(1),
23 must be disclosed upon request;

24 (b) The law enforcement and prosecuting attorneys may only
25 release the information obtained to the person's attorney as required
26 by court rule and to a jury or judge, if a jury is waived, that
27 presides over any trial at which the person is charged with violating
28 RCW 9.41.040(2)(a)(iv);

29 (c) Disclosure under this subsection is mandatory for the
30 purposes of the federal health insurance portability and
31 accountability act;

32 ~~((14))~~ (15) This section may not be construed to prohibit the
33 compilation and publication of statistical data for use by government
34 or researchers under standards, including standards to assure
35 maintenance of confidentiality, set forth by the director of the
36 health care authority or the secretary of the department of social
37 and health services, where applicable. The fact of admission and all
38 information obtained pursuant to chapter 71.34 RCW are not admissible
39 as evidence in any legal proceeding outside chapter 71.34 RCW, except

1 guardianship or dependency, without the written consent of the minor
2 or the minor's parent;

3 ~~((15))~~ (16) For the purpose of a correctional facility
4 participating in the postinstitutional medical assistance system
5 supporting the expedited medical determinations and medical
6 suspensions as provided in RCW 74.09.555 and 74.09.295;

7 ~~((16))~~ (17) Pursuant to a lawful order of a court.

8 **Sec. 18.** RCW 71.05.425 and 2018 c 201 s 3019 are each amended to
9 read as follows:

10 (1)(a) Except as provided in subsection (2) of this section, at
11 the earliest possible date, and in no event later than thirty days
12 before conditional release, final release, authorized leave under RCW
13 71.05.325(2), or transfer to a facility other than a state mental
14 hospital, the superintendent shall send written notice of conditional
15 release, release, authorized leave, or transfer of a person committed
16 under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a
17 sex, violent, or felony harassment offense pursuant to RCW
18 10.77.086(4) to the following:

19 (i) The chief of police of the city, if any, in which the person
20 will reside;

21 (ii) The sheriff of the county in which the person will reside;
22 and

23 (iii) The prosecuting attorney of the county in which the
24 criminal charges against the committed person were dismissed.

25 (b) The same notice as required by (a) of this subsection shall
26 be sent to the following, if such notice has been requested in
27 writing about a specific person committed under RCW 71.05.280(3) or
28 71.05.320(4)(c) following dismissal of a sex, violent, or felony
29 harassment offense pursuant to RCW 10.77.086(4):

30 (i) The victim of the sex, violent, or felony harassment offense
31 that was dismissed pursuant to RCW 10.77.086(4) preceding commitment
32 under RCW 71.05.280(3) or 71.05.320(4)(c) or the victim's next of kin
33 if the crime was a homicide;

34 (ii) Any witnesses who testified against the person in any court
35 proceedings;

36 (iii) Any person specified in writing by the prosecuting
37 attorney. Information regarding victims, next of kin, or witnesses
38 requesting the notice, information regarding any other person
39 specified in writing by the prosecuting attorney to receive the

1 notice, and the notice are confidential and shall not be available to
2 the person committed under this chapter; and

3 (iv) The chief of police of the city, if any, and the sheriff of
4 the county, if any, which had jurisdiction of the person on the date
5 of the applicable offense.

6 (c) The thirty-day notice requirements contained in this
7 subsection shall not apply to emergency medical transfers.

8 (d) The existence of the notice requirements in this subsection
9 will not require any extension of the release date in the event the
10 release plan changes after notification.

11 (2) If a person committed under RCW 71.05.280(3) or
12 71.05.320(4)(c) following dismissal of a sex, violent, or felony
13 harassment offense pursuant to RCW 10.77.086(4) escapes, the
14 superintendent shall immediately notify, by the most reasonable and
15 expedient means available, the chief of police of the city and the
16 sheriff of the county in which the person escaped and in which the
17 person resided immediately before the person's arrest and the
18 prosecuting attorney of the county in which the criminal charges
19 against the committed person were dismissed. If previously requested,
20 the superintendent shall also notify the witnesses and the victim of
21 the sex, violent, or felony harassment offense that was dismissed
22 pursuant to RCW 10.77.086(4) preceding commitment under RCW
23 71.05.280(3) or 71.05.320(4) or the victim's next of kin if the crime
24 was a homicide. In addition, the secretary shall also notify
25 appropriate parties pursuant to RCW 70.02.230(2) ~~((n))~~ (o). If the
26 person is recaptured, the superintendent shall send notice to the
27 persons designated in this subsection as soon as possible but in no
28 event later than two working days after the department of social and
29 health services learns of such recapture.

30 (3) If the victim, the victim's next of kin, or any witness is
31 under the age of sixteen, the notice required by this section shall
32 be sent to the parent or legal guardian of the child.

33 (4) The superintendent shall send the notices required by this
34 chapter to the last address provided to the department of social and
35 health services by the requesting party. The requesting party shall
36 furnish the department of social and health services with a current
37 address.

38 (5) For purposes of this section the following terms have the
39 following meanings:

1 (a) "Violent offense" means a violent offense under RCW
2 9.94A.030;

3 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

4 (c) "Next of kin" means a person's spouse, state registered
5 domestic partner, parents, siblings, and children;

6 (d) "Felony harassment offense" means a crime of harassment as
7 defined in RCW 9A.46.060 that is a felony.

8 **Sec. 19.** RCW 71.05.020 and 2020 c 302 s 3, 2020 c 256 s 301, and
9 2020 c 5 s 1 are each reenacted and amended to read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

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

16 (2) "Alcoholism" means a disease, characterized by a dependency
17 on alcoholic beverages, loss of control over the amount and
18 circumstances of use, symptoms of tolerance, physiological or
19 psychological withdrawal, or both, if use is reduced or discontinued,
20 and impairment of health or disruption of social or economic
21 functioning;

22 (3) "Antipsychotic medications" means that class of drugs
23 primarily used to treat serious manifestations of mental illness
24 associated with thought disorders, which includes, but is not limited
25 to atypical antipsychotic medications;

26 (4) "Approved substance use disorder treatment program" means a
27 program for persons with a substance use disorder provided by a
28 treatment program certified by the department as meeting standards
29 adopted under chapter 71.24 RCW;

30 (5) "Attending staff" means any person on the staff of a public
31 or private agency having responsibility for the care and treatment of
32 a patient;

33 (6) "Authority" means the Washington state health care authority;

34 (7) "Behavioral health disorder" means either a mental disorder
35 as defined in this section, a substance use disorder as defined in
36 this section, or a co-occurring mental disorder and substance use
37 disorder;

38 (8) "Behavioral health service provider" means a public or
39 private agency that provides mental health, substance use disorder,

1 or co-occurring disorder services to persons with behavioral health
2 disorders as defined under this section and receives funding from
3 public sources. This includes, but is not limited to(~~(hospitals))~~;
4 Hospitals licensed under chapter 70.41 RCW(~~(τ))~~;
5 evaluation and treatment facilities as defined in this section(~~(τ))~~;
6 mental health service delivery systems or community behavioral health
7 programs as defined in RCW 71.24.025(~~(τ))~~;
8 licensed or certified behavioral health agencies under RCW 71.24.037;
9 facilities conducting competency evaluations and restoration under chapter 10.77 RCW(~~(τ))~~;
10 approved substance use disorder treatment programs as defined in this
11 section(~~(τ))~~;
12 secure withdrawal management and stabilization facilities as defined in this section(~~(τ))~~;
13 and correctional facilities operated by state and local governments;

14 (9) "Co-occurring disorder specialist" means an individual
15 possessing an enhancement granted by the department of health under
16 chapter 18.205 RCW that certifies the individual to provide substance
17 use disorder counseling subject to the practice limitations under RCW
18 18.205.105;

19 (10) "Commitment" means the determination by a court that a
20 person should be detained for a period of either evaluation or
21 treatment, or both, in an inpatient or a less restrictive setting;

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

24 (12) "Crisis stabilization unit" means a short-term facility or a
25 portion of a facility licensed or certified by the department, such
26 as an evaluation and treatment facility or a hospital, which has been
27 designed to assess, diagnose, and treat individuals experiencing an
28 acute crisis without the use of long-term hospitalization;

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

33 (14) "Department" means the department of health;

34 (15) "Designated crisis responder" means a mental health
35 professional appointed by the county, by an entity appointed by the
36 county, or by the authority in consultation with a federally
37 recognized Indian tribe or after meeting and conferring with an
38 Indian health care provider, to perform the duties specified in this
39 chapter;

1 (16) "Detention" or "detain" means the lawful confinement of a
2 person, under the provisions of this chapter;

3 (17) "Developmental disabilities professional" means a person who
4 has specialized training and three years of experience in directly
5 treating or working with persons with developmental disabilities and
6 is a psychiatrist, physician assistant working with a supervising
7 psychiatrist, psychologist, psychiatric advanced registered nurse
8 practitioner, or social worker, and such other developmental
9 disabilities professionals as may be defined by rules adopted by the
10 secretary of the department of social and health services;

11 (18) "Developmental disability" means that condition defined in
12 RCW 71A.10.020(5);

13 (19) "Director" means the director of the authority;

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

17 (21) "Drug addiction" means a disease, characterized by a
18 dependency on psychoactive chemicals, loss of control over the amount
19 and circumstances of use, symptoms of tolerance, physiological or
20 psychological withdrawal, or both, if use is reduced or discontinued,
21 and impairment of health or disruption of social or economic
22 functioning;

23 (22) "Evaluation and treatment facility" means any facility which
24 can provide directly, or by direct arrangement with other public or
25 private agencies, emergency evaluation and treatment, outpatient
26 care, and timely and appropriate inpatient care to persons suffering
27 from a mental disorder, and which is licensed or certified as such by
28 the department. The authority may certify single beds as temporary
29 evaluation and treatment beds under RCW 71.05.745. A physically
30 separate and separately operated portion of a state hospital may be
31 designated as an evaluation and treatment facility. A facility which
32 is part of, or operated by, the department of social and health
33 services or any federal agency will not require certification. No
34 correctional institution or facility, or jail, shall be an evaluation
35 and treatment facility within the meaning of this chapter;

36 (23) "Gravely disabled" means a condition in which a person, as a
37 result of a behavioral health disorder: (a) Is in danger of serious
38 physical harm resulting from a failure to provide for his or her
39 essential human needs of health or safety; or (b) manifests severe
40 deterioration in routine functioning evidenced by repeated and

1 escalating loss of cognitive or volitional control over his or her
2 actions and is not receiving such care as is essential for his or her
3 health or safety;

4 (24) "Habilitative services" means those services provided by
5 program personnel to assist persons in acquiring and maintaining life
6 skills and in raising their levels of physical, mental, social, and
7 vocational functioning. Habilitative services include education,
8 training for employment, and therapy. The habilitative process shall
9 be undertaken with recognition of the risk to the public safety
10 presented by the person being assisted as manifested by prior charged
11 criminal conduct;

12 (25) "Hearing" means any proceeding conducted in open court that
13 conforms to the requirements of RCW 71.05.820;

14 (26) "History of one or more violent acts" refers to the period
15 of time ten years prior to the filing of a petition under this
16 chapter, excluding any time spent, but not any violent acts
17 committed, in a behavioral health facility, or in confinement as a
18 result of a criminal conviction;

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

21 (28) "In need of assisted outpatient behavioral health treatment"
22 means that a person, as a result of a behavioral health disorder: (a)
23 Has been committed by a court to detention for involuntary behavioral
24 health treatment during the preceding thirty-six months; (b) is
25 unlikely to voluntarily participate in outpatient treatment without
26 an order for less restrictive alternative treatment, based on a
27 history of nonadherence with treatment or in view of the person's
28 current behavior; (c) is likely to benefit from less restrictive
29 alternative treatment; and (d) requires less restrictive alternative
30 treatment to prevent a relapse, decompensation, or deterioration that
31 is likely to result in the person presenting a likelihood of serious
32 harm or the person becoming gravely disabled within a reasonably
33 short period of time;

34 (29) "Individualized service plan" means a plan prepared by a
35 developmental disabilities professional with other professionals as a
36 team, for a person with developmental disabilities, which shall
37 state:

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

1 (b) The conditions and strategies necessary to achieve the
2 purposes of habilitation;

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

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

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

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

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

15 (30) "Intoxicated person" means a person whose mental or physical
16 functioning is substantially impaired as a result of the use of
17 alcohol or other psychoactive chemicals;

18 (31) "Judicial commitment" means a commitment by a court pursuant
19 to the provisions of this chapter;

20 (32) "Legal counsel" means attorneys and staff employed by county
21 prosecutor offices or the state attorney general acting in their
22 capacity as legal representatives of public behavioral health service
23 providers under RCW 71.05.130;

24 (33) "Less restrictive alternative treatment" means a program of
25 individualized treatment in a less restrictive setting than inpatient
26 treatment that includes the services described in RCW 71.05.585. This
27 term includes: Treatment pursuant to a less restrictive alternative
28 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
29 to a conditional release under RCW 71.05.340; and treatment pursuant
30 to an assisted outpatient behavioral health treatment order under RCW
31 71.05.148;

32 (34) "Licensed physician" means a person licensed to practice
33 medicine or osteopathic medicine and surgery in the state of
34 Washington;

35 (35) "Likelihood of serious harm" means:

36 (a) A substantial risk that: (i) Physical harm will be inflicted
37 by a person upon his or her own person, as evidenced by threats or
38 attempts to commit suicide or inflict physical harm on oneself; (ii)
39 physical harm will be inflicted by a person upon another, as
40 evidenced by behavior which has caused such harm or which places

1 another person or persons in reasonable fear of sustaining such harm;
2 or (iii) physical harm will be inflicted by a person upon the
3 property of others, as evidenced by behavior which has caused
4 substantial loss or damage to the property of others; or

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

7 (36) "Medical clearance" means a physician or other health care
8 provider has determined that a person is medically stable and ready
9 for referral to the designated crisis responder;

10 (37) "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 (38) "Mental health professional" means a psychiatrist,
14 psychologist, physician assistant working with a supervising
15 psychiatrist, psychiatric advanced registered nurse practitioner,
16 psychiatric nurse, or social worker, and such other mental health
17 professionals as may be defined by rules adopted by the secretary
18 pursuant to the provisions of this chapter;

19 (39) "Peace officer" means a law enforcement official of a public
20 agency or governmental unit, and includes persons specifically given
21 peace officer powers by any state law, local ordinance, or judicial
22 order of appointment;

23 (40) "Physician assistant" means a person licensed as a physician
24 assistant under chapter 18.57A or 18.71A RCW;

25 (41) "Private agency" means any person, partnership, corporation,
26 or association that is not a public agency, whether or not financed
27 in whole or in part by public funds, which constitutes an evaluation
28 and treatment facility or private institution, or hospital, or
29 approved substance use disorder treatment program, which is conducted
30 for, or includes a department or ward conducted for, the care and
31 treatment of persons with behavioral health disorders;

32 (42) "Professional person" means a mental health professional,
33 substance use disorder professional, or designated crisis responder
34 and shall also mean a physician, physician assistant, psychiatric
35 advanced registered nurse practitioner, registered nurse, and such
36 others as may be defined by rules adopted by the secretary pursuant
37 to the provisions of this chapter;

38 (43) "Psychiatric advanced registered nurse practitioner" means a
39 person who is licensed as an advanced registered nurse practitioner

1 pursuant to chapter 18.79 RCW; and who is board certified in advanced
2 practice psychiatric and mental health nursing;

3 (44) "Psychiatrist" means a person having a license as a
4 physician and surgeon in this state who has in addition completed
5 three years of graduate training in psychiatry in a program approved
6 by the American medical association or the American osteopathic
7 association and is certified or eligible to be certified by the
8 American board of psychiatry and neurology;

9 (45) "Psychologist" means a person who has been licensed as a
10 psychologist pursuant to chapter 18.83 RCW;

11 (46) "Public agency" means any evaluation and treatment facility
12 or institution, secure withdrawal management and stabilization
13 facility, approved substance use disorder treatment program, or
14 hospital which is conducted for, or includes a department or ward
15 conducted for, the care and treatment of persons with behavioral
16 health disorders, if the agency is operated directly by federal,
17 state, county, or municipal government, or a combination of such
18 governments;

19 (47) "Release" means legal termination of the commitment under
20 the provisions of this chapter;

21 (48) "Resource management services" has the meaning given in
22 chapter 71.24 RCW;

23 (49) "Secretary" means the secretary of the department of health,
24 or his or her designee;

25 (50) "Secure withdrawal management and stabilization facility"
26 means a facility operated by either a public or private agency or by
27 the program of an agency which provides care to voluntary individuals
28 and individuals involuntarily detained and committed under this
29 chapter for whom there is a likelihood of serious harm or who are
30 gravely disabled due to the presence of a substance use disorder.
31 Secure withdrawal management and stabilization facilities must:

32 (a) Provide the following services:

33 (i) Assessment and treatment, provided by certified substance use
34 disorder professionals or co-occurring disorder specialists;

35 (ii) Clinical stabilization services;

36 (iii) Acute or subacute detoxification services for intoxicated
37 individuals; and

38 (iv) Discharge assistance provided by certified substance use
39 disorder professionals or co-occurring disorder specialists,
40 including facilitating transitions to appropriate voluntary or

1 involuntary inpatient services or to less restrictive alternatives as
2 appropriate for the individual;

3 (b) Include security measures sufficient to protect the patients,
4 staff, and community; and

5 (c) Be licensed or certified as such by the department of health;

6 (51) "Social worker" means a person with a master's or further
7 advanced degree from a social work educational program accredited and
8 approved as provided in RCW 18.320.010;

9 (52) "Substance use disorder" means a cluster of cognitive,
10 behavioral, and physiological symptoms indicating that an individual
11 continues using the substance despite significant substance-related
12 problems. The diagnosis of a substance use disorder is based on a
13 pathological pattern of behaviors related to the use of the
14 substances;

15 (53) "Substance use disorder professional" means a person
16 certified as a substance use disorder professional by the department
17 of health under chapter 18.205 RCW;

18 (54) "Therapeutic court personnel" means the staff of a mental
19 health court or other therapeutic court which has jurisdiction over
20 defendants who are dually diagnosed with mental disorders, including
21 court personnel, probation officers, a court monitor, prosecuting
22 attorney, or defense counsel acting within the scope of therapeutic
23 court duties;

24 (55) "Treatment records" include registration and all other
25 records concerning persons who are receiving or who at any time have
26 received services for behavioral health disorders, which are
27 maintained by the department of social and health services, the
28 department, the authority, behavioral health administrative services
29 organizations and their staffs, managed care organizations and their
30 staffs, and by treatment facilities. Treatment records include mental
31 health information contained in a medical bill including but not
32 limited to mental health drugs, a mental health diagnosis, provider
33 name, and dates of service stemming from a medical service. Treatment
34 records do not include notes or records maintained for personal use
35 by a person providing treatment services for the department of social
36 and health services, the department, the authority, behavioral health
37 administrative services organizations, managed care organizations, or
38 a treatment facility if the notes or records are not available to
39 others;

1 (56) "Triage facility" means a short-term facility or a portion
2 of a facility licensed or certified by the department, which is
3 designed as a facility to assess and stabilize an individual or
4 determine the need for involuntary commitment of an individual, and
5 must meet department residential treatment facility standards. A
6 triage facility may be structured as a voluntary or involuntary
7 placement facility;

8 (57) "Video," unless the context clearly indicates otherwise,
9 means the delivery of behavioral health services through the use of
10 interactive audio and video technology, permitting real-time
11 communication between a person and a designated crisis responder, for
12 the purpose of evaluation. "Video" does not include the use of audio-
13 only telephone, facsimile, email, or store and forward technology.
14 "Store and forward technology" means use of an asynchronous
15 transmission of a person's medical information from a mental health
16 service provider to the designated crisis responder which results in
17 medical diagnosis, consultation, or treatment;

18 (58) "Violent act" means behavior that resulted in homicide,
19 attempted suicide, injury, or substantial loss or damage to
20 property(†

21 ~~(59) "Written order of apprehension" means an order of the court
22 for a peace officer to deliver the named person in the order to a
23 facility or emergency room as determined by the designated crisis
24 responder. Such orders shall be entered into the Washington crime
25 information center database)).~~

26 **Sec. 20.** RCW 71.05.020 and 2020 c 302 s 3, 2020 c 256 s 301,
27 2020 c 80 s 51, and 2020 c 5 s 1 are each reenacted and amended to
28 read as follows:

29 The definitions in this section apply throughout this chapter
30 unless the context clearly requires otherwise.

31 (1) "Admission" or "admit" means a decision by a physician,
32 physician assistant, or psychiatric advanced registered nurse
33 practitioner that a person should be examined or treated as a patient
34 in a hospital;

35 (2) "Alcoholism" means a disease, characterized by a dependency
36 on alcoholic beverages, loss of control over the amount and
37 circumstances of use, symptoms of tolerance, physiological or
38 psychological withdrawal, or both, if use is reduced or discontinued,

1 and impairment of health or disruption of social or economic
2 functioning;

3 (3) "Antipsychotic medications" means that class of drugs
4 primarily used to treat serious manifestations of mental illness
5 associated with thought disorders, which includes, but is not limited
6 to atypical antipsychotic medications;

7 (4) "Approved substance use disorder treatment program" means a
8 program for persons with a substance use disorder provided by a
9 treatment program certified by the department as meeting standards
10 adopted under chapter 71.24 RCW;

11 (5) "Attending staff" means any person on the staff of a public
12 or private agency having responsibility for the care and treatment of
13 a patient;

14 (6) "Authority" means the Washington state health care authority;

15 (7) "Behavioral health disorder" means either a mental disorder
16 as defined in this section, a substance use disorder as defined in
17 this section, or a co-occurring mental disorder and substance use
18 disorder;

19 (8) "Behavioral health service provider" means a public or
20 private agency that provides mental health, substance use disorder,
21 or co-occurring disorder services to persons with behavioral health
22 disorders as defined under this section and receives funding from
23 public sources. This includes, but is not limited to(~~(τ) hospitals~~);
24 Hospitals licensed under chapter 70.41 RCW(~~(τ)~~); evaluation and
25 treatment facilities as defined in this section(~~(τ)~~); community
26 mental health service delivery systems or community behavioral health
27 programs as defined in RCW 71.24.025(~~(τ)~~); licensed or certified
28 behavioral health agencies under RCW 71.24.037; facilities conducting
29 competency evaluations and restoration under chapter 10.77 RCW(~~(τ)~~);
30 approved substance use disorder treatment programs as defined in this
31 section(~~(τ)~~); secure withdrawal management and stabilization
32 facilities as defined in this section(~~(τ)~~); and correctional
33 facilities operated by state and local governments;

34 (9) "Co-occurring disorder specialist" means an individual
35 possessing an enhancement granted by the department of health under
36 chapter 18.205 RCW that certifies the individual to provide substance
37 use disorder counseling subject to the practice limitations under RCW
38 18.205.105;

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

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

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

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

15 (14) "Department" means the department of health;

16 (15) "Designated crisis responder" means a mental health
17 professional appointed by the county, by an entity appointed by the
18 county, or by the authority in consultation with a federally
19 recognized Indian tribe or after meeting and conferring with an
20 Indian health care provider, to perform the duties specified in this
21 chapter;

22 (16) "Detention" or "detain" means the lawful confinement of a
23 person, under the provisions of this chapter;

24 (17) "Developmental disabilities professional" means a person who
25 has specialized training and three years of experience in directly
26 treating or working with persons with developmental disabilities and
27 is a psychiatrist, physician assistant working with a supervising
28 psychiatrist, psychologist, psychiatric advanced registered nurse
29 practitioner, or social worker, and such other developmental
30 disabilities professionals as may be defined by rules adopted by the
31 secretary of the department of social and health services;

32 (18) "Developmental disability" means that condition defined in
33 RCW 71A.10.020(5);

34 (19) "Director" means the director of the authority;

35 (20) "Discharge" means the termination of hospital medical
36 authority. The commitment may remain in place, be terminated, or be
37 amended by court order;

38 (21) "Drug addiction" means a disease, characterized by a
39 dependency on psychoactive chemicals, loss of control over the amount
40 and circumstances of use, symptoms of tolerance, physiological or

1 psychological withdrawal, or both, if use is reduced or discontinued,
2 and impairment of health or disruption of social or economic
3 functioning;

4 (22) "Evaluation and treatment facility" means any facility which
5 can provide directly, or by direct arrangement with other public or
6 private agencies, emergency evaluation and treatment, outpatient
7 care, and timely and appropriate inpatient care to persons suffering
8 from a mental disorder, and which is licensed or certified as such by
9 the department. The authority may certify single beds as temporary
10 evaluation and treatment beds under RCW 71.05.745. A physically
11 separate and separately operated portion of a state hospital may be
12 designated as an evaluation and treatment facility. A facility which
13 is part of, or operated by, the department of social and health
14 services or any federal agency will not require certification. No
15 correctional institution or facility, or jail, shall be an evaluation
16 and treatment facility within the meaning of this chapter;

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

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

33 (25) "Hearing" means any proceeding conducted in open court that
34 conforms to the requirements of RCW 71.05.820;

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

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

3 (28) "In need of assisted outpatient behavioral health treatment"
4 means that a person, as a result of a behavioral health disorder: (a)
5 Has been committed by a court to detention for involuntary behavioral
6 health treatment during the preceding thirty-six months; (b) is
7 unlikely to voluntarily participate in outpatient treatment without
8 an order for less restrictive alternative treatment, based on a
9 history of nonadherence with treatment or in view of the person's
10 current behavior; (c) is likely to benefit from less restrictive
11 alternative treatment; and (d) requires less restrictive alternative
12 treatment to prevent a relapse, decompensation, or deterioration that
13 is likely to result in the person presenting a likelihood of serious
14 harm or the person becoming gravely disabled within a reasonably
15 short period of time;

16 (29) "Individualized service plan" means a plan prepared by a
17 developmental disabilities professional with other professionals as a
18 team, for a person with developmental disabilities, which shall
19 state:

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

22 (b) The conditions and strategies necessary to achieve the
23 purposes of habilitation;

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

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

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

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

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

36 (30) "Intoxicated person" means a person whose mental or physical
37 functioning is substantially impaired as a result of the use of
38 alcohol or other psychoactive chemicals;

39 (31) "Judicial commitment" means a commitment by a court pursuant
40 to the provisions of this chapter;

1 (32) "Legal counsel" means attorneys and staff employed by county
2 prosecutor offices or the state attorney general acting in their
3 capacity as legal representatives of public behavioral health service
4 providers under RCW 71.05.130;

5 (33) "Less restrictive alternative treatment" means a program of
6 individualized treatment in a less restrictive setting than inpatient
7 treatment that includes the services described in RCW 71.05.585. This
8 term includes: Treatment pursuant to a less restrictive alternative
9 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
10 to a conditional release under RCW 71.05.340; and treatment pursuant
11 to an assisted outpatient behavioral health treatment order under RCW
12 71.05.148;

13 (34) "Licensed physician" means a person licensed to practice
14 medicine or osteopathic medicine and surgery in the state of
15 Washington;

16 (35) "Likelihood of serious harm" means:

17 (a) A substantial risk that: (i) Physical harm will be inflicted
18 by a person upon his or her own person, as evidenced by threats or
19 attempts to commit suicide or inflict physical harm on oneself; (ii)
20 physical harm will be inflicted by a person upon another, as
21 evidenced by behavior which has caused such harm or which places
22 another person or persons in reasonable fear of sustaining such harm;
23 or (iii) physical harm will be inflicted by a person upon the
24 property of others, as evidenced by behavior which has caused
25 substantial loss or damage to the property of others; or

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

28 (36) "Medical clearance" means a physician or other health care
29 provider has determined that a person is medically stable and ready
30 for referral to the designated crisis responder;

31 (37) "Mental disorder" means any organic, mental, or emotional
32 impairment which has substantial adverse effects on a person's
33 cognitive or volitional functions;

34 (38) "Mental health professional" means a psychiatrist,
35 psychologist, physician assistant working with a supervising
36 psychiatrist, psychiatric advanced registered nurse practitioner,
37 psychiatric nurse, or social worker, and such other mental health
38 professionals as may be defined by rules adopted by the secretary
39 pursuant to the provisions of this chapter;

1 (39) "Peace officer" means a law enforcement official of a public
2 agency or governmental unit, and includes persons specifically given
3 peace officer powers by any state law, local ordinance, or judicial
4 order of appointment;

5 (40) "Physician assistant" means a person licensed as a physician
6 assistant under chapter 18.71A RCW;

7 (41) "Private agency" means any person, partnership, corporation,
8 or association that is not a public agency, whether or not financed
9 in whole or in part by public funds, which constitutes an evaluation
10 and treatment facility or private institution, or hospital, or
11 approved substance use disorder treatment program, which is conducted
12 for, or includes a department or ward conducted for, the care and
13 treatment of persons with behavioral health disorders;

14 (42) "Professional person" means a mental health professional,
15 substance use disorder professional, or designated crisis responder
16 and shall also mean a physician, physician assistant, psychiatric
17 advanced registered nurse practitioner, registered nurse, and such
18 others as may be defined by rules adopted by the secretary pursuant
19 to the provisions of this chapter;

20 (43) "Psychiatric advanced registered nurse practitioner" means a
21 person who is licensed as an advanced registered nurse practitioner
22 pursuant to chapter 18.79 RCW; and who is board certified in advanced
23 practice psychiatric and mental health nursing;

24 (44) "Psychiatrist" means a person having a license as a
25 physician and surgeon in this state who has in addition completed
26 three years of graduate training in psychiatry in a program approved
27 by the American medical association or the American osteopathic
28 association and is certified or eligible to be certified by the
29 American board of psychiatry and neurology;

30 (45) "Psychologist" means a person who has been licensed as a
31 psychologist pursuant to chapter 18.83 RCW;

32 (46) "Public agency" means any evaluation and treatment facility
33 or institution, secure withdrawal management and stabilization
34 facility, approved substance use disorder treatment program, or
35 hospital which is conducted for, or includes a department or ward
36 conducted for, the care and treatment of persons with behavioral
37 health disorders, if the agency is operated directly by federal,
38 state, county, or municipal government, or a combination of such
39 governments;

1 (47) "Release" means legal termination of the commitment under
2 the provisions of this chapter;

3 (48) "Resource management services" has the meaning given in
4 chapter 71.24 RCW;

5 (49) "Secretary" means the secretary of the department of health,
6 or his or her designee;

7 (50) "Secure withdrawal management and stabilization facility"
8 means a facility operated by either a public or private agency or by
9 the program of an agency which provides care to voluntary individuals
10 and individuals involuntarily detained and committed under this
11 chapter for whom there is a likelihood of serious harm or who are
12 gravely disabled due to the presence of a substance use disorder.
13 Secure withdrawal management and stabilization facilities must:

14 (a) Provide the following services:

15 (i) Assessment and treatment, provided by certified substance use
16 disorder professionals or co-occurring disorder specialists;

17 (ii) Clinical stabilization services;

18 (iii) Acute or subacute detoxification services for intoxicated
19 individuals; and

20 (iv) Discharge assistance provided by certified substance use
21 disorder professionals or co-occurring disorder specialists,
22 including facilitating transitions to appropriate voluntary or
23 involuntary inpatient services or to less restrictive alternatives as
24 appropriate for the individual;

25 (b) Include security measures sufficient to protect the patients,
26 staff, and community; and

27 (c) Be licensed or certified as such by the department of health;

28 (51) "Social worker" means a person with a master's or further
29 advanced degree from a social work educational program accredited and
30 approved as provided in RCW 18.320.010;

31 (52) "Substance use disorder" means a cluster of cognitive,
32 behavioral, and physiological symptoms indicating that an individual
33 continues using the substance despite significant substance-related
34 problems. The diagnosis of a substance use disorder is based on a
35 pathological pattern of behaviors related to the use of the
36 substances;

37 (53) "Substance use disorder professional" means a person
38 certified as a substance use disorder professional by the department
39 of health under chapter 18.205 RCW;

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

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

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

30 (57) "Video," unless the context clearly indicates otherwise,
31 means the delivery of behavioral health services through the use of
32 interactive audio and video technology, permitting real-time
33 communication between a person and a designated crisis responder, for
34 the purpose of evaluation. "Video" does not include the use of audio-
35 only telephone, facsimile, email, or store and forward technology.
36 "Store and forward technology" means use of an asynchronous
37 transmission of a person's medical information from a mental health
38 service provider to the designated crisis responder which results in
39 medical diagnosis, consultation, or treatment;

1 (58) "Violent act" means behavior that resulted in homicide,
2 attempted suicide, injury, or substantial loss or damage to
3 property(†

4 ~~(59) "Written order of apprehension" means an order of the court
5 for a peace officer to deliver the named person in the order to a
6 facility or emergency room as determined by the designated crisis
7 responder. Such orders shall be entered into the Washington crime
8 information center database).~~

9 **Sec. 21.** RCW 71.05.020 and 2020 c 302 s 4, 2020 c 302 s 3, 2020
10 c 256 s 301, and 2020 c 5 s 1 are each reenacted and amended to read
11 as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Admission" or "admit" means a decision by a physician,
15 physician assistant, or psychiatric advanced registered nurse
16 practitioner that a person should be examined or treated as a patient
17 in a hospital;

18 (2) "Alcoholism" means a disease, characterized by a dependency
19 on alcoholic beverages, loss of control over the amount and
20 circumstances of use, symptoms of tolerance, physiological or
21 psychological withdrawal, or both, if use is reduced or discontinued,
22 and impairment of health or disruption of social or economic
23 functioning;

24 (3) "Antipsychotic medications" means that class of drugs
25 primarily used to treat serious manifestations of mental illness
26 associated with thought disorders, which includes, but is not limited
27 to atypical antipsychotic medications;

28 (4) "Approved substance use disorder treatment program" means a
29 program for persons with a substance use disorder provided by a
30 treatment program certified by the department as meeting standards
31 adopted under chapter 71.24 RCW;

32 (5) "Attending staff" means any person on the staff of a public
33 or private agency having responsibility for the care and treatment of
34 a patient;

35 (6) "Authority" means the Washington state health care authority;

36 (7) "Behavioral health disorder" means either a mental disorder
37 as defined in this section, a substance use disorder as defined in
38 this section, or a co-occurring mental disorder and substance use
39 disorder;

1 (8) "Behavioral health service provider" means a public or
2 private agency that provides mental health, substance use disorder,
3 or co-occurring disorder services to persons with behavioral health
4 disorders as defined under this section and receives funding from
5 public sources. This includes, but is not limited to(~~(hospitals))~~;
6 Hospitals licensed under chapter 70.41 RCW(~~(τ))~~;
7 treatment facilities as defined in this section(~~(τ))~~;
8 mental health service delivery systems or community behavioral health
9 programs as defined in RCW 71.24.025(~~(τ))~~;
10 licensed or certified behavioral health agencies under RCW 71.24.037;
11 facilities conducting competency evaluations and restoration under chapter 10.77 RCW(~~(τ))~~;
12 approved substance use disorder treatment programs as defined in this
13 section(~~(τ))~~;
14 secure withdrawal management and stabilization facilities as defined in this section(~~(τ))~~;
15 and correctional facilities operated by state and local governments;

16 (9) "Co-occurring disorder specialist" means an individual
17 possessing an enhancement granted by the department of health under
18 chapter 18.205 RCW that certifies the individual to provide substance
19 use disorder counseling subject to the practice limitations under RCW
20 18.205.105;

21 (10) "Commitment" means the determination by a court that a
22 person should be detained for a period of either evaluation or
23 treatment, or both, in an inpatient or a less restrictive setting;

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

26 (12) "Crisis stabilization unit" means a short-term facility or a
27 portion of a facility licensed or certified by the department, such
28 as an evaluation and treatment facility or a hospital, which has been
29 designed to assess, diagnose, and treat individuals experiencing an
30 acute crisis without the use of long-term hospitalization;

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

35 (14) "Department" means the department of health;

36 (15) "Designated crisis responder" means a mental health
37 professional appointed by the county, by an entity appointed by the
38 county, or by the authority in consultation with a federally
39 recognized Indian tribe or after meeting and conferring with an

1 Indian health care provider, to perform the duties specified in this
2 chapter;

3 (16) "Detention" or "detain" means the lawful confinement of a
4 person, under the provisions of this chapter;

5 (17) "Developmental disabilities professional" means a person who
6 has specialized training and three years of experience in directly
7 treating or working with persons with developmental disabilities and
8 is a psychiatrist, physician assistant working with a supervising
9 psychiatrist, psychologist, psychiatric advanced registered nurse
10 practitioner, or social worker, and such other developmental
11 disabilities professionals as may be defined by rules adopted by the
12 secretary of the department of social and health services;

13 (18) "Developmental disability" means that condition defined in
14 RCW 71A.10.020(5);

15 (19) "Director" means the director of the authority;

16 (20) "Discharge" means the termination of hospital medical
17 authority. The commitment may remain in place, be terminated, or be
18 amended by court order;

19 (21) "Drug addiction" means a disease, characterized by a
20 dependency on psychoactive chemicals, loss of control over the amount
21 and circumstances of use, symptoms of tolerance, physiological or
22 psychological withdrawal, or both, if use is reduced or discontinued,
23 and impairment of health or disruption of social or economic
24 functioning;

25 (22) "Evaluation and treatment facility" means any facility which
26 can provide directly, or by direct arrangement with other public or
27 private agencies, emergency evaluation and treatment, outpatient
28 care, and timely and appropriate inpatient care to persons suffering
29 from a mental disorder, and which is licensed or certified as such by
30 the department. The authority may certify single beds as temporary
31 evaluation and treatment beds under RCW 71.05.745. A physically
32 separate and separately operated portion of a state hospital may be
33 designated as an evaluation and treatment facility. A facility which
34 is part of, or operated by, the department of social and health
35 services or any federal agency will not require certification. No
36 correctional institution or facility, or jail, shall be an evaluation
37 and treatment facility within the meaning of this chapter;

38 (23) "Gravely disabled" means a condition in which a person, as a
39 result of a behavioral health disorder: (a) Is in danger of serious
40 physical harm resulting from a failure to provide for his or her

1 essential human needs of health or safety; or (b) manifests severe
2 deterioration from safe behavior evidenced by repeated and escalating
3 loss of cognitive or volitional control over his or her actions and
4 is not receiving such care as is essential for his or her health or
5 safety;

6 (24) "Habilitative services" means those services provided by
7 program personnel to assist persons in acquiring and maintaining life
8 skills and in raising their levels of physical, mental, social, and
9 vocational functioning. Habilitative services include education,
10 training for employment, and therapy. The habilitative process shall
11 be undertaken with recognition of the risk to the public safety
12 presented by the person being assisted as manifested by prior charged
13 criminal conduct;

14 (25) "Hearing" means any proceeding conducted in open court that
15 conforms to the requirements of RCW 71.05.820;

16 (26) "History of one or more violent acts" refers to the period
17 of time ten years prior to the filing of a petition under this
18 chapter, excluding any time spent, but not any violent acts
19 committed, in a behavioral health facility, or in confinement as a
20 result of a criminal conviction;

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

23 (28) "In need of assisted outpatient behavioral health treatment"
24 means that a person, as a result of a behavioral health disorder: (a)
25 Has been committed by a court to detention for involuntary behavioral
26 health treatment during the preceding thirty-six months; (b) is
27 unlikely to voluntarily participate in outpatient treatment without
28 an order for less restrictive alternative treatment, based on a
29 history of nonadherence with treatment or in view of the person's
30 current behavior; (c) is likely to benefit from less restrictive
31 alternative treatment; and (d) requires less restrictive alternative
32 treatment to prevent a relapse, decompensation, or deterioration that
33 is likely to result in the person presenting a likelihood of serious
34 harm or the person becoming gravely disabled within a reasonably
35 short period of time;

36 (29) "Individualized service plan" means a plan prepared by a
37 developmental disabilities professional with other professionals as a
38 team, for a person with developmental disabilities, which shall
39 state:

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

3 (b) The conditions and strategies necessary to achieve the
4 purposes of habilitation;

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

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

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

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

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

17 (30) "Intoxicated person" means a person whose mental or physical
18 functioning is substantially impaired as a result of the use of
19 alcohol or other psychoactive chemicals;

20 (31) "Judicial commitment" means a commitment by a court pursuant
21 to the provisions of this chapter;

22 (32) "Legal counsel" means attorneys and staff employed by county
23 prosecutor offices or the state attorney general acting in their
24 capacity as legal representatives of public behavioral health service
25 providers under RCW 71.05.130;

26 (33) "Less restrictive alternative treatment" means a program of
27 individualized treatment in a less restrictive setting than inpatient
28 treatment that includes the services described in RCW 71.05.585. This
29 term includes: Treatment pursuant to a less restrictive alternative
30 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
31 to a conditional release under RCW 71.05.340; and treatment pursuant
32 to an assisted outpatient behavioral health treatment order under RCW
33 71.05.148;

34 (34) "Licensed physician" means a person licensed to practice
35 medicine or osteopathic medicine and surgery in the state of
36 Washington;

37 (35) "Likelihood of serious harm" means:

38 (a) A substantial risk that: (i) Physical harm will be inflicted
39 by a person upon his or her own person, as evidenced by threats or
40 attempts to commit suicide or inflict physical harm on oneself; (ii)

1 physical harm will be inflicted by a person upon another, as
2 evidenced by behavior which has caused harm, substantial pain, or
3 which places another person or persons in reasonable fear of harm to
4 themselves or others; or (iii) physical harm will be inflicted by a
5 person upon the property of others, as evidenced by behavior which
6 has caused substantial loss or damage to the property of others; or

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

9 (36) "Medical clearance" means a physician or other health care
10 provider has determined that a person is medically stable and ready
11 for referral to the designated crisis responder;

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

15 (38) "Mental health professional" means a psychiatrist,
16 psychologist, physician assistant working with a supervising
17 psychiatrist, psychiatric advanced registered nurse practitioner,
18 psychiatric nurse, or social worker, and such other mental health
19 professionals as may be defined by rules adopted by the secretary
20 pursuant to the provisions of this chapter;

21 (39) "Peace officer" means a law enforcement official of a public
22 agency or governmental unit, and includes persons specifically given
23 peace officer powers by any state law, local ordinance, or judicial
24 order of appointment;

25 (40) "Physician assistant" means a person licensed as a physician
26 assistant under chapter 18.57A or 18.71A RCW;

27 (41) "Private agency" means any person, partnership, corporation,
28 or association that is not a public agency, whether or not financed
29 in whole or in part by public funds, which constitutes an evaluation
30 and treatment facility or private institution, or hospital, or
31 approved substance use disorder treatment program, which is conducted
32 for, or includes a department or ward conducted for, the care and
33 treatment of persons with behavioral health disorders;

34 (42) "Professional person" means a mental health professional,
35 substance use disorder professional, or designated crisis responder
36 and shall also mean a physician, physician assistant, psychiatric
37 advanced registered nurse practitioner, registered nurse, and such
38 others as may be defined by rules adopted by the secretary pursuant
39 to the provisions of this chapter;

1 (43) "Psychiatric advanced registered nurse practitioner" means a
2 person who is licensed as an advanced registered nurse practitioner
3 pursuant to chapter 18.79 RCW; and who is board certified in advanced
4 practice psychiatric and mental health nursing;

5 (44) "Psychiatrist" means a person having a license as a
6 physician and surgeon in this state who has in addition completed
7 three years of graduate training in psychiatry in a program approved
8 by the American medical association or the American osteopathic
9 association and is certified or eligible to be certified by the
10 American board of psychiatry and neurology;

11 (45) "Psychologist" means a person who has been licensed as a
12 psychologist pursuant to chapter 18.83 RCW;

13 (46) "Public agency" means any evaluation and treatment facility
14 or institution, secure withdrawal management and stabilization
15 facility, approved substance use disorder treatment program, or
16 hospital which is conducted for, or includes a department or ward
17 conducted for, the care and treatment of persons with behavioral
18 health disorders, if the agency is operated directly by federal,
19 state, county, or municipal government, or a combination of such
20 governments;

21 (47) "Release" means legal termination of the commitment under
22 the provisions of this chapter;

23 (48) "Resource management services" has the meaning given in
24 chapter 71.24 RCW;

25 (49) "Secretary" means the secretary of the department of health,
26 or his or her designee;

27 (50) "Secure withdrawal management and stabilization facility"
28 means a facility operated by either a public or private agency or by
29 the program of an agency which provides care to voluntary individuals
30 and individuals involuntarily detained and committed under this
31 chapter for whom there is a likelihood of serious harm or who are
32 gravely disabled due to the presence of a substance use disorder.
33 Secure withdrawal management and stabilization facilities must:

34 (a) Provide the following services:

35 (i) Assessment and treatment, provided by certified substance use
36 disorder professionals or co-occurring disorder specialists;

37 (ii) Clinical stabilization services;

38 (iii) Acute or subacute detoxification services for intoxicated
39 individuals; and

1 (iv) Discharge assistance provided by certified substance use
2 disorder professionals or co-occurring disorder specialists,
3 including facilitating transitions to appropriate voluntary or
4 involuntary inpatient services or to less restrictive alternatives as
5 appropriate for the individual;

6 (b) Include security measures sufficient to protect the patients,
7 staff, and community; and

8 (c) Be licensed or certified as such by the department of health;

9 (51) "Severe deterioration from safe behavior" means that a
10 person will, if not treated, suffer or continue to suffer severe and
11 abnormal mental, emotional, or physical distress, and this distress
12 is associated with significant impairment of judgment, reason, or
13 behavior;

14 (52) "Social worker" means a person with a master's or further
15 advanced degree from a social work educational program accredited and
16 approved as provided in RCW 18.320.010;

17 (53) "Substance use disorder" means a cluster of cognitive,
18 behavioral, and physiological symptoms indicating that an individual
19 continues using the substance despite significant substance-related
20 problems. The diagnosis of a substance use disorder is based on a
21 pathological pattern of behaviors related to the use of the
22 substances;

23 (54) "Substance use disorder professional" means a person
24 certified as a substance use disorder professional by the department
25 of health under chapter 18.205 RCW;

26 (55) "Therapeutic court personnel" means the staff of a mental
27 health court or other therapeutic court which has jurisdiction over
28 defendants who are dually diagnosed with mental disorders, including
29 court personnel, probation officers, a court monitor, prosecuting
30 attorney, or defense counsel acting within the scope of therapeutic
31 court duties;

32 (56) "Treatment records" include registration and all other
33 records concerning persons who are receiving or who at any time have
34 received services for behavioral health disorders, which are
35 maintained by the department of social and health services, the
36 department, the authority, behavioral health administrative services
37 organizations and their staffs, managed care organizations and their
38 staffs, and by treatment facilities. Treatment records include mental
39 health information contained in a medical bill including but not
40 limited to mental health drugs, a mental health diagnosis, provider

1 name, and dates of service stemming from a medical service. Treatment
2 records do not include notes or records maintained for personal use
3 by a person providing treatment services for the department of social
4 and health services, the department, the authority, behavioral health
5 administrative services organizations, managed care organizations, or
6 a treatment facility if the notes or records are not available to
7 others;

8 (57) "Triage facility" means a short-term facility or a portion
9 of a facility licensed or certified by the department, which is
10 designed as a facility to assess and stabilize an individual or
11 determine the need for involuntary commitment of an individual, and
12 must meet department residential treatment facility standards. A
13 triage facility may be structured as a voluntary or involuntary
14 placement facility;

15 (58) "Video," unless the context clearly indicates otherwise,
16 means the delivery of behavioral health services through the use of
17 interactive audio and video technology, permitting real-time
18 communication between a person and a designated crisis responder, for
19 the purpose of evaluation. "Video" does not include the use of audio-
20 only telephone, facsimile, email, or store and forward technology.
21 "Store and forward technology" means use of an asynchronous
22 transmission of a person's medical information from a mental health
23 service provider to the designated crisis responder which results in
24 medical diagnosis, consultation, or treatment;

25 (59) "Violent act" means behavior that resulted in homicide,
26 attempted suicide, injury, or substantial loss or damage to
27 property(†

28 ~~(60) "Written order of apprehension" means an order of the court~~
29 ~~for a peace officer to deliver the named person in the order to a~~
30 ~~facility or emergency room as determined by the designated crisis~~
31 ~~responder. Such orders shall be entered into the Washington crime~~
32 ~~information center database)).~~

33 **Sec. 22.** RCW 71.05.020 and 2020 c 302 s 4, 2020 c 302 s 3, 2020
34 c 256 s 301, 2020 c 80 s 51, and 2020 c 5 s 1 are each reenacted and
35 amended to read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

38 (1) "Admission" or "admit" means a decision by a physician,
39 physician assistant, or psychiatric advanced registered nurse

1 practitioner that a person should be examined or treated as a patient
2 in a hospital;

3 (2) "Alcoholism" means a disease, characterized by a dependency
4 on alcoholic beverages, loss of control over the amount and
5 circumstances of use, symptoms of tolerance, physiological or
6 psychological withdrawal, or both, if use is reduced or discontinued,
7 and impairment of health or disruption of social or economic
8 functioning;

9 (3) "Antipsychotic medications" means that class of drugs
10 primarily used to treat serious manifestations of mental illness
11 associated with thought disorders, which includes, but is not limited
12 to atypical antipsychotic medications;

13 (4) "Approved substance use disorder treatment program" means a
14 program for persons with a substance use disorder provided by a
15 treatment program certified by the department as meeting standards
16 adopted under chapter 71.24 RCW;

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

20 (6) "Authority" means the Washington state health care authority;

21 (7) "Behavioral health disorder" means either a mental disorder
22 as defined in this section, a substance use disorder as defined in
23 this section, or a co-occurring mental disorder and substance use
24 disorder;

25 (8) "Behavioral health service provider" means a public or
26 private agency that provides mental health, substance use disorder,
27 or co-occurring disorder services to persons with behavioral health
28 disorders as defined under this section and receives funding from
29 public sources. This includes, but is not limited to(~~(hospitals))~~;
30 Hospitals licensed under chapter 70.41 RCW(~~(τ)~~);
31 evaluation and treatment facilities as defined in this section(~~(τ)~~);
32 community mental health service delivery systems or community behavioral health
33 programs as defined in RCW 71.24.025(~~(τ)~~); licensed or certified
34 behavioral health agencies under RCW 71.24.037; facilities conducting
35 competency evaluations and restoration under chapter 10.77 RCW(~~(τ)~~);
36 approved substance use disorder treatment programs as defined in this
37 section(~~(τ)~~);
38 secure withdrawal management and stabilization
39 facilities as defined in this section(~~(τ)~~); and correctional
facilities operated by state and local governments;

1 (9) "Co-occurring disorder specialist" means an individual
2 possessing an enhancement granted by the department of health under
3 chapter 18.205 RCW that certifies the individual to provide substance
4 use disorder counseling subject to the practice limitations under RCW
5 18.205.105;

6 (10) "Commitment" means the determination by a court that a
7 person should be detained for a period of either evaluation or
8 treatment, or both, in an inpatient or a less restrictive setting;

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

11 (12) "Crisis stabilization unit" means a short-term facility or a
12 portion of a facility licensed or certified by the department, such
13 as an evaluation and treatment facility or a hospital, which has been
14 designed to assess, diagnose, and treat individuals experiencing an
15 acute crisis without the use of long-term hospitalization;

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

20 (14) "Department" means the department of health;

21 (15) "Designated crisis responder" means a mental health
22 professional appointed by the county, by an entity appointed by the
23 county, or by the authority in consultation with a federally
24 recognized Indian tribe or after meeting and conferring with an
25 Indian health care provider, to perform the duties specified in this
26 chapter;

27 (16) "Detention" or "detain" means the lawful confinement of a
28 person, under the provisions of this chapter;

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

37 (18) "Developmental disability" means that condition defined in
38 RCW 71A.10.020(5);

39 (19) "Director" means the director of the authority;

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

4 (21) "Drug addiction" means a disease, characterized by a
5 dependency on psychoactive chemicals, loss of control over the amount
6 and circumstances of use, symptoms of tolerance, physiological or
7 psychological withdrawal, or both, if use is reduced or discontinued,
8 and impairment of health or disruption of social or economic
9 functioning;

10 (22) "Evaluation and treatment facility" means any facility which
11 can provide directly, or by direct arrangement with other public or
12 private agencies, emergency evaluation and treatment, outpatient
13 care, and timely and appropriate inpatient care to persons suffering
14 from a mental disorder, and which is licensed or certified as such by
15 the department. The authority may certify single beds as temporary
16 evaluation and treatment beds under RCW 71.05.745. A physically
17 separate and separately operated portion of a state hospital may be
18 designated as an evaluation and treatment facility. A facility which
19 is part of, or operated by, the department of social and health
20 services or any federal agency will not require certification. No
21 correctional institution or facility, or jail, shall be an evaluation
22 and treatment facility within the meaning of this chapter;

23 (23) "Gravely disabled" means a condition in which a person, as a
24 result of a behavioral health disorder: (a) Is in danger of serious
25 physical harm resulting from a failure to provide for his or her
26 essential human needs of health or safety; or (b) manifests severe
27 deterioration from safe behavior evidenced by repeated and escalating
28 loss of cognitive or volitional control over his or her actions and
29 is not receiving such care as is essential for his or her health or
30 safety;

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

39 (25) "Hearing" means any proceeding conducted in open court that
40 conforms to the requirements of RCW 71.05.820;

1 (26) "History of one or more violent acts" refers to the period
2 of time ten years prior to the filing of a petition under this
3 chapter, excluding any time spent, but not any violent acts
4 committed, in a behavioral health facility, or in confinement as a
5 result of a criminal conviction;

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

8 (28) "In need of assisted outpatient behavioral health treatment"
9 means that a person, as a result of a behavioral health disorder: (a)
10 Has been committed by a court to detention for involuntary behavioral
11 health treatment during the preceding thirty-six months; (b) is
12 unlikely to voluntarily participate in outpatient treatment without
13 an order for less restrictive alternative treatment, based on a
14 history of nonadherence with treatment or in view of the person's
15 current behavior; (c) is likely to benefit from less restrictive
16 alternative treatment; and (d) requires less restrictive alternative
17 treatment to prevent a relapse, decompensation, or deterioration that
18 is likely to result in the person presenting a likelihood of serious
19 harm or the person becoming gravely disabled within a reasonably
20 short period of time;

21 (29) "Individualized service plan" means a plan prepared by a
22 developmental disabilities professional with other professionals as a
23 team, for a person with developmental disabilities, which shall
24 state:

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

27 (b) The conditions and strategies necessary to achieve the
28 purposes of habilitation;

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

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

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

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

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

1 (30) "Intoxicated person" means a person whose mental or physical
2 functioning is substantially impaired as a result of the use of
3 alcohol or other psychoactive chemicals;

4 (31) "Judicial commitment" means a commitment by a court pursuant
5 to the provisions of this chapter;

6 (32) "Legal counsel" means attorneys and staff employed by county
7 prosecutor offices or the state attorney general acting in their
8 capacity as legal representatives of public behavioral health service
9 providers under RCW 71.05.130;

10 (33) "Less restrictive alternative treatment" means a program of
11 individualized treatment in a less restrictive setting than inpatient
12 treatment that includes the services described in RCW 71.05.585. This
13 term includes: Treatment pursuant to a less restrictive alternative
14 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
15 to a conditional release under RCW 71.05.340; and treatment pursuant
16 to an assisted outpatient behavioral health treatment order under RCW
17 71.05.148;

18 (34) "Licensed physician" means a person licensed to practice
19 medicine or osteopathic medicine and surgery in the state of
20 Washington;

21 (35) "Likelihood of serious harm" means:

22 (a) A substantial risk that: (i) Physical harm will be inflicted
23 by a person upon his or her own person, as evidenced by threats or
24 attempts to commit suicide or inflict physical harm on oneself; (ii)
25 physical harm will be inflicted by a person upon another, as
26 evidenced by behavior which has caused harm, substantial pain, or
27 which places another person or persons in reasonable fear of harm to
28 themselves or others; or (iii) physical harm will be inflicted by a
29 person upon the property of others, as evidenced by behavior which
30 has caused substantial loss or damage to the property of others; or

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

33 (36) "Medical clearance" means a physician or other health care
34 provider has determined that a person is medically stable and ready
35 for referral to the designated crisis responder;

36 (37) "Mental disorder" means any organic, mental, or emotional
37 impairment which has substantial adverse effects on a person's
38 cognitive or volitional functions;

39 (38) "Mental health professional" means a psychiatrist,
40 psychologist, physician assistant working with a supervising

1 psychiatrist, psychiatric advanced registered nurse practitioner,
2 psychiatric nurse, or social worker, and such other mental health
3 professionals as may be defined by rules adopted by the secretary
4 pursuant to the provisions of this chapter;

5 (39) "Peace officer" means a law enforcement official of a public
6 agency or governmental unit, and includes persons specifically given
7 peace officer powers by any state law, local ordinance, or judicial
8 order of appointment;

9 (40) "Physician assistant" means a person licensed as a physician
10 assistant under chapter 18.71A RCW;

11 (41) "Private agency" means any person, partnership, corporation,
12 or association that is not a public agency, whether or not financed
13 in whole or in part by public funds, which constitutes an evaluation
14 and treatment facility or private institution, or hospital, or
15 approved substance use disorder treatment program, which is conducted
16 for, or includes a department or ward conducted for, the care and
17 treatment of persons with behavioral health disorders;

18 (42) "Professional person" means a mental health professional,
19 substance use disorder professional, or designated crisis responder
20 and shall also mean a physician, physician assistant, psychiatric
21 advanced registered nurse practitioner, registered nurse, and such
22 others as may be defined by rules adopted by the secretary pursuant
23 to the provisions of this chapter;

24 (43) "Psychiatric advanced registered nurse practitioner" means a
25 person who is licensed as an advanced registered nurse practitioner
26 pursuant to chapter 18.79 RCW; and who is board certified in advanced
27 practice psychiatric and mental health nursing;

28 (44) "Psychiatrist" means a person having a license as a
29 physician and surgeon in this state who has in addition completed
30 three years of graduate training in psychiatry in a program approved
31 by the American medical association or the American osteopathic
32 association and is certified or eligible to be certified by the
33 American board of psychiatry and neurology;

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

36 (46) "Public agency" means any evaluation and treatment facility
37 or institution, secure withdrawal management and stabilization
38 facility, approved substance use disorder treatment program, or
39 hospital which is conducted for, or includes a department or ward
40 conducted for, the care and treatment of persons with behavioral

1 health disorders, if the agency is operated directly by federal,
2 state, county, or municipal government, or a combination of such
3 governments;

4 (47) "Release" means legal termination of the commitment under
5 the provisions of this chapter;

6 (48) "Resource management services" has the meaning given in
7 chapter 71.24 RCW;

8 (49) "Secretary" means the secretary of the department of health,
9 or his or her designee;

10 (50) "Secure withdrawal management and stabilization facility"
11 means a facility operated by either a public or private agency or by
12 the program of an agency which provides care to voluntary individuals
13 and individuals involuntarily detained and committed under this
14 chapter for whom there is a likelihood of serious harm or who are
15 gravely disabled due to the presence of a substance use disorder.
16 Secure withdrawal management and stabilization facilities must:

17 (a) Provide the following services:

18 (i) Assessment and treatment, provided by certified substance use
19 disorder professionals or co-occurring disorder specialists;

20 (ii) Clinical stabilization services;

21 (iii) Acute or subacute detoxification services for intoxicated
22 individuals; and

23 (iv) Discharge assistance provided by certified substance use
24 disorder professionals or co-occurring disorder specialists,
25 including facilitating transitions to appropriate voluntary or
26 involuntary inpatient services or to less restrictive alternatives as
27 appropriate for the individual;

28 (b) Include security measures sufficient to protect the patients,
29 staff, and community; and

30 (c) Be licensed or certified as such by the department of health;

31 (51) "Severe deterioration from safe behavior" means that a
32 person will, if not treated, suffer or continue to suffer severe and
33 abnormal mental, emotional, or physical distress, and this distress
34 is associated with significant impairment of judgment, reason, or
35 behavior;

36 (52) "Social worker" means a person with a master's or further
37 advanced degree from a social work educational program accredited and
38 approved as provided in RCW 18.320.010;

39 (53) "Substance use disorder" means a cluster of cognitive,
40 behavioral, and physiological symptoms indicating that an individual

1 continues using the substance despite significant substance-related
2 problems. The diagnosis of a substance use disorder is based on a
3 pathological pattern of behaviors related to the use of the
4 substances;

5 (54) "Substance use disorder professional" means a person
6 certified as a substance use disorder professional by the department
7 of health under chapter 18.205 RCW;

8 (55) "Therapeutic court personnel" means the staff of a mental
9 health court or other therapeutic court which has jurisdiction over
10 defendants who are dually diagnosed with mental disorders, including
11 court personnel, probation officers, a court monitor, prosecuting
12 attorney, or defense counsel acting within the scope of therapeutic
13 court duties;

14 (56) "Treatment records" include registration and all other
15 records concerning persons who are receiving or who at any time have
16 received services for behavioral health disorders, which are
17 maintained by the department of social and health services, the
18 department, the authority, behavioral health administrative services
19 organizations and their staffs, managed care organizations and their
20 staffs, and by treatment facilities. Treatment records include mental
21 health information contained in a medical bill including but not
22 limited to mental health drugs, a mental health diagnosis, provider
23 name, and dates of service stemming from a medical service. Treatment
24 records do not include notes or records maintained for personal use
25 by a person providing treatment services for the department of social
26 and health services, the department, the authority, behavioral health
27 administrative services organizations, managed care organizations, or
28 a treatment facility if the notes or records are not available to
29 others;

30 (57) "Triage facility" means a short-term facility or a portion
31 of a facility licensed or certified by the department, which is
32 designed as a facility to assess and stabilize an individual or
33 determine the need for involuntary commitment of an individual, and
34 must meet department residential treatment facility standards. A
35 triage facility may be structured as a voluntary or involuntary
36 placement facility;

37 (58) "Video," unless the context clearly indicates otherwise,
38 means the delivery of behavioral health services through the use of
39 interactive audio and video technology, permitting real-time
40 communication between a person and a designated crisis responder, for

1 the purpose of evaluation. "Video" does not include the use of audio-
2 only telephone, facsimile, email, or store and forward technology.
3 "Store and forward technology" means use of an asynchronous
4 transmission of a person's medical information from a mental health
5 service provider to the designated crisis responder which results in
6 medical diagnosis, consultation, or treatment;

7 (59) "Violent act" means behavior that resulted in homicide,
8 attempted suicide, injury, or substantial loss or damage to
9 property(†

10 ~~(60) "Written order of apprehension" means an order of the court~~
11 ~~for a peace officer to deliver the named person in the order to a~~
12 ~~facility or emergency room as determined by the designated crisis~~
13 ~~responder. Such orders shall be entered into the Washington crime~~
14 ~~information center database)).~~

15 **Sec. 23.** 2020 c 302 s 110 (uncodified) is amended to read as
16 follows:

17 (1) Sections 4 and 28 (~~of this act~~), chapter 302, Laws of 2020
18 and, until July 1, 2022, section 21 of this act and, beginning July
19 1, 2022, section 22 of this act take effect when monthly single-bed
20 certifications authorized under RCW 71.05.745 fall below 200 reports
21 for 3 consecutive months.

22 (2) The health care authority must provide written notice of the
23 effective date of sections 4 and 28 (~~of this act~~), chapter 302,
24 Laws of 2020 and sections 21 and 22 of this act to affected parties,
25 the chief clerk of the house of representatives, the secretary of the
26 senate, the office of the code reviser, and others as deemed
27 appropriate by the authority.

28 **Sec. 24.** RCW 71.34.020 and 2020 c 302 s 63, 2020 c 274 s 50, and
29 2020 c 185 s 2 are each reenacted and amended to read as follows:

30 Unless the context clearly requires otherwise, the definitions in
31 this section apply throughout this chapter.

32 (1) "Admission" or "admit" means a decision by a physician,
33 physician assistant, or psychiatric advanced registered nurse
34 practitioner that a minor should be examined or treated as a patient
35 in a hospital.

36 (2) "Adolescent" means a minor thirteen years of age or older.

37 (3) "Alcoholism" means a disease, characterized by a dependency
38 on alcoholic beverages, loss of control over the amount and

1 circumstances of use, symptoms of tolerance, physiological or
2 psychological withdrawal, or both, if use is reduced or discontinued,
3 and impairment of health or disruption of social or economic
4 functioning.

5 (4) "Antipsychotic medications" means that class of drugs
6 primarily used to treat serious manifestations of mental illness
7 associated with thought disorders, which includes, but is not limited
8 to, atypical antipsychotic medications.

9 (5) "Approved substance use disorder treatment program" means a
10 program for minors with substance use disorders provided by a
11 treatment program licensed or certified by the department of health
12 as meeting standards adopted under chapter 71.24 RCW.

13 (6) "Attending staff" means any person on the staff of a public
14 or private agency having responsibility for the care and treatment of
15 a minor patient.

16 (7) "Authority" means the Washington state health care authority.

17 (8) "Behavioral health administrative services organization" has
18 the same meaning as provided in RCW 71.24.025.

19 (9) "Behavioral health disorder" means either a mental disorder
20 as defined in this section, a substance use disorder as defined in
21 this section, or a co-occurring mental disorder and substance use
22 disorder.

23 (10) "Child psychiatrist" means a person having a license as a
24 physician and surgeon in this state, who has had graduate training in
25 child psychiatry in a program approved by the American Medical
26 Association or the American Osteopathic Association, and who is board
27 eligible or board certified in child psychiatry.

28 (11) "Children's mental health specialist" means:

29 (a) A mental health professional who has completed a minimum of
30 one hundred actual hours, not quarter or semester hours, of
31 specialized training devoted to the study of child development and
32 the treatment of children; and

33 (b) A mental health professional who has the equivalent of one
34 year of full-time experience in the treatment of children under the
35 supervision of a children's mental health specialist.

36 (12) "Commitment" means a determination by a judge or court
37 commissioner, made after a commitment hearing, that the minor is in
38 need of inpatient diagnosis, evaluation, or treatment or that the
39 minor is in need of less restrictive alternative treatment.

1 (13) "Conditional release" means a revocable modification of a
2 commitment, which may be revoked upon violation of any of its terms.

3 (14) "Co-occurring disorder specialist" means an individual
4 possessing an enhancement granted by the department of health under
5 chapter 18.205 RCW that certifies the individual to provide substance
6 use disorder counseling subject to the practice limitations under RCW
7 18.205.105.

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

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

18 (17) "Department" means the department of social and health
19 services.

20 (18) "Designated crisis responder" has the same meaning as
21 provided in RCW 71.05.020.

22 (19) "Detention" or "detain" means the lawful confinement of a
23 person, under the provisions of this chapter.

24 (20) "Developmental disabilities professional" means a person who
25 has specialized training and three years of experience in directly
26 treating or working with persons with developmental disabilities and
27 is a psychiatrist, physician assistant working with a supervising
28 psychiatrist, psychologist, psychiatric advanced registered nurse
29 practitioner, or social worker, and such other developmental
30 disabilities professionals as may be defined by rules adopted by the
31 secretary of the department.

32 (21) "Developmental disability" has the same meaning as defined
33 in RCW 71A.10.020.

34 (22) "Director" means the director of the authority.

35 (23) "Discharge" means the termination of hospital medical
36 authority. The commitment may remain in place, be terminated, or be
37 amended by court order.

38 (24) "Evaluation and treatment facility" means a public or
39 private facility or unit that is licensed or certified by the
40 department of health to provide emergency, inpatient, residential, or

1 outpatient mental health evaluation and treatment services for
2 minors. A physically separate and separately operated portion of a
3 state hospital may be designated as an evaluation and treatment
4 facility for minors. A facility which is part of or operated by the
5 state or federal agency does not require licensure or certification.
6 No correctional institution or facility, juvenile court detention
7 facility, or jail may be an evaluation and treatment facility within
8 the meaning of this chapter.

9 (25) "Evaluation and treatment program" means the total system of
10 services and facilities coordinated and approved by a county or
11 combination of counties for the evaluation and treatment of minors
12 under this chapter.

13 (26) "Gravely disabled minor" means a minor who, as a result of a
14 behavioral health disorder, (a) is in danger of serious physical harm
15 resulting from a failure to provide for his or her essential human
16 needs of health or safety, or (b) manifests severe deterioration in
17 routine functioning evidenced by repeated and escalating loss of
18 cognitive or volitional control over his or her actions and is not
19 receiving such care as is essential for his or her health or safety.

20 (27) "Habilitative services" means those services provided by
21 program personnel to assist minors in acquiring and maintaining life
22 skills and in raising their levels of physical, behavioral, social,
23 and vocational functioning. Habilitative services include education,
24 training for employment, and therapy.

25 (28) "Hearing" means any proceeding conducted in open court that
26 conforms to the requirements of RCW 71.34.910.

27 (29) "History of one or more violent acts" refers to the period
28 of time five years prior to the filing of a petition under this
29 chapter, excluding any time spent, but not any violent acts
30 committed, in a mental health facility, a long-term (~~alcoholism or~~
31 ~~drug~~) substance use disorder treatment facility, or in confinement
32 as a result of a criminal conviction.

33 (30) "Individualized service plan" means a plan prepared by a
34 developmental disabilities professional with other professionals as a
35 team, for a person with developmental disabilities, which states:

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

38 (b) The conditions and strategies necessary to achieve the
39 purposes of habilitation;

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

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

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

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

11 (g) The type of residence immediately anticipated for the person
12 and possible future types of residences.

13 (31)(a) "Inpatient treatment" means twenty-four-hour-per-day
14 mental health care provided within a general hospital, psychiatric
15 hospital, residential treatment facility licensed or certified by the
16 department of health as an evaluation and treatment facility for
17 minors, secure withdrawal management and stabilization facility for
18 minors, or approved substance use disorder treatment program for
19 minors.

20 (b) For purposes of family-initiated treatment under RCW
21 71.34.600 through 71.34.670, "inpatient treatment" has the meaning
22 included in (a) of this subsection and any other residential
23 treatment facility licensed under chapter 71.12 RCW.

24 (32) "Intoxicated minor" means a minor whose mental or physical
25 functioning is substantially impaired as a result of the use of
26 alcohol or other psychoactive chemicals.

27 (33) "Judicial commitment" means a commitment by a court pursuant
28 to the provisions of this chapter.

29 (34) "Kinship caregiver" has the same meaning as in RCW
30 74.13.031(19)(a).

31 (35) "Legal counsel" means attorneys and staff employed by county
32 prosecutor offices or the state attorney general acting in their
33 capacity as legal representatives of public behavioral health service
34 providers under RCW 71.05.130.

35 (36) "Less restrictive alternative" or "less restrictive setting"
36 means outpatient treatment provided to a minor (~~who is not residing~~
37 ~~in a facility providing inpatient treatment as defined in this~~
38 ~~chapter~~) as a program of individualized treatment in a less
39 restrictive setting than inpatient treatment that includes the
40 services described in RCW 71.34.755, including residential treatment.

1 (37) "Licensed physician" means a person licensed to practice
2 medicine or osteopathic medicine and surgery in the state of
3 Washington.

4 (38) "Likelihood of serious harm" means:

5 (a) A substantial risk that: (i) Physical harm will be inflicted
6 by a minor upon his or her own person, as evidenced by threats or
7 attempts to commit suicide or inflict physical harm on oneself; (ii)
8 physical harm will be inflicted by a minor upon another individual,
9 as evidenced by behavior which has caused such harm or which places
10 another person or persons in reasonable fear of sustaining such harm;
11 or (iii) physical harm will be inflicted by a minor upon the property
12 of others, as evidenced by behavior which has caused substantial loss
13 or damage to the property of others; or

14 (b) The minor has threatened the physical safety of another and
15 has a history of one or more violent acts.

16 (39) "Managed care organization" has the same meaning as provided
17 in RCW 71.24.025.

18 (40) "Medical clearance" means a physician or other health care
19 provider has determined that a person is medically stable and ready
20 for referral to the designated crisis responder.

21 (41) "Medical necessity" for inpatient care means a requested
22 service which is reasonably calculated to: (a) Diagnose, correct,
23 cure, or alleviate a mental disorder or substance use disorder; or
24 (b) prevent the progression of a mental disorder or substance use
25 disorder that endangers life or causes suffering and pain, or results
26 in illness or infirmity or threatens to cause or aggravate a
27 disability, or causes physical deformity or malfunction, and there is
28 no adequate less restrictive alternative available.

29 (42) "Mental disorder" means any organic, mental, or emotional
30 impairment that has substantial adverse effects on an individual's
31 cognitive or volitional functions. The presence of alcohol abuse,
32 drug abuse, juvenile criminal history, antisocial behavior, or
33 intellectual disabilities alone is insufficient to justify a finding
34 of "mental disorder" within the meaning of this section.

35 (43) "Mental health professional" means a psychiatrist,
36 psychiatric advanced registered nurse practitioner, physician
37 assistant working with a supervising psychiatrist, psychologist,
38 psychiatric nurse, social worker, and such other mental health
39 professionals as defined by rules adopted by the secretary of the
40 department of health under this chapter.

1 (44) "Minor" means any person under the age of eighteen years.

2 (45) "Outpatient treatment" means any of the nonresidential
3 services mandated under chapter 71.24 RCW and provided by licensed or
4 certified behavioral health agencies as identified by RCW 71.24.025.

5 (46) (a) "Parent" has the same meaning as defined in RCW
6 26.26A.010, including either parent if custody is shared under a
7 joint custody agreement, or a person or agency judicially appointed
8 as legal guardian or custodian of the child.

9 (b) For purposes of family-initiated treatment under RCW
10 71.34.600 through 71.34.670, "parent" also includes a person to whom
11 a parent defined in (a) of this subsection has given a signed
12 authorization to make health care decisions for the adolescent, a
13 stepparent who is involved in caring for the adolescent, a kinship
14 caregiver who is involved in caring for the adolescent, or another
15 relative who is responsible for the health care of the adolescent,
16 who may be required to provide a declaration under penalty of perjury
17 stating that he or she is a relative responsible for the health care
18 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises
19 between individuals authorized to act as a parent for the purpose of
20 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
21 according to the priority established under RCW 7.70.065(2) (a).

22 (47) "Peace officer" means a law enforcement official of a public
23 agency or governmental unit, and includes persons specifically given
24 peace officer powers by any state law, local ordinance, or judicial
25 order of appointment.

26 (48) "Physician assistant" means a person licensed as a physician
27 assistant under chapter 18.57A or 18.71A RCW.

28 (49) "Private agency" means any person, partnership, corporation,
29 or association that is not a public agency, whether or not financed
30 in whole or in part by public funds, that constitutes an evaluation
31 and treatment facility or private institution, or hospital, or
32 approved substance use disorder treatment program, that is conducted
33 for, or includes a distinct unit, floor, or ward conducted for, the
34 care and treatment of persons with mental illness, substance use
35 disorders, or both mental illness and substance use disorders.

36 (50) "Professional person in charge" or "professional person"
37 means a physician, other mental health professional, or other person
38 empowered by an evaluation and treatment facility, secure withdrawal
39 management and stabilization facility, or approved substance use

1 disorder treatment program with authority to make admission and
2 discharge decisions on behalf of that facility.

3 (51) "Psychiatric nurse" means a registered nurse who has
4 experience in the direct treatment of persons who have a mental
5 illness or who are emotionally disturbed, such experience gained
6 under the supervision of a mental health professional.

7 (52) "Psychiatrist" means a person having a license as a
8 physician in this state who has completed residency training in
9 psychiatry in a program approved by the American Medical Association
10 or the American Osteopathic Association, and is board eligible or
11 board certified in psychiatry.

12 (53) "Psychologist" means a person licensed as a psychologist
13 under chapter 18.83 RCW.

14 (54) "Public agency" means any evaluation and treatment facility
15 or institution, or hospital, or approved substance use disorder
16 treatment program that is conducted for, or includes a distinct unit,
17 floor, or ward conducted for, the care and treatment of persons with
18 mental illness, substance use disorders, or both mental illness and
19 substance use disorders if the agency is operated directly by
20 federal, state, county, or municipal government, or a combination of
21 such governments.

22 (55) "Release" means legal termination of the commitment under
23 the provisions of this chapter.

24 (56) "Resource management services" has the meaning given in
25 chapter 71.24 RCW.

26 (57) "Responsible other" means the minor, the minor's parent or
27 estate, or any other person legally responsible for support of the
28 minor.

29 (58) "Secretary" means the secretary of the department or
30 secretary's designee.

31 (59) "Secure withdrawal management and stabilization facility"
32 means a facility operated by either a public or private agency or by
33 the program of an agency which provides care to voluntary individuals
34 and individuals involuntarily detained and committed under this
35 chapter for whom there is a likelihood of serious harm or who are
36 gravely disabled due to the presence of a substance use disorder.
37 Secure withdrawal management and stabilization facilities must:

38 (a) Provide the following services:

39 (i) Assessment and treatment, provided by certified substance use
40 disorder professionals or co-occurring disorder specialists;

1 (ii) Clinical stabilization services;

2 (iii) Acute or subacute detoxification services for intoxicated
3 individuals; and

4 (iv) Discharge assistance provided by certified substance use
5 disorder professionals or co-occurring disorder specialists,
6 including facilitating transitions to appropriate voluntary or
7 involuntary inpatient services or to less restrictive alternatives as
8 appropriate for the individual;

9 (b) Include security measures sufficient to protect the patients,
10 staff, and community; and

11 (c) Be licensed or certified as such by the department of health.

12 (60) "Social worker" means a person with a master's or further
13 advanced degree from a social work educational program accredited and
14 approved as provided in RCW 18.320.010.

15 (61) "Start of initial detention" means the time of arrival of
16 the minor at the first evaluation and treatment facility, secure
17 withdrawal management and stabilization facility, or approved
18 substance use disorder treatment program offering inpatient treatment
19 if the minor is being involuntarily detained at the time. With regard
20 to voluntary patients, "start of initial detention" means the time at
21 which the minor gives notice of intent to leave under the provisions
22 of this chapter.

23 (62) "Store and forward technology" means use of an asynchronous
24 transmission of a person's medical information from a mental health
25 service provider to the designated crisis responder which results in
26 medical diagnosis, consultation, or treatment.

27 (63) "Substance use disorder" means a cluster of cognitive,
28 behavioral, and physiological symptoms indicating that an individual
29 continues using the substance despite significant substance-related
30 problems. The diagnosis of a substance use disorder is based on a
31 pathological pattern of behaviors related to the use of the
32 substances.

33 (~~(63)~~) (64) "Substance use disorder professional" means a
34 person certified as a substance use disorder professional by the
35 department of health under chapter 18.205 RCW.

36 (~~(64)~~) (65) "Therapeutic court personnel" means the staff of a
37 mental health court or other therapeutic court which has jurisdiction
38 over defendants who are dually diagnosed with mental disorders,
39 including court personnel, probation officers, a court monitor,

1 prosecuting attorney, or defense counsel acting within the scope of
2 therapeutic court duties.

3 ~~((65))~~ (66) "Treatment records" include registration and all
4 other records concerning persons who are receiving or who at any time
5 have received services for mental illness, which are maintained by
6 the department, the department of health, the authority, behavioral
7 health organizations and their staffs, and by treatment facilities.
8 Treatment records include mental health information contained in a
9 medical bill including but not limited to mental health drugs, a
10 mental health diagnosis, provider name, and dates of service stemming
11 from a medical service. Treatment records do not include notes or
12 records maintained for personal use by a person providing treatment
13 services for the department, the department of health, the authority,
14 behavioral health organizations, or a treatment facility if the notes
15 or records are not available to others.

16 ~~((66))~~ (67) "Triage facility" means a short-term facility or a
17 portion of a facility licensed or certified by the department of
18 health under RCW 71.24.035, which is designed as a facility to assess
19 and stabilize an individual or determine the need for involuntary
20 commitment of an individual, and must meet department of health
21 residential treatment facility standards. A triage facility may be
22 structured as a voluntary or involuntary placement facility.

23 ~~((67))~~ (68) "Video" means the delivery of behavioral health
24 services through the use of interactive audio and video technology,
25 permitting real-time communication between a person and a designated
26 crisis responder, for the purpose of evaluation. "Video" does not
27 include the use of audio-only telephone, facsimile, email, or store
28 and forward technology.

29 (69) "Violent act" means behavior that resulted in homicide,
30 attempted suicide, injury, or substantial loss or damage to property.

31 ~~((68) "Written order of apprehension" means an order of the~~
32 ~~court for a peace officer to deliver the named minor in the order to~~
33 ~~a facility or emergency room as determined by the designated crisis~~
34 ~~responder. Such orders must be entered into the Washington crime~~
35 ~~information center database.))~~

36 **Sec. 25.** RCW 71.34.020 and 2020 c 302 s 63, 2020 c 274 s 50,
37 2020 c 185 s 2, and 2020 c 80 s 54 are each reenacted and amended to
38 read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Admission" or "admit" means a decision by a physician,
4 physician assistant, or psychiatric advanced registered nurse
5 practitioner that a minor should be examined or treated as a patient
6 in a hospital.

7 (2) "Adolescent" means a minor thirteen years of age or older.

8 (3) "Alcoholism" means a disease, characterized by a dependency
9 on alcoholic beverages, loss of control over the amount and
10 circumstances of use, symptoms of tolerance, physiological or
11 psychological withdrawal, or both, if use is reduced or discontinued,
12 and impairment of health or disruption of social or economic
13 functioning.

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

18 (5) "Approved substance use disorder treatment program" means a
19 program for minors with substance use disorders provided by a
20 treatment program licensed or certified by the department of health
21 as meeting standards adopted under chapter 71.24 RCW.

22 (6) "Attending staff" means any person on the staff of a public
23 or private agency having responsibility for the care and treatment of
24 a minor patient.

25 (7) "Authority" means the Washington state health care authority.

26 (8) "Behavioral health administrative services organization" has
27 the same meaning as provided in RCW 71.24.025.

28 (9) "Behavioral health disorder" means either a mental disorder
29 as defined in this section, a substance use disorder as defined in
30 this section, or a co-occurring mental disorder and substance use
31 disorder.

32 (10) "Child psychiatrist" means a person having a license as a
33 physician and surgeon in this state, who has had graduate training in
34 child psychiatry in a program approved by the American Medical
35 Association or the American Osteopathic Association, and who is board
36 eligible or board certified in child psychiatry.

37 (11) "Children's mental health specialist" means:

38 (a) A mental health professional who has completed a minimum of
39 one hundred actual hours, not quarter or semester hours, of

1 specialized training devoted to the study of child development and
2 the treatment of children; and

3 (b) A mental health professional who has the equivalent of one
4 year of full-time experience in the treatment of children under the
5 supervision of a children's mental health specialist.

6 (12) "Commitment" means a determination by a judge or court
7 commissioner, made after a commitment hearing, that the minor is in
8 need of inpatient diagnosis, evaluation, or treatment or that the
9 minor is in need of less restrictive alternative treatment.

10 (13) "Conditional release" means a revocable modification of a
11 commitment, which may be revoked upon violation of any of its terms.

12 (14) "Co-occurring disorder specialist" means an individual
13 possessing an enhancement granted by the department of health under
14 chapter 18.205 RCW that certifies the individual to provide substance
15 use disorder counseling subject to the practice limitations under RCW
16 18.205.105.

17 (15) "Crisis stabilization unit" means a short-term facility or a
18 portion of a facility licensed or certified by the department of
19 health under RCW 71.24.035, such as a residential treatment facility
20 or a hospital, which has been designed to assess, diagnose, and treat
21 individuals experiencing an acute crisis without the use of long-term
22 hospitalization.

23 (16) "Custody" means involuntary detention under the provisions
24 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
25 unconditional release from commitment from a facility providing
26 involuntary care and treatment.

27 (17) "Department" means the department of social and health
28 services.

29 (18) "Designated crisis responder" has the same meaning as
30 provided in RCW 71.05.020.

31 (19) "Detention" or "detain" means the lawful confinement of a
32 person, under the provisions of this chapter.

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

1 (21) "Developmental disability" has the same meaning as defined
2 in RCW 71A.10.020.

3 (22) "Director" means the director of the authority.

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

7 (24) "Evaluation and treatment facility" means a public or
8 private facility or unit that is licensed or certified by the
9 department of health to provide emergency, inpatient, residential, or
10 outpatient mental health evaluation and treatment services for
11 minors. A physically separate and separately operated portion of a
12 state hospital may be designated as an evaluation and treatment
13 facility for minors. A facility which is part of or operated by the
14 state or federal agency does not require licensure or certification.
15 No correctional institution or facility, juvenile court detention
16 facility, or jail may be an evaluation and treatment facility within
17 the meaning of this chapter.

18 (25) "Evaluation and treatment program" means the total system of
19 services and facilities coordinated and approved by a county or
20 combination of counties for the evaluation and treatment of minors
21 under this chapter.

22 (26) "Gravely disabled minor" means a minor who, as a result of a
23 behavioral health disorder, (a) is in danger of serious physical harm
24 resulting from a failure to provide for his or her essential human
25 needs of health or safety, or (b) manifests severe deterioration in
26 routine functioning evidenced by repeated and escalating loss of
27 cognitive or volitional control over his or her actions and is not
28 receiving such care as is essential for his or her health or safety.

29 (27) "Habilitative services" means those services provided by
30 program personnel to assist minors in acquiring and maintaining life
31 skills and in raising their levels of physical, behavioral, social,
32 and vocational functioning. Habilitative services include education,
33 training for employment, and therapy.

34 (28) "Hearing" means any proceeding conducted in open court that
35 conforms to the requirements of RCW 71.34.910.

36 (29) "History of one or more violent acts" refers to the period
37 of time five years prior to the filing of a petition under this
38 chapter, excluding any time spent, but not any violent acts
39 committed, in a mental health facility, a long-term (~~alcoholism or~~

1 ~~drug~~) substance use disorder treatment facility, or in confinement
2 as a result of a criminal conviction.

3 (30) "Individualized service plan" means a plan prepared by a
4 developmental disabilities professional with other professionals as a
5 team, for a person with developmental disabilities, which states:

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

8 (b) The conditions and strategies necessary to achieve the
9 purposes of habilitation;

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

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

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

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

20 (g) The type of residence immediately anticipated for the person
21 and possible future types of residences.

22 (31)(a) "Inpatient treatment" means twenty-four-hour-per-day
23 mental health care provided within a general hospital, psychiatric
24 hospital, residential treatment facility licensed or certified by the
25 department of health as an evaluation and treatment facility for
26 minors, secure withdrawal management and stabilization facility for
27 minors, or approved substance use disorder treatment program for
28 minors.

29 (b) For purposes of family-initiated treatment under RCW
30 71.34.600 through 71.34.670, "inpatient treatment" has the meaning
31 included in (a) of this subsection and any other residential
32 treatment facility licensed under chapter 71.12 RCW.

33 (32) "Intoxicated minor" means a minor whose mental or physical
34 functioning is substantially impaired as a result of the use of
35 alcohol or other psychoactive chemicals.

36 (33) "Judicial commitment" means a commitment by a court pursuant
37 to the provisions of this chapter.

38 (34) "Kinship caregiver" has the same meaning as in RCW
39 74.13.031(19)(a).

1 (35) "Legal counsel" means attorneys and staff employed by county
2 prosecutor offices or the state attorney general acting in their
3 capacity as legal representatives of public behavioral health service
4 providers under RCW 71.05.130.

5 (36) "Less restrictive alternative" or "less restrictive setting"
6 means outpatient treatment provided to a minor (~~who is not residing~~
7 ~~in a facility providing inpatient treatment as defined in this~~
8 ~~chapter~~) as a program of individualized treatment in a less
9 restrictive setting than inpatient treatment that includes the
10 services described in RCW 71.34.755, including residential treatment.

11 (37) "Licensed physician" means a person licensed to practice
12 medicine or osteopathic medicine and surgery in the state of
13 Washington.

14 (38) "Likelihood of serious harm" means:

15 (a) A substantial risk that: (i) Physical harm will be inflicted
16 by a minor upon his or her own person, as evidenced by threats or
17 attempts to commit suicide or inflict physical harm on oneself; (ii)
18 physical harm will be inflicted by a minor upon another individual,
19 as evidenced by behavior which has caused such harm or which places
20 another person or persons in reasonable fear of sustaining such harm;
21 or (iii) physical harm will be inflicted by a minor upon the property
22 of others, as evidenced by behavior which has caused substantial loss
23 or damage to the property of others; or

24 (b) The minor has threatened the physical safety of another and
25 has a history of one or more violent acts.

26 (39) "Managed care organization" has the same meaning as provided
27 in RCW 71.24.025.

28 (40) "Medical clearance" means a physician or other health care
29 provider has determined that a person is medically stable and ready
30 for referral to the designated crisis responder.

31 (41) "Medical necessity" for inpatient care means a requested
32 service which is reasonably calculated to: (a) Diagnose, correct,
33 cure, or alleviate a mental disorder or substance use disorder; or
34 (b) prevent the progression of a mental disorder or substance use
35 disorder that endangers life or causes suffering and pain, or results
36 in illness or infirmity or threatens to cause or aggravate a
37 disability, or causes physical deformity or malfunction, and there is
38 no adequate less restrictive alternative available.

39 (42) "Mental disorder" means any organic, mental, or emotional
40 impairment that has substantial adverse effects on an individual's

1 cognitive or volitional functions. The presence of alcohol abuse,
2 drug abuse, juvenile criminal history, antisocial behavior, or
3 intellectual disabilities alone is insufficient to justify a finding
4 of "mental disorder" within the meaning of this section.

5 (43) "Mental health professional" means a psychiatrist,
6 psychiatric advanced registered nurse practitioner, physician
7 assistant working with a supervising psychiatrist, psychologist,
8 psychiatric nurse, social worker, and such other mental health
9 professionals as defined by rules adopted by the secretary of the
10 department of health under this chapter.

11 (44) "Minor" means any person under the age of eighteen years.

12 (45) "Outpatient treatment" means any of the nonresidential
13 services mandated under chapter 71.24 RCW and provided by licensed or
14 certified behavioral health agencies as identified by RCW 71.24.025.

15 (46)(a) "Parent" has the same meaning as defined in RCW
16 26.26A.010, including either parent if custody is shared under a
17 joint custody agreement, or a person or agency judicially appointed
18 as legal guardian or custodian of the child.

19 (b) For purposes of family-initiated treatment under RCW
20 71.34.600 through 71.34.670, "parent" also includes a person to whom
21 a parent defined in (a) of this subsection has given a signed
22 authorization to make health care decisions for the adolescent, a
23 stepparent who is involved in caring for the adolescent, a kinship
24 caregiver who is involved in caring for the adolescent, or another
25 relative who is responsible for the health care of the adolescent,
26 who may be required to provide a declaration under penalty of perjury
27 stating that he or she is a relative responsible for the health care
28 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises
29 between individuals authorized to act as a parent for the purpose of
30 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
31 according to the priority established under RCW 7.70.065(2)(a).

32 (47) "Peace officer" means a law enforcement official of a public
33 agency or governmental unit, and includes persons specifically given
34 peace officer powers by any state law, local ordinance, or judicial
35 order of appointment.

36 (48) "Physician assistant" means a person licensed as a physician
37 assistant under chapter 18.71A RCW.

38 (49) "Private agency" means any person, partnership, corporation,
39 or association that is not a public agency, whether or not financed
40 in whole or in part by public funds, that constitutes an evaluation

1 and treatment facility or private institution, or hospital, or
2 approved substance use disorder treatment program, that is conducted
3 for, or includes a distinct unit, floor, or ward conducted for, the
4 care and treatment of persons with mental illness, substance use
5 disorders, or both mental illness and substance use disorders.

6 (50) "Professional person in charge" or "professional person"
7 means a physician, other mental health professional, or other person
8 empowered by an evaluation and treatment facility, secure withdrawal
9 management and stabilization facility, or approved substance use
10 disorder treatment program with authority to make admission and
11 discharge decisions on behalf of that facility.

12 (51) "Psychiatric nurse" means a registered nurse who has
13 experience in the direct treatment of persons who have a mental
14 illness or who are emotionally disturbed, such experience gained
15 under the supervision of a mental health professional.

16 (52) "Psychiatrist" means a person having a license as a
17 physician in this state who has completed residency training in
18 psychiatry in a program approved by the American Medical Association
19 or the American Osteopathic Association, and is board eligible or
20 board certified in psychiatry.

21 (53) "Psychologist" means a person licensed as a psychologist
22 under chapter 18.83 RCW.

23 (54) "Public agency" means any evaluation and treatment facility
24 or institution, or hospital, or approved substance use disorder
25 treatment program that is conducted for, or includes a distinct unit,
26 floor, or ward conducted for, the care and treatment of persons with
27 mental illness, substance use disorders, or both mental illness and
28 substance use disorders if the agency is operated directly by
29 federal, state, county, or municipal government, or a combination of
30 such governments.

31 (55) "Release" means legal termination of the commitment under
32 the provisions of this chapter.

33 (56) "Resource management services" has the meaning given in
34 chapter 71.24 RCW.

35 (57) "Responsible other" means the minor, the minor's parent or
36 estate, or any other person legally responsible for support of the
37 minor.

38 (58) "Secretary" means the secretary of the department or
39 secretary's designee.

1 (59) "Secure withdrawal management and stabilization facility"
2 means a facility operated by either a public or private agency or by
3 the program of an agency which provides care to voluntary individuals
4 and individuals involuntarily detained and committed under this
5 chapter for whom there is a likelihood of serious harm or who are
6 gravely disabled due to the presence of a substance use disorder.
7 Secure withdrawal management and stabilization facilities must:

8 (a) Provide the following services:

9 (i) Assessment and treatment, provided by certified substance use
10 disorder professionals or co-occurring disorder specialists;

11 (ii) Clinical stabilization services;

12 (iii) Acute or subacute detoxification services for intoxicated
13 individuals; and

14 (iv) Discharge assistance provided by certified substance use
15 disorder professionals or co-occurring disorder specialists,
16 including facilitating transitions to appropriate voluntary or
17 involuntary inpatient services or to less restrictive alternatives as
18 appropriate for the individual;

19 (b) Include security measures sufficient to protect the patients,
20 staff, and community; and

21 (c) Be licensed or certified as such by the department of health.

22 (60) "Social worker" means a person with a master's or further
23 advanced degree from a social work educational program accredited and
24 approved as provided in RCW 18.320.010.

25 (61) "Start of initial detention" means the time of arrival of
26 the minor at the first evaluation and treatment facility, secure
27 withdrawal management and stabilization facility, or approved
28 substance use disorder treatment program offering inpatient treatment
29 if the minor is being involuntarily detained at the time. With regard
30 to voluntary patients, "start of initial detention" means the time at
31 which the minor gives notice of intent to leave under the provisions
32 of this chapter.

33 (62) "Store and forward technology" means use of an asynchronous
34 transmission of a person's medical information from a mental health
35 service provider to the designated crisis responder which results in
36 medical diagnosis, consultation, or treatment.

37 (63) "Substance use disorder" means a cluster of cognitive,
38 behavioral, and physiological symptoms indicating that an individual
39 continues using the substance despite significant substance-related
40 problems. The diagnosis of a substance use disorder is based on a

1 pathological pattern of behaviors related to the use of the
2 substances.

3 ~~((63))~~ (64) "Substance use disorder professional" means a
4 person certified as a substance use disorder professional by the
5 department of health under chapter 18.205 RCW.

6 ~~((64))~~ (65) "Therapeutic court personnel" means the staff of a
7 mental health court or other therapeutic court which has jurisdiction
8 over defendants who are dually diagnosed with mental disorders,
9 including court personnel, probation officers, a court monitor,
10 prosecuting attorney, or defense counsel acting within the scope of
11 therapeutic court duties.

12 ~~((65))~~ (66) "Treatment records" include registration and all
13 other records concerning persons who are receiving or who at any time
14 have received services for mental illness, which are maintained by
15 the department, the department of health, the authority, behavioral
16 health organizations and their staffs, and by treatment facilities.
17 Treatment records include mental health information contained in a
18 medical bill including but not limited to mental health drugs, a
19 mental health diagnosis, provider name, and dates of service stemming
20 from a medical service. Treatment records do not include notes or
21 records maintained for personal use by a person providing treatment
22 services for the department, the department of health, the authority,
23 behavioral health organizations, or a treatment facility if the notes
24 or records are not available to others.

25 ~~((66))~~ (67) "Triage facility" means a short-term facility or a
26 portion of a facility licensed or certified by the department of
27 health under RCW 71.24.035, which is designed as a facility to assess
28 and stabilize an individual or determine the need for involuntary
29 commitment of an individual, and must meet department of health
30 residential treatment facility standards. A triage facility may be
31 structured as a voluntary or involuntary placement facility.

32 ~~((67))~~ (68) "Video" means the delivery of behavioral health
33 services through the use of interactive audio and video technology,
34 permitting real-time communication between a person and a designated
35 crisis responder, for the purpose of evaluation. "Video" does not
36 include the use of audio-only telephone, facsimile, email, or store
37 and forward technology.

38 (69) "Violent act" means behavior that resulted in homicide,
39 attempted suicide, injury, or substantial loss or damage to property.

1 (~~(68) "Written order of apprehension" means an order of the~~
2 ~~court for a peace officer to deliver the named minor in the order to~~
3 ~~a facility or emergency room as determined by the designated crisis~~
4 ~~responder. Such orders must be entered into the Washington crime~~
5 ~~information center database.)~~)

6 **Sec. 26.** RCW 71.34.020 and 2020 c 302 s 64, 2020 c 302 s 63,
7 2020 c 274 s 50, and 2020 c 185 s 2 are each reenacted and amended to
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Admission" or "admit" means a decision by a physician,
12 physician assistant, or psychiatric advanced registered nurse
13 practitioner that a minor should be examined or treated as a patient
14 in a hospital.

15 (2) "Adolescent" means a minor thirteen years of age or older.

16 (3) "Alcoholism" means a disease, characterized by a dependency
17 on alcoholic beverages, loss of control over the amount and
18 circumstances of use, symptoms of tolerance, physiological or
19 psychological withdrawal, or both, if use is reduced or discontinued,
20 and impairment of health or disruption of social or economic
21 functioning.

22 (4) "Antipsychotic medications" means that class of drugs
23 primarily used to treat serious manifestations of mental illness
24 associated with thought disorders, which includes, but is not limited
25 to, atypical antipsychotic medications.

26 (5) "Approved substance use disorder treatment program" means a
27 program for minors with substance use disorders provided by a
28 treatment program licensed or certified by the department of health
29 as meeting standards adopted under chapter 71.24 RCW.

30 (6) "Attending staff" means any person on the staff of a public
31 or private agency having responsibility for the care and treatment of
32 a minor patient.

33 (7) "Authority" means the Washington state health care authority.

34 (8) "Behavioral health administrative services organization" has
35 the same meaning as provided in RCW 71.24.025.

36 (9) "Behavioral health disorder" means either a mental disorder
37 as defined in this section, a substance use disorder as defined in
38 this section, or a co-occurring mental disorder and substance use
39 disorder.

1 (10) "Child psychiatrist" means a person having a license as a
2 physician and surgeon in this state, who has had graduate training in
3 child psychiatry in a program approved by the American Medical
4 Association or the American Osteopathic Association, and who is board
5 eligible or board certified in child psychiatry.

6 (11) "Children's mental health specialist" means:

7 (a) A mental health professional who has completed a minimum of
8 one hundred actual hours, not quarter or semester hours, of
9 specialized training devoted to the study of child development and
10 the treatment of children; and

11 (b) A mental health professional who has the equivalent of one
12 year of full-time experience in the treatment of children under the
13 supervision of a children's mental health specialist.

14 (12) "Commitment" means a determination by a judge or court
15 commissioner, made after a commitment hearing, that the minor is in
16 need of inpatient diagnosis, evaluation, or treatment or that the
17 minor is in need of less restrictive alternative treatment.

18 (13) "Conditional release" means a revocable modification of a
19 commitment, which may be revoked upon violation of any of its terms.

20 (14) "Co-occurring disorder specialist" means an individual
21 possessing an enhancement granted by the department of health under
22 chapter 18.205 RCW that certifies the individual to provide substance
23 use disorder counseling subject to the practice limitations under RCW
24 18.205.105.

25 (15) "Crisis stabilization unit" means a short-term facility or a
26 portion of a facility licensed or certified by the department of
27 health under RCW 71.24.035, such as a residential treatment facility
28 or a hospital, which has been designed to assess, diagnose, and treat
29 individuals experiencing an acute crisis without the use of long-term
30 hospitalization.

31 (16) "Custody" means involuntary detention under the provisions
32 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
33 unconditional release from commitment from a facility providing
34 involuntary care and treatment.

35 (17) "Department" means the department of social and health
36 services.

37 (18) "Designated crisis responder" has the same meaning as
38 provided in RCW 71.05.020.

39 (19) "Detention" or "detain" means the lawful confinement of a
40 person, under the provisions of this chapter.

1 (20) "Developmental disabilities professional" means a person who
2 has specialized training and three years of experience in directly
3 treating or working with persons with developmental disabilities and
4 is a psychiatrist, physician assistant working with a supervising
5 psychiatrist, psychologist, psychiatric advanced registered nurse
6 practitioner, or social worker, and such other developmental
7 disabilities professionals as may be defined by rules adopted by the
8 secretary of the department.

9 (21) "Developmental disability" has the same meaning as defined
10 in RCW 71A.10.020.

11 (22) "Director" means the director of the authority.

12 (23) "Discharge" means the termination of hospital medical
13 authority. The commitment may remain in place, be terminated, or be
14 amended by court order.

15 (24) "Evaluation and treatment facility" means a public or
16 private facility or unit that is licensed or certified by the
17 department of health to provide emergency, inpatient, residential, or
18 outpatient mental health evaluation and treatment services for
19 minors. A physically separate and separately operated portion of a
20 state hospital may be designated as an evaluation and treatment
21 facility for minors. A facility which is part of or operated by the
22 state or federal agency does not require licensure or certification.
23 No correctional institution or facility, juvenile court detention
24 facility, or jail may be an evaluation and treatment facility within
25 the meaning of this chapter.

26 (25) "Evaluation and treatment program" means the total system of
27 services and facilities coordinated and approved by a county or
28 combination of counties for the evaluation and treatment of minors
29 under this chapter.

30 (26) "Gravely disabled minor" means a minor who, as a result of a
31 behavioral health disorder, (a) is in danger of serious physical harm
32 resulting from a failure to provide for his or her essential human
33 needs of health or safety, or (b) manifests severe deterioration from
34 safe behavior evidenced by repeated and escalating loss of cognitive
35 or volitional control over his or her actions and is not receiving
36 such care as is essential for his or her health or safety.

37 (27) "Habilitative services" means those services provided by
38 program personnel to assist minors in acquiring and maintaining life
39 skills and in raising their levels of physical, behavioral, social,

1 and vocational functioning. Habilitative services include education,
2 training for employment, and therapy.

3 (28) "Hearing" means any proceeding conducted in open court that
4 conforms to the requirements of RCW 71.34.910.

5 (29) "History of one or more violent acts" refers to the period
6 of time five years prior to the filing of a petition under this
7 chapter, excluding any time spent, but not any violent acts
8 committed, in a mental health facility, a long-term (~~alcoholism or~~
9 ~~drug~~) substance use disorder treatment facility, or in confinement
10 as a result of a criminal conviction.

11 (30) "Individualized service plan" means a plan prepared by a
12 developmental disabilities professional with other professionals as a
13 team, for a person with developmental disabilities, which states:

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

16 (b) The conditions and strategies necessary to achieve the
17 purposes of habilitation;

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

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

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

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

28 (g) The type of residence immediately anticipated for the person
29 and possible future types of residences.

30 (31)(a) "Inpatient treatment" means twenty-four-hour-per-day
31 mental health care provided within a general hospital, psychiatric
32 hospital, residential treatment facility licensed or certified by the
33 department of health as an evaluation and treatment facility for
34 minors, secure withdrawal management and stabilization facility for
35 minors, or approved substance use disorder treatment program for
36 minors.

37 (b) For purposes of family-initiated treatment under RCW
38 71.34.600 through 71.34.670, "inpatient treatment" has the meaning
39 included in (a) of this subsection and any other residential
40 treatment facility licensed under chapter 71.12 RCW.

1 (32) "Intoxicated minor" means a minor whose mental or physical
2 functioning is substantially impaired as a result of the use of
3 alcohol or other psychoactive chemicals.

4 (33) "Judicial commitment" means a commitment by a court pursuant
5 to the provisions of this chapter.

6 (34) "Kinship caregiver" has the same meaning as in RCW
7 74.13.031(19) (a).

8 (35) "Legal counsel" means attorneys and staff employed by county
9 prosecutor offices or the state attorney general acting in their
10 capacity as legal representatives of public behavioral health service
11 providers under RCW 71.05.130.

12 (36) "Less restrictive alternative" or "less restrictive setting"
13 means outpatient treatment provided to a minor (~~who is not residing~~
14 ~~in a facility providing inpatient treatment as defined in this~~
15 ~~chapter~~) as a program of individualized treatment in a less
16 restrictive setting than inpatient treatment that includes the
17 services described in RCW 71.34.755, including residential treatment.

18 (37) "Licensed physician" means a person licensed to practice
19 medicine or osteopathic medicine and surgery in the state of
20 Washington.

21 (38) "Likelihood of serious harm" means:

22 (a) A substantial risk that: (i) Physical harm will be inflicted
23 by a minor upon his or her own person, as evidenced by threats or
24 attempts to commit suicide or inflict physical harm on oneself; (ii)
25 physical harm will be inflicted by a minor upon another individual,
26 as evidenced by behavior which has caused harm, substantial pain, or
27 which places another person or persons in reasonable fear of harm to
28 themselves or others; or (iii) physical harm will be inflicted by a
29 minor upon the property of others, as evidenced by behavior which has
30 caused substantial loss or damage to the property of others; or

31 (b) The minor has threatened the physical safety of another and
32 has a history of one or more violent acts.

33 (39) "Managed care organization" has the same meaning as provided
34 in RCW 71.24.025.

35 (40) "Medical clearance" means a physician or other health care
36 provider has determined that a person is medically stable and ready
37 for referral to the designated crisis responder.

38 (41) "Medical necessity" for inpatient care means a requested
39 service which is reasonably calculated to: (a) Diagnose, correct,
40 cure, or alleviate a mental disorder or substance use disorder; or

1 (b) prevent the progression of a mental disorder or substance use
2 disorder that endangers life or causes suffering and pain, or results
3 in illness or infirmity or threatens to cause or aggravate a
4 disability, or causes physical deformity or malfunction, and there is
5 no adequate less restrictive alternative available.

6 (42) "Mental disorder" means any organic, mental, or emotional
7 impairment that has substantial adverse effects on an individual's
8 cognitive or volitional functions. The presence of alcohol abuse,
9 drug abuse, juvenile criminal history, antisocial behavior, or
10 intellectual disabilities alone is insufficient to justify a finding
11 of "mental disorder" within the meaning of this section.

12 (43) "Mental health professional" means a psychiatrist,
13 psychiatric advanced registered nurse practitioner, physician
14 assistant working with a supervising psychiatrist, psychologist,
15 psychiatric nurse, social worker, and such other mental health
16 professionals as defined by rules adopted by the secretary of the
17 department of health under this chapter.

18 (44) "Minor" means any person under the age of eighteen years.

19 (45) "Outpatient treatment" means any of the nonresidential
20 services mandated under chapter 71.24 RCW and provided by licensed or
21 certified behavioral health agencies as identified by RCW 71.24.025.

22 (46)(a) "Parent" has the same meaning as defined in RCW
23 26.26A.010, including either parent if custody is shared under a
24 joint custody agreement, or a person or agency judicially appointed
25 as legal guardian or custodian of the child.

26 (b) For purposes of family-initiated treatment under RCW
27 71.34.600 through 71.34.670, "parent" also includes a person to whom
28 a parent defined in (a) of this subsection has given a signed
29 authorization to make health care decisions for the adolescent, a
30 stepparent who is involved in caring for the adolescent, a kinship
31 caregiver who is involved in caring for the adolescent, or another
32 relative who is responsible for the health care of the adolescent,
33 who may be required to provide a declaration under penalty of perjury
34 stating that he or she is a relative responsible for the health care
35 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises
36 between individuals authorized to act as a parent for the purpose of
37 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
38 according to the priority established under RCW 7.70.065(2)(a).

39 (47) "Peace officer" means a law enforcement official of a public
40 agency or governmental unit, and includes persons specifically given

1 peace officer powers by any state law, local ordinance, or judicial
2 order of appointment.

3 (48) "Physician assistant" means a person licensed as a physician
4 assistant under chapter 18.57A or 18.71A RCW.

5 (49) "Private agency" means any person, partnership, corporation,
6 or association that is not a public agency, whether or not financed
7 in whole or in part by public funds, that constitutes an evaluation
8 and treatment facility or private institution, or hospital, or
9 approved substance use disorder treatment program, that is conducted
10 for, or includes a distinct unit, floor, or ward conducted for, the
11 care and treatment of persons with mental illness, substance use
12 disorders, or both mental illness and substance use disorders.

13 (50) "Professional person in charge" or "professional person"
14 means a physician, other mental health professional, or other person
15 empowered by an evaluation and treatment facility, secure withdrawal
16 management and stabilization facility, or approved substance use
17 disorder treatment program with authority to make admission and
18 discharge decisions on behalf of that facility.

19 (51) "Psychiatric nurse" means a registered nurse who has
20 experience in the direct treatment of persons who have a mental
21 illness or who are emotionally disturbed, such experience gained
22 under the supervision of a mental health professional.

23 (52) "Psychiatrist" means a person having a license as a
24 physician in this state who has completed residency training in
25 psychiatry in a program approved by the American Medical Association
26 or the American Osteopathic Association, and is board eligible or
27 board certified in psychiatry.

28 (53) "Psychologist" means a person licensed as a psychologist
29 under chapter 18.83 RCW.

30 (54) "Public agency" means any evaluation and treatment facility
31 or institution, or hospital, or approved substance use disorder
32 treatment program that is conducted for, or includes a distinct unit,
33 floor, or ward conducted for, the care and treatment of persons with
34 mental illness, substance use disorders, or both mental illness and
35 substance use disorders if the agency is operated directly by
36 federal, state, county, or municipal government, or a combination of
37 such governments.

38 (55) "Release" means legal termination of the commitment under
39 the provisions of this chapter.

1 (56) "Resource management services" has the meaning given in
2 chapter 71.24 RCW.

3 (57) "Responsible other" means the minor, the minor's parent or
4 estate, or any other person legally responsible for support of the
5 minor.

6 (58) "Secretary" means the secretary of the department or
7 secretary's designee.

8 (59) "Secure withdrawal management and stabilization facility"
9 means a facility operated by either a public or private agency or by
10 the program of an agency which provides care to voluntary individuals
11 and individuals involuntarily detained and committed under this
12 chapter for whom there is a likelihood of serious harm or who are
13 gravely disabled due to the presence of a substance use disorder.
14 Secure withdrawal management and stabilization facilities must:

15 (a) Provide the following services:

16 (i) Assessment and treatment, provided by certified substance use
17 disorder professionals or co-occurring disorder specialists;

18 (ii) Clinical stabilization services;

19 (iii) Acute or subacute detoxification services for intoxicated
20 individuals; and

21 (iv) Discharge assistance provided by certified substance use
22 disorder professionals or co-occurring disorder specialists,
23 including facilitating transitions to appropriate voluntary or
24 involuntary inpatient services or to less restrictive alternatives as
25 appropriate for the individual;

26 (b) Include security measures sufficient to protect the patients,
27 staff, and community; and

28 (c) Be licensed or certified as such by the department of health.

29 (60) "Severe deterioration from safe behavior" means that a
30 person will, if not treated, suffer or continue to suffer severe and
31 abnormal mental, emotional, or physical distress, and this distress
32 is associated with significant impairment of judgment, reason, or
33 behavior.

34 (61) "Social worker" means a person with a master's or further
35 advanced degree from a social work educational program accredited and
36 approved as provided in RCW 18.320.010.

37 (62) "Start of initial detention" means the time of arrival of
38 the minor at the first evaluation and treatment facility, secure
39 withdrawal management and stabilization facility, or approved
40 substance use disorder treatment program offering inpatient treatment

1 if the minor is being involuntarily detained at the time. With regard
2 to voluntary patients, "start of initial detention" means the time at
3 which the minor gives notice of intent to leave under the provisions
4 of this chapter.

5 (63) "Store and forward technology" means use of an asynchronous
6 transmission of a person's medical information from a mental health
7 service provider to the designated crisis responder which results in
8 medical diagnosis, consultation, or treatment.

9 (64) "Substance use disorder" means a cluster of cognitive,
10 behavioral, and physiological symptoms indicating that an individual
11 continues using the substance despite significant substance-related
12 problems. The diagnosis of a substance use disorder is based on a
13 pathological pattern of behaviors related to the use of the
14 substances.

15 ~~((64))~~ (65) "Substance use disorder professional" means a
16 person certified as a substance use disorder professional by the
17 department of health under chapter 18.205 RCW.

18 ~~((65))~~ (66) "Therapeutic court personnel" means the staff of a
19 mental health court or other therapeutic court which has jurisdiction
20 over defendants who are dually diagnosed with mental disorders,
21 including court personnel, probation officers, a court monitor,
22 prosecuting attorney, or defense counsel acting within the scope of
23 therapeutic court duties.

24 ~~((66))~~ (67) "Treatment records" include registration and all
25 other records concerning persons who are receiving or who at any time
26 have received services for mental illness, which are maintained by
27 the department, the department of health, the authority, behavioral
28 health organizations and their staffs, and by treatment facilities.
29 Treatment records include mental health information contained in a
30 medical bill including but not limited to mental health drugs, a
31 mental health diagnosis, provider name, and dates of service stemming
32 from a medical service. Treatment records do not include notes or
33 records maintained for personal use by a person providing treatment
34 services for the department, the department of health, the authority,
35 behavioral health organizations, or a treatment facility if the notes
36 or records are not available to others.

37 ~~((67))~~ (68) "Triage facility" means a short-term facility or a
38 portion of a facility licensed or certified by the department of
39 health under RCW 71.24.035, which is designed as a facility to assess
40 and stabilize an individual or determine the need for involuntary

1 commitment of an individual, and must meet department of health
2 residential treatment facility standards. A triage facility may be
3 structured as a voluntary or involuntary placement facility.

4 ~~((68))~~ (69) "Video" means the delivery of behavioral health
5 services through the use of interactive audio and video technology,
6 permitting real-time communication between a person and a designated
7 crisis responder, for the purpose of evaluation. "Video" does not
8 include the use of audio-only telephone, facsimile, email, or store
9 and forward technology.

10 (70) "Violent act" means behavior that resulted in homicide,
11 attempted suicide, injury, or substantial loss or damage to property.

12 ~~((69) "Written order of apprehension" means an order of the~~
13 ~~court for a peace officer to deliver the named minor in the order to~~
14 ~~a facility or emergency room as determined by the designated crisis~~
15 ~~responder. Such orders must be entered into the Washington crime~~
16 ~~information center database.))~~

17 **Sec. 27.** RCW 71.34.020 and 2020 c 302 s 64, 2020 c 302 s 63,
18 2020 c 274 s 50, 2020 c 185 s 2, and 2020 c 80 s 54 are each
19 reenacted and amended to read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Admission" or "admit" means a decision by a physician,
23 physician assistant, or psychiatric advanced registered nurse
24 practitioner that a minor should be examined or treated as a patient
25 in a hospital.

26 (2) "Adolescent" means a minor thirteen years of age or older.

27 (3) "Alcoholism" means a disease, characterized by a dependency
28 on alcoholic beverages, loss of control over the amount and
29 circumstances of use, symptoms of tolerance, physiological or
30 psychological withdrawal, or both, if use is reduced or discontinued,
31 and impairment of health or disruption of social or economic
32 functioning.

33 (4) "Antipsychotic medications" means that class of drugs
34 primarily used to treat serious manifestations of mental illness
35 associated with thought disorders, which includes, but is not limited
36 to, atypical antipsychotic medications.

37 (5) "Approved substance use disorder treatment program" means a
38 program for minors with substance use disorders provided by a

1 treatment program licensed or certified by the department of health
2 as meeting standards adopted under chapter 71.24 RCW.

3 (6) "Attending staff" means any person on the staff of a public
4 or private agency having responsibility for the care and treatment of
5 a minor patient.

6 (7) "Authority" means the Washington state health care authority.

7 (8) "Behavioral health administrative services organization" has
8 the same meaning as provided in RCW 71.24.025.

9 (9) "Behavioral health disorder" means either a mental disorder
10 as defined in this section, a substance use disorder as defined in
11 this section, or a co-occurring mental disorder and substance use
12 disorder.

13 (10) "Child psychiatrist" means a person having a license as a
14 physician and surgeon in this state, who has had graduate training in
15 child psychiatry in a program approved by the American Medical
16 Association or the American Osteopathic Association, and who is board
17 eligible or board certified in child psychiatry.

18 (11) "Children's mental health specialist" means:

19 (a) A mental health professional who has completed a minimum of
20 one hundred actual hours, not quarter or semester hours, of
21 specialized training devoted to the study of child development and
22 the treatment of children; and

23 (b) A mental health professional who has the equivalent of one
24 year of full-time experience in the treatment of children under the
25 supervision of a children's mental health specialist.

26 (12) "Commitment" means a determination by a judge or court
27 commissioner, made after a commitment hearing, that the minor is in
28 need of inpatient diagnosis, evaluation, or treatment or that the
29 minor is in need of less restrictive alternative treatment.

30 (13) "Conditional release" means a revocable modification of a
31 commitment, which may be revoked upon violation of any of its terms.

32 (14) "Co-occurring disorder specialist" means an individual
33 possessing an enhancement granted by the department of health under
34 chapter 18.205 RCW that certifies the individual to provide substance
35 use disorder counseling subject to the practice limitations under RCW
36 18.205.105.

37 (15) "Crisis stabilization unit" means a short-term facility or a
38 portion of a facility licensed or certified by the department of
39 health under RCW 71.24.035, such as a residential treatment facility
40 or a hospital, which has been designed to assess, diagnose, and treat

1 individuals experiencing an acute crisis without the use of long-term
2 hospitalization.

3 (16) "Custody" means involuntary detention under the provisions
4 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
5 unconditional release from commitment from a facility providing
6 involuntary care and treatment.

7 (17) "Department" means the department of social and health
8 services.

9 (18) "Designated crisis responder" has the same meaning as
10 provided in RCW 71.05.020.

11 (19) "Detention" or "detain" means the lawful confinement of a
12 person, under the provisions of this chapter.

13 (20) "Developmental disabilities professional" means a person who
14 has specialized training and three years of experience in directly
15 treating or working with persons with developmental disabilities and
16 is a psychiatrist, physician assistant working with a supervising
17 psychiatrist, psychologist, psychiatric advanced registered nurse
18 practitioner, or social worker, and such other developmental
19 disabilities professionals as may be defined by rules adopted by the
20 secretary of the department.

21 (21) "Developmental disability" has the same meaning as defined
22 in RCW 71A.10.020.

23 (22) "Director" means the director of the authority.

24 (23) "Discharge" means the termination of hospital medical
25 authority. The commitment may remain in place, be terminated, or be
26 amended by court order.

27 (24) "Evaluation and treatment facility" means a public or
28 private facility or unit that is licensed or certified by the
29 department of health to provide emergency, inpatient, residential, or
30 outpatient mental health evaluation and treatment services for
31 minors. A physically separate and separately operated portion of a
32 state hospital may be designated as an evaluation and treatment
33 facility for minors. A facility which is part of or operated by the
34 state or federal agency does not require licensure or certification.
35 No correctional institution or facility, juvenile court detention
36 facility, or jail may be an evaluation and treatment facility within
37 the meaning of this chapter.

38 (25) "Evaluation and treatment program" means the total system of
39 services and facilities coordinated and approved by a county or

1 combination of counties for the evaluation and treatment of minors
2 under this chapter.

3 (26) "Gravely disabled minor" means a minor who, as a result of a
4 behavioral health disorder, (a) is in danger of serious physical harm
5 resulting from a failure to provide for his or her essential human
6 needs of health or safety, or (b) manifests severe deterioration from
7 safe behavior evidenced by repeated and escalating loss of cognitive
8 or volitional control over his or her actions and is not receiving
9 such care as is essential for his or her health or safety.

10 (27) "Habilitative services" means those services provided by
11 program personnel to assist minors in acquiring and maintaining life
12 skills and in raising their levels of physical, behavioral, social,
13 and vocational functioning. Habilitative services include education,
14 training for employment, and therapy.

15 (28) "Hearing" means any proceeding conducted in open court that
16 conforms to the requirements of RCW 71.34.910.

17 (29) "History of one or more violent acts" refers to the period
18 of time five years prior to the filing of a petition under this
19 chapter, excluding any time spent, but not any violent acts
20 committed, in a mental health facility, a long-term (~~alcoholism or~~
21 ~~drug~~) substance use disorder treatment facility, or in confinement
22 as a result of a criminal conviction.

23 (30) "Individualized service plan" means a plan prepared by a
24 developmental disabilities professional with other professionals as a
25 team, for a person with developmental disabilities, which states:

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

28 (b) The conditions and strategies necessary to achieve the
29 purposes of habilitation;

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

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

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

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

1 (g) The type of residence immediately anticipated for the person
2 and possible future types of residences.

3 (31)(a) "Inpatient treatment" means twenty-four-hour-per-day
4 mental health care provided within a general hospital, psychiatric
5 hospital, residential treatment facility licensed or certified by the
6 department of health as an evaluation and treatment facility for
7 minors, secure withdrawal management and stabilization facility for
8 minors, or approved substance use disorder treatment program for
9 minors.

10 (b) For purposes of family-initiated treatment under RCW
11 71.34.600 through 71.34.670, "inpatient treatment" has the meaning
12 included in (a) of this subsection and any other residential
13 treatment facility licensed under chapter 71.12 RCW.

14 (32) "Intoxicated minor" means a minor whose mental or physical
15 functioning is substantially impaired as a result of the use of
16 alcohol or other psychoactive chemicals.

17 (33) "Judicial commitment" means a commitment by a court pursuant
18 to the provisions of this chapter.

19 (34) "Kinship caregiver" has the same meaning as in RCW
20 74.13.031(19)(a).

21 (35) "Legal counsel" means attorneys and staff employed by county
22 prosecutor offices or the state attorney general acting in their
23 capacity as legal representatives of public behavioral health service
24 providers under RCW 71.05.130.

25 (36) "Less restrictive alternative" or "less restrictive setting"
26 means outpatient treatment provided to a minor (~~(who is not residing~~
27 ~~in a facility providing inpatient treatment as defined in this~~
28 ~~chapter)) as a program of individualized treatment in a less
29 restrictive setting than inpatient treatment that includes the
30 services described in RCW 71.34.755, including residential treatment.~~

31 (37) "Licensed physician" means a person licensed to practice
32 medicine or osteopathic medicine and surgery in the state of
33 Washington.

34 (38) "Likelihood of serious harm" means:

35 (a) A substantial risk that: (i) Physical harm will be inflicted
36 by a minor upon his or her own person, as evidenced by threats or
37 attempts to commit suicide or inflict physical harm on oneself; (ii)
38 physical harm will be inflicted by a minor upon another individual,
39 as evidenced by behavior which has caused harm, substantial pain, or
40 which places another person or persons in reasonable fear of harm to

1 themselves or others; or (iii) physical harm will be inflicted by a
2 minor upon the property of others, as evidenced by behavior which has
3 caused substantial loss or damage to the property of others; or

4 (b) The minor has threatened the physical safety of another and
5 has a history of one or more violent acts.

6 (39) "Managed care organization" has the same meaning as provided
7 in RCW 71.24.025.

8 (40) "Medical clearance" means a physician or other health care
9 provider has determined that a person is medically stable and ready
10 for referral to the designated crisis responder.

11 (41) "Medical necessity" for inpatient care means a requested
12 service which is reasonably calculated to: (a) Diagnose, correct,
13 cure, or alleviate a mental disorder or substance use disorder; or
14 (b) prevent the progression of a mental disorder or substance use
15 disorder that endangers life or causes suffering and pain, or results
16 in illness or infirmity or threatens to cause or aggravate a
17 disability, or causes physical deformity or malfunction, and there is
18 no adequate less restrictive alternative available.

19 (42) "Mental disorder" means any organic, mental, or emotional
20 impairment that has substantial adverse effects on an individual's
21 cognitive or volitional functions. The presence of alcohol abuse,
22 drug abuse, juvenile criminal history, antisocial behavior, or
23 intellectual disabilities alone is insufficient to justify a finding
24 of "mental disorder" within the meaning of this section.

25 (43) "Mental health professional" means a psychiatrist,
26 psychiatric advanced registered nurse practitioner, physician
27 assistant working with a supervising psychiatrist, psychologist,
28 psychiatric nurse, social worker, and such other mental health
29 professionals as defined by rules adopted by the secretary of the
30 department of health under this chapter.

31 (44) "Minor" means any person under the age of eighteen years.

32 (45) "Outpatient treatment" means any of the nonresidential
33 services mandated under chapter 71.24 RCW and provided by licensed or
34 certified behavioral health agencies as identified by RCW 71.24.025.

35 (46)(a) "Parent" has the same meaning as defined in RCW
36 26.26A.010, including either parent if custody is shared under a
37 joint custody agreement, or a person or agency judicially appointed
38 as legal guardian or custodian of the child.

39 (b) For purposes of family-initiated treatment under RCW
40 71.34.600 through 71.34.670, "parent" also includes a person to whom

1 a parent defined in (a) of this subsection has given a signed
2 authorization to make health care decisions for the adolescent, a
3 stepparent who is involved in caring for the adolescent, a kinship
4 caregiver who is involved in caring for the adolescent, or another
5 relative who is responsible for the health care of the adolescent,
6 who may be required to provide a declaration under penalty of perjury
7 stating that he or she is a relative responsible for the health care
8 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises
9 between individuals authorized to act as a parent for the purpose of
10 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
11 according to the priority established under RCW 7.70.065(2)(a).

12 (47) "Peace officer" means a law enforcement official of a public
13 agency or governmental unit, and includes persons specifically given
14 peace officer powers by any state law, local ordinance, or judicial
15 order of appointment.

16 (48) "Physician assistant" means a person licensed as a physician
17 assistant under chapter 18.71A RCW.

18 (49) "Private agency" means any person, partnership, corporation,
19 or association that is not a public agency, whether or not financed
20 in whole or in part by public funds, that constitutes an evaluation
21 and treatment facility or private institution, or hospital, or
22 approved substance use disorder treatment program, that is conducted
23 for, or includes a distinct unit, floor, or ward conducted for, the
24 care and treatment of persons with mental illness, substance use
25 disorders, or both mental illness and substance use disorders.

26 (50) "Professional person in charge" or "professional person"
27 means a physician, other mental health professional, or other person
28 empowered by an evaluation and treatment facility, secure withdrawal
29 management and stabilization facility, or approved substance use
30 disorder treatment program with authority to make admission and
31 discharge decisions on behalf of that facility.

32 (51) "Psychiatric nurse" means a registered nurse who has
33 experience in the direct treatment of persons who have a mental
34 illness or who are emotionally disturbed, such experience gained
35 under the supervision of a mental health professional.

36 (52) "Psychiatrist" means a person having a license as a
37 physician in this state who has completed residency training in
38 psychiatry in a program approved by the American Medical Association
39 or the American Osteopathic Association, and is board eligible or
40 board certified in psychiatry.

1 (53) "Psychologist" means a person licensed as a psychologist
2 under chapter 18.83 RCW.

3 (54) "Public agency" means any evaluation and treatment facility
4 or institution, or hospital, or approved substance use disorder
5 treatment program that is conducted for, or includes a distinct unit,
6 floor, or ward conducted for, the care and treatment of persons with
7 mental illness, substance use disorders, or both mental illness and
8 substance use disorders if the agency is operated directly by
9 federal, state, county, or municipal government, or a combination of
10 such governments.

11 (55) "Release" means legal termination of the commitment under
12 the provisions of this chapter.

13 (56) "Resource management services" has the meaning given in
14 chapter 71.24 RCW.

15 (57) "Responsible other" means the minor, the minor's parent or
16 estate, or any other person legally responsible for support of the
17 minor.

18 (58) "Secretary" means the secretary of the department or
19 secretary's designee.

20 (59) "Secure withdrawal management and stabilization facility"
21 means a facility operated by either a public or private agency or by
22 the program of an agency which provides care to voluntary individuals
23 and individuals involuntarily detained and committed under this
24 chapter for whom there is a likelihood of serious harm or who are
25 gravely disabled due to the presence of a substance use disorder.
26 Secure withdrawal management and stabilization facilities must:

27 (a) Provide the following services:

28 (i) Assessment and treatment, provided by certified substance use
29 disorder professionals or co-occurring disorder specialists;

30 (ii) Clinical stabilization services;

31 (iii) Acute or subacute detoxification services for intoxicated
32 individuals; and

33 (iv) Discharge assistance provided by certified substance use
34 disorder professionals or co-occurring disorder specialists,
35 including facilitating transitions to appropriate voluntary or
36 involuntary inpatient services or to less restrictive alternatives as
37 appropriate for the individual;

38 (b) Include security measures sufficient to protect the patients,
39 staff, and community; and

40 (c) Be licensed or certified as such by the department of health.

1 (60) "Severe deterioration from safe behavior" means that a
2 person will, if not treated, suffer or continue to suffer severe and
3 abnormal mental, emotional, or physical distress, and this distress
4 is associated with significant impairment of judgment, reason, or
5 behavior.

6 (61) "Social worker" means a person with a master's or further
7 advanced degree from a social work educational program accredited and
8 approved as provided in RCW 18.320.010.

9 (~~(61)~~) (62) "Start of initial detention" means the time of
10 arrival of the minor at the first evaluation and treatment facility,
11 secure withdrawal management and stabilization facility, or approved
12 substance use disorder treatment program offering inpatient treatment
13 if the minor is being involuntarily detained at the time. With regard
14 to voluntary patients, "start of initial detention" means the time at
15 which the minor gives notice of intent to leave under the provisions
16 of this chapter.

17 (~~(62)~~) (63) "Store and forward technology" means use of an
18 asynchronous transmission of a person's medical information from a
19 mental health service provider to the designated crisis responder
20 which results in medical diagnosis, consultation, or treatment.

21 (64) "Substance use disorder" means a cluster of cognitive,
22 behavioral, and physiological symptoms indicating that an individual
23 continues using the substance despite significant substance-related
24 problems. The diagnosis of a substance use disorder is based on a
25 pathological pattern of behaviors related to the use of the
26 substances.

27 (~~(63)~~) (65) "Substance use disorder professional" means a
28 person certified as a substance use disorder professional by the
29 department of health under chapter 18.205 RCW.

30 (~~(64)~~) ~~"Severe deterioration from safe behavior" means that a~~
31 ~~person will, if not treated, suffer or continue to suffer severe and~~
32 ~~abnormal mental, emotional, or physical distress, and this distress~~
33 ~~is associated with significant impairment of judgment, reason, or~~
34 ~~behavior.~~

35 (~~(65)~~) (66) "Therapeutic court personnel" means the staff of a
36 mental health court or other therapeutic court which has jurisdiction
37 over defendants who are dually diagnosed with mental disorders,
38 including court personnel, probation officers, a court monitor,
39 prosecuting attorney, or defense counsel acting within the scope of
40 therapeutic court duties.

1 ~~((66))~~ (67) "Treatment records" include registration and all
2 other records concerning persons who are receiving or who at any time
3 have received services for mental illness, which are maintained by
4 the department, the department of health, the authority, behavioral
5 health organizations and their staffs, and by treatment facilities.
6 Treatment records include mental health information contained in a
7 medical bill including but not limited to mental health drugs, a
8 mental health diagnosis, provider name, and dates of service stemming
9 from a medical service. Treatment records do not include notes or
10 records maintained for personal use by a person providing treatment
11 services for the department, the department of health, the authority,
12 behavioral health organizations, or a treatment facility if the notes
13 or records are not available to others.

14 ~~((67))~~ (68) "Triage facility" means a short-term facility or a
15 portion of a facility licensed or certified by the department of
16 health under RCW 71.24.035, which is designed as a facility to assess
17 and stabilize an individual or determine the need for involuntary
18 commitment of an individual, and must meet department of health
19 residential treatment facility standards. A triage facility may be
20 structured as a voluntary or involuntary placement facility.

21 ~~((68))~~ (69) "Video" means the delivery of behavioral health
22 services through the use of interactive audio and video technology,
23 permitting real-time communication between a person and a designated
24 crisis responder, for the purpose of evaluation. "Video" does not
25 include the use of audio-only telephone, facsimile, email, or store
26 and forward technology.

27 (70) "Violent act" means behavior that resulted in homicide,
28 attempted suicide, injury, or substantial loss or damage to property.

29 ~~((69) "Written order of apprehension" means an order of the~~
30 ~~court for a peace officer to deliver the named minor in the order to~~
31 ~~a facility or emergency room as determined by the designated crisis~~
32 ~~responder. Such orders must be entered into the Washington crime~~
33 ~~information center database.))~~

34 **Sec. 28.** 2020 c 302 s 111 (uncodified) is amended to read as
35 follows:

36 (1) Sections 64 and 81 ~~((of this act))~~, chapter 302, Laws of 2020
37 and, until July 1, 2022, section 26 of this act and, beginning July
38 1, 2022, section 27 of this act take effect when the average wait

1 time for children's long-term inpatient placement admission is 30
2 days or less for two consecutive quarters.

3 (2) The health care authority must provide written notice of the
4 effective date of sections 64 and 81 (~~of this act~~), chapter 302,
5 Laws of 2020 and sections 26 and 27 of this act to affected parties,
6 the chief clerk of the house of representatives, the secretary of the
7 senate, the office of the code reviser, and others as deemed
8 appropriate by the authority.

9 **Sec. 29.** RCW 71.34.710 and 2020 c 302 s 83 are each amended to
10 read as follows:

11 (1)(a) When a designated crisis responder receives information
12 that an adolescent as a result of a behavioral health disorder
13 presents a likelihood of serious harm or is gravely disabled, has
14 investigated the specific facts alleged and of the credibility of the
15 person or persons providing the information, and has determined that
16 voluntary admission for inpatient treatment is not possible, the
17 designated crisis responder may take the adolescent, or cause the
18 adolescent to be taken, into custody and transported to an evaluation
19 and treatment facility, secure withdrawal management and
20 stabilization facility, or approved substance use disorder treatment
21 program providing inpatient treatment.

22 A secure withdrawal management and stabilization facility or
23 approved substance use disorder treatment program must be available
24 and have adequate space for the adolescent.

25 (b) If a designated crisis responder decides not to detain an
26 adolescent for evaluation and treatment under RCW 71.34.700(2), or
27 forty-eight hours have elapsed since a designated crisis responder
28 received a request for investigation and the designated crisis
29 responder has not taken action to have the adolescent detained, an
30 immediate family member or guardian or conservator of the adolescent
31 may petition the superior court for the adolescent's detention using
32 the procedures under RCW 71.05.201 and 71.05.203; however, when the
33 court enters an order of initial detention, except as otherwise
34 expressly stated in this chapter, all procedures must be followed as
35 if the order has been entered under (a) of this subsection.

36 (c) The interview performed by the designated crisis responder
37 may be conducted by video provided that a licensed health care
38 professional or professional person who can adequately and accurately

1 assist with obtaining any necessary information is present with the
2 person at the time of the interview.

3 (2) (a) Within twelve hours of the adolescent's arrival at the
4 evaluation and treatment facility, secure withdrawal management and
5 stabilization facility, or approved substance use disorder treatment
6 program, the designated crisis responder shall serve or cause to be
7 served on the adolescent a copy of the petition for initial
8 detention, notice of initial detention, and statement of rights. The
9 designated crisis responder shall file with the court on the next
10 judicial day following the initial detention the original petition
11 for initial detention, notice of initial detention, and statement of
12 rights along with an affidavit of service. The designated crisis
13 responder shall commence service of the petition for initial
14 detention and notice of the initial detention on the adolescent's
15 parent and the adolescent's attorney as soon as possible following
16 the initial detention.

17 (b) (~~(If the adolescent is involuntarily detained at an~~
18 ~~evaluation and treatment facility, secure withdrawal management and~~
19 ~~stabilization facility, or approved substance use disorder treatment~~
20 ~~program in a different county from where the adolescent was initially~~
21 ~~detained, the)) The facility or program may serve the adolescent,
22 notify the adolescent's parents and the adolescent's attorney, and
23 file with the court on the next judicial day following the initial
24 detention the original petition for initial detention, notice of
25 initial detention, and statement of rights along with an affidavit of
26 service when filing with the court at the request of the designated
27 crisis responder.~~

28 (3) (a) At the time of initial detention, the designated crisis
29 responder shall advise the adolescent both orally and in writing that
30 if admitted to the evaluation and treatment facility, secure
31 withdrawal management and stabilization facility, or approved
32 substance use disorder treatment program for inpatient treatment, a
33 commitment hearing shall be held within one hundred twenty hours of
34 the adolescent's provisional acceptance to determine whether probable
35 cause exists to commit the adolescent for further treatment.

36 (b) The adolescent shall be advised that he or she has a right to
37 communicate immediately with an attorney and that he or she has a
38 right to have an attorney appointed to represent him or her before
39 and at the hearing if the adolescent is indigent.

1 (4) Subject to subsection (5) of this section, whenever the
2 designated crisis responder petitions for detention of an adolescent
3 under this chapter, an evaluation and treatment facility, secure
4 withdrawal management and stabilization facility, or approved
5 substance use disorder treatment program providing one hundred twenty
6 hour evaluation and treatment must immediately accept on a
7 provisional basis the petition and the person. Within twenty-four
8 hours of the adolescent's arrival, the facility must evaluate the
9 adolescent's condition and either admit or release the adolescent in
10 accordance with this chapter.

11 (5) A designated crisis responder may not petition for detention
12 of an adolescent to a secure withdrawal management and stabilization
13 facility or approved substance use disorder treatment program unless
14 there is a secure withdrawal management and stabilization facility or
15 approved substance use disorder treatment program available and that
16 has adequate space for the adolescent.

17 (6) If an adolescent is not approved for admission by the
18 inpatient evaluation and treatment facility, secure withdrawal
19 management and stabilization facility, or approved substance use
20 disorder treatment program, the facility shall make such
21 recommendations and referrals for further care and treatment of the
22 adolescent as necessary.

23 (7) Dismissal of a commitment petition is not the appropriate
24 remedy for a violation of the timeliness requirements of this
25 section, based on the purpose of this chapter under RCW 71.34.010,
26 except in the few cases where the facility staff or the designated
27 crisis responder have totally disregarded the requirements of this
28 section.

29 **Sec. 30.** RCW 71.34.710 and 2020 c 302 s 84 are each amended to
30 read as follows:

31 (1)(a) When a designated crisis responder receives information
32 that an adolescent as a result of a behavioral health disorder
33 presents a likelihood of serious harm or is gravely disabled, has
34 investigated the specific facts alleged and of the credibility of the
35 person or persons providing the information, and has determined that
36 voluntary admission for inpatient treatment is not possible, the
37 designated crisis responder may take the adolescent, or cause the
38 adolescent to be taken, into custody and transported to an evaluation
39 and treatment facility, secure withdrawal management and

1 stabilization facility, or approved substance use disorder treatment
2 program providing inpatient treatment.

3 (b) If a designated crisis responder decides not to detain an
4 adolescent for evaluation and treatment under RCW 71.34.700(2), or
5 forty-eight hours have elapsed since a designated crisis responder
6 received a request for investigation and the designated crisis
7 responder has not taken action to have the adolescent detained, an
8 immediate family member or guardian or conservator of the adolescent
9 may petition the superior court for the adolescent's detention using
10 the procedures under RCW 71.05.201 and 71.05.203; however, when the
11 court enters an order of initial detention, except as otherwise
12 expressly stated in this chapter, all procedures must be followed as
13 if the order has been entered under (a) of this subsection.

14 (c) The interview performed by the designated crisis responder
15 may be conducted by video provided that a licensed health care
16 professional or professional person who can adequately and accurately
17 assist with obtaining any necessary information is present with the
18 person at the time of the interview.

19 (2)(a) Within twelve hours of the adolescent's arrival at the
20 evaluation and treatment facility, secure withdrawal management and
21 stabilization facility, or approved substance use disorder treatment
22 program, the designated crisis responder shall serve or cause to be
23 served on the adolescent a copy of the petition for initial
24 detention, notice of initial detention, and statement of rights. The
25 designated crisis responder shall file with the court on the next
26 judicial day following the initial detention the original petition
27 for initial detention, notice of initial detention, and statement of
28 rights along with an affidavit of service. The designated crisis
29 responder shall commence service of the petition for initial
30 detention and notice of the initial detention on the adolescent's
31 parent and the adolescent's attorney as soon as possible following
32 the initial detention.

33 (b) (~~(If the adolescent is involuntarily detained at an~~
34 ~~evaluation and treatment facility, secure withdrawal management and~~
35 ~~stabilization facility, or approved substance use disorder treatment~~
36 ~~program in a different county from where the adolescent was initially~~
37 ~~detained, the)) The facility or program may serve the adolescent,
38 notify the adolescent's parents and the adolescent's attorney, and
39 file with the court on the next judicial day following the initial
40 detention the original petition for initial detention, notice of~~

1 initial detention, and statement of rights along with an affidavit of
2 service when filing with the court at the request of the designated
3 crisis responder.

4 (3)(a) At the time of initial detention, the designated crisis
5 responder shall advise the adolescent both orally and in writing that
6 if admitted to the evaluation and treatment facility, secure
7 withdrawal management and stabilization facility, or approved
8 substance use disorder treatment program for inpatient treatment, a
9 commitment hearing shall be held within one hundred twenty hours of
10 the adolescent's provisional acceptance to determine whether probable
11 cause exists to commit the adolescent for further treatment.

12 (b) The adolescent shall be advised that he or she has a right to
13 communicate immediately with an attorney and that he or she has a
14 right to have an attorney appointed to represent him or her before
15 and at the hearing if the adolescent is indigent.

16 (4) Whenever the designated crisis responder petitions for
17 detention of an adolescent under this chapter, an evaluation and
18 treatment facility, secure withdrawal management and stabilization
19 facility, or approved substance use disorder treatment program
20 providing one hundred twenty hour evaluation and treatment must
21 immediately accept on a provisional basis the petition and the
22 person. Within twenty-four hours of the adolescent's arrival, the
23 facility must evaluate the adolescent's condition and either admit or
24 release the adolescent in accordance with this chapter.

25 (5) If an adolescent is not approved for admission by the
26 inpatient evaluation and treatment facility, secure withdrawal
27 management and stabilization facility, or approved substance use
28 disorder treatment program, the facility shall make such
29 recommendations and referrals for further care and treatment of the
30 adolescent as necessary.

31 (6) Dismissal of a commitment petition is not the appropriate
32 remedy for a violation of the timeliness requirements of this
33 section, based on the purpose of this chapter under RCW 71.34.010,
34 except in the few cases where the facility staff or the designated
35 crisis responder have totally disregarded the requirements of this
36 section.

37 **Sec. 31.** RCW 71.34.720 and 2020 c 302 s 86 are each amended to
38 read as follows:

1 (1) Each minor approved by the facility for inpatient admission
2 shall be examined and evaluated by a children's mental health
3 specialist, for minors admitted as a result of a mental disorder, or
4 by a substance use disorder professional or co-occurring disorder
5 specialist, for minors admitted as a result of a substance use
6 disorder, as to the child's mental condition and by a physician,
7 physician assistant, or psychiatric advanced registered nurse
8 practitioner as to the child's physical condition within twenty-four
9 hours of admission. Reasonable measures shall be taken to ensure
10 medical treatment is provided for any condition requiring immediate
11 medical attention.

12 (2) If, (~~after~~) at any time during the involuntary treatment
13 hold and following the initial examination and evaluation, the
14 children's mental health specialist or substance use disorder
15 specialist and the physician, physician assistant, or psychiatric
16 advanced registered nurse practitioner determine that the initial
17 needs of the minor, if detained to an evaluation and treatment
18 facility, would be better served by placement in a secure withdrawal
19 management and stabilization facility or approved substance use
20 disorder treatment program or, if detained to a secure withdrawal
21 management and stabilization facility or approved substance use
22 disorder treatment program, would be better served in an evaluation
23 and treatment facility, then the minor shall be referred to the more
24 appropriate placement for the remainder of the current commitment
25 period without any need for further court review; however a minor may
26 only be referred to a secure withdrawal management and stabilization
27 facility or approved substance use disorder treatment program if
28 there is a secure withdrawal management and stabilization facility or
29 approved substance use disorder treatment program available and that
30 has adequate space for the minor.

31 (3) The admitting facility shall take reasonable steps to notify
32 immediately the minor's parent of the admission.

33 (4) During the initial one hundred twenty hour treatment period,
34 the minor has a right to associate or receive communications from
35 parents or others unless the professional person in charge determines
36 that such communication would be seriously detrimental to the minor's
37 condition or treatment and so indicates in the minor's clinical
38 record, and notifies the minor's parents of this determination. A
39 minor must not be denied the opportunity to consult an attorney
40 unless there is an immediate risk of harm to the minor or others.

1 (5) If the evaluation and treatment facility, secure withdrawal
2 management and stabilization facility, or approved substance use
3 disorder treatment program admits the minor, it may detain the minor
4 for evaluation and treatment for a period not to exceed one hundred
5 twenty hours from the time of provisional acceptance. The computation
6 of such one hundred twenty hour period shall exclude Saturdays,
7 Sundays, and holidays. This initial treatment period shall not exceed
8 one hundred twenty hours except when an application for voluntary
9 inpatient treatment is received or a petition for fourteen-day
10 commitment is filed.

11 (6) Within twelve hours of the admission, the facility shall
12 advise the minor of his or her rights as set forth in this chapter.

13 **Sec. 32.** RCW 71.34.720 and 2020 c 302 s 87 are each amended to
14 read as follows:

15 (1) Each minor approved by the facility for inpatient admission
16 shall be examined and evaluated by a children's mental health
17 specialist, for minors admitted as a result of a mental disorder, or
18 by a substance use disorder professional or co-occurring disorder
19 specialist, for minors admitted as a result of a substance use
20 disorder, as to the child's mental condition and by a physician,
21 physician assistant, or psychiatric advanced registered nurse
22 practitioner as to the child's physical condition within twenty-four
23 hours of admission. Reasonable measures shall be taken to ensure
24 medical treatment is provided for any condition requiring immediate
25 medical attention.

26 (2) If, (~~after~~) at any time during the involuntary treatment
27 hold and following the initial examination and evaluation, the
28 children's mental health specialist or substance use disorder
29 specialist and the physician, physician assistant, or psychiatric
30 advanced registered nurse practitioner determine that the initial
31 needs of the minor, if detained to an evaluation and treatment
32 facility, would be better served by placement in a secure withdrawal
33 management and stabilization facility or approved substance use
34 disorder treatment program or, if detained to a secure withdrawal
35 management and stabilization facility or approved substance use
36 disorder treatment program, would be better served in an evaluation
37 and treatment facility, then the minor shall be referred to the more
38 appropriate placement for the remainder of the current commitment
39 period without any need for further court review.

1 (3) The admitting facility shall take reasonable steps to notify
2 immediately the minor's parent of the admission.

3 (4) During the initial one hundred twenty hour treatment period,
4 the minor has a right to associate or receive communications from
5 parents or others unless the professional person in charge determines
6 that such communication would be seriously detrimental to the minor's
7 condition or treatment and so indicates in the minor's clinical
8 record, and notifies the minor's parents of this determination. A
9 minor must not be denied the opportunity to consult an attorney
10 unless there is an immediate risk of harm to the minor or others.

11 (5) If the evaluation and treatment facility, secure withdrawal
12 management and stabilization facility, or approved substance use
13 disorder treatment program admits the minor, it may detain the minor
14 for evaluation and treatment for a period not to exceed one hundred
15 twenty hours from the time of provisional acceptance. The computation
16 of such one hundred twenty hour period shall exclude Saturdays,
17 Sundays, and holidays. This initial treatment period shall not exceed
18 one hundred twenty hours except when an application for voluntary
19 inpatient treatment is received or a petition for fourteen-day
20 commitment is filed.

21 (6) Within twelve hours of the admission, the facility shall
22 advise the minor of his or her rights as set forth in this chapter.

23 NEW SECTION. **Sec. 33.** Sections 1, 3, 5, 7, 9, 13, 29, and 31 of
24 this act expire July 1, 2026.

25 NEW SECTION. **Sec. 34.** Sections 2, 4, 6, 8, 10, 14, 30, and 32
26 of this act take effect July 1, 2026.

27 NEW SECTION. **Sec. 35.** Sections 19 and 24 of this act expire
28 July 1, 2022.

29 NEW SECTION. **Sec. 36.** Sections 20 and 25 of this act take
30 effect July 1, 2022.

31 NEW SECTION. **Sec. 37.** Sections 24, 26, and 29 of this act are
32 necessary for the immediate preservation of the public peace, health,
33 or safety, or support of the state government and its existing public
34 institutions, and take effect immediately.

1 NEW SECTION. **Sec. 38.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2021, in the omnibus appropriations act, this
4 act is null and void."

5 Correct the title.

EFFECT: Adds a null and void clause.

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