

2 SSB 5082 - S AMD - 073

3 By Senator Kohl

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5 Beginning on page 6, at the beginning of line 27, strike all  
6 material through "section" on page 7, line 19 and insert the following:

7 "~~(2) The department shall ensure a review is conducted no later~~  
8 ~~than sixty days following admission to determine whether it is~~  
9 ~~medically appropriate to continue the child's treatment on an inpatient~~  
10 ~~basis. The department may, subject to available funds, contract with~~  
11 ~~a county for the conduct of the review conducted under this subsection~~  
12 ~~and may seek reimbursement from the parents, their insurance, or~~  
13 ~~medicaid for the expense of any review conducted by an agency under~~  
14 ~~contract.~~

15 If the county designated mental health professional determines that  
16 continued inpatient treatment of the child is no longer medically  
17 appropriate, the professional shall notify the facility, the child, the  
18 child's parents, and the department of the finding within twenty four  
19 hours of the determination.

20 ~~(3) For purposes of eligibility for medical assistance under~~  
21 ~~chapter 74.09 RCW, children in inpatient mental health or chemical~~  
22 ~~dependency treatment shall be considered to be part of their parent's~~  
23 ~~or legal guardian's household, unless the child has been assessed by~~  
24 ~~the department of social and health services or its designee as likely~~  
25 ~~to require such treatment for at least ninety consecutive days, or is~~  
26 ~~in out of home care in accordance with chapter 13.34 RCW, or the~~  
27 ~~child's parents are found to not be exercising responsibility for care~~  
28 ~~and control of the child. Payment for such care by the department of~~  
29 ~~social and health services shall be made only in accordance with rules,~~  
30 ~~guidelines, and clinical criteria applicable to inpatient treatment of~~  
31 ~~minors established by the department.)~~

32 The department shall, at thirty-day intervals following the  
33 judicial review conducted under RCW 71.34.080"

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4 On page 7, at the beginning on line 25, strike all material through  
5 "of" and insert the following:  
6 "(2) In making a determination under"

7 On page 7, at the beginning of line 31, strike "(4)" and insert  
8 "(3)"

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12 On page 8, at the beginning of line 5, strike "(5)" and insert  
13 "(4)"

14 On page 8, beginning on line 6, after "required by" strike  
15 "subsections (1) and (2) of"

16 On page 8, at the beginning of line 8, strike "(6)" and insert  
17 "(5)"

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21 On page 14, after line 32, insert the following:

22 "**Sec. 15.** RCW 71.34.080 and 1985 c 354 s 8 are each amended to  
23 read as follows:

24 (1) A (~~(commitment)~~) judicial hearing shall be held within seventy-  
25 two hours of the minor's admission(~~(, excluding)~~) to inpatient mental  
26 health treatment under section 13 of this act. The seventy-two hours  
27 excludes Saturday, Sunday, and holidays, unless a continuance is  
28 requested by the minor or the minor's attorney.

1       (2) The ~~((commitment))~~ hearing shall be conducted at the superior  
2 court or an appropriate place at the facility in which the minor is  
3 being detained.

4       (3) At the ~~((commitment))~~ hearing, the evidence in support of the  
5 petition shall be presented by the ~~((county prosecutor))~~ treatment  
6 provider.

7       (4) The minor shall be present at the ~~((commitment))~~ hearing unless  
8 the minor, with the assistance of the minor's attorney, waives the  
9 right to be present at the hearing.

10       (5) If the parents are opposed to the ~~((petition))~~ child's  
11 admission to treatment, they may be represented at the hearing and  
12 shall be entitled to court-appointed counsel if they are indigent.

13       (6) At the ~~((commitment))~~ hearing, the minor shall have the  
14 following rights:

15       (a) To be represented by an attorney;

16       (b) To present evidence on his or her own behalf;

17       (c) To question persons testifying in support of the petition.

18       (7) If the minor has received medication within twenty-four hours  
19 of the hearing, the court shall be informed of that fact and of the  
20 probable effects of the medication.

21       (8) Rules of evidence shall not apply ~~((in fourteen-day~~  
22 ~~commitment))~~ to this hearing~~((s))~~.

23       (9) For ~~((a fourteen-day commitment))~~ continued inpatient  
24 treatment, the court must find by a preponderance of the evidence that:

25       (a) Continued inpatient mental health treatment is medically  
26 appropriate for the minor ~~((has a mental disorder and presents a~~  
27 ~~"likelihood of serious harm" or is "gravely disabled"))~~; and

28       (b) The minor is in need of evaluation and treatment of the type  
29 provided by the inpatient evaluation and treatment facility to which  
30 continued inpatient care is sought ~~((or is in need of))~~ and the minor  
31 is not suitable for a less restrictive treatment alternative  
32 ~~((treatment found to be in the best interests of the minor; and~~

33 ~~(c) The minor is unwilling or unable in good faith to consent to~~  
34 ~~voluntary treatment))~~.

35       (10) If the court finds that the minor meets the criteria ~~((for a~~  
36 ~~fourteen-day commitment))~~, the court shall ~~((either))~~ authorize  
37 ~~((commitment of the minor for inpatient treatment or for less~~  
38 ~~restrictive alternative treatment upon such conditions as are~~  
39 ~~necessary))~~ continued inpatient treatment subject to the reviews

1 conducted under RCW 71.34.025. If the court determines that the minor  
2 does not meet the criteria (~~((for a fourteen day commitment))~~), the minor  
3 shall be released.

4 (11) Nothing in this section prohibits the professional person in  
5 charge of the evaluation and treatment facility from releasing the  
6 minor at any time, when, in the opinion of the professional person in  
7 charge of the facility, further inpatient treatment is no longer  
8 necessary. (~~((The release may be subject to reasonable conditions if  
9 appropriate.~~

10 ~~Whenever a minor is released under this section, the professional~~  
11 ~~person in charge shall within three days, notify the court in writing~~  
12 ~~of the release.~~

13 ~~(12) A minor who has been committed for fourteen days shall be~~  
14 ~~released at the end of that period unless a petition for one hundred~~  
15 ~~eighty day commitment is pending before the court.)"~~

16 Renumber the remaining sections consecutively and correct any  
17 internal references accordingly.

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21 On page 1, line 2 of the title, after "71.34.030," insert  
22 "71.34.080,"

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