

2 SSB 5082 - S AMD - 079
3 By Senator Kohl

4 NOT ADOPTED 3/11/97

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

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

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

1 (3) At the hearing, the evidence in support of the petition shall
2 be presented by the treatment provider.

3 (4) The minor shall be present at the hearing unless the minor,
4 with the assistance of the minor's attorney, waives the right to be
5 present at the hearing.

6 (5) If the parents are opposed to the child's admission to
7 treatment, they may be represented at the hearing and shall be entitled
8 to court-appointed counsel if they are indigent.

9 (6) At the hearing, the minor shall have the following rights:

10 (a) To be represented by an attorney;

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

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

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

16 (8) Rules of evidence shall not apply to this hearing.

17 (9) For continued inpatient treatment, the court must find by a
18 preponderance of the evidence that:

19 (a) Continued inpatient mental health treatment is medically
20 appropriate for the minor; and

21 (b) The minor is in need of evaluation and treatment of the type
22 provided by the inpatient evaluation and treatment facility to which
23 continued inpatient care is sought and the minor is not suitable for a
24 less restrictive treatment alternative.

25 (10) If the court finds that the minor meets the criteria, the
26 court shall authorize continued inpatient treatment subject to the
27 reviews conducted under RCW 71.34.025. If the court determines that
28 the minor does not meet the criteria, the minor shall be released.

29 (11) Nothing in this section prohibits the professional person in
30 charge of the evaluation and treatment facility from releasing the
31 minor at any time, when, in the opinion of the professional person in
32 charge of the facility, further inpatient treatment is no longer
33 necessary."

34 Renumber the remaining sections consecutively and correct any
35 internal references accordingly.

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4 On page 20, after line 27, insert the following:

5 "NEW SECTION. **Sec. 22.** A new section is added to chapter 70.96A
6 RCW to read as follows:

7 (1) A judicial hearing shall be held within seventy-two hours of
8 the minor's admission to inpatient mental health treatment under
9 section 21 of this act. The seventy-two hours excludes Saturday,
10 Sunday, and holidays, unless a continuance is requested by the minor or
11 the minor's attorney.

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

14 (3) At the hearing, the evidence in support of the petition shall
15 be presented by the treatment provider.

16 (4) The minor shall be present at the hearing unless the minor,
17 with the assistance of the minor's attorney, waives the right to be
18 present at the hearing.

19 (5) If the parents are opposed to the child's admission to
20 treatment, they may be represented at the hearing and shall be entitled
21 to court-appointed counsel if they are indigent.

22 (6) At the hearing, the minor shall have the following rights:

23 (a) To be represented by an attorney;

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

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

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

29 (8) Rules of evidence shall not apply to this hearing.

30 (9) For continued inpatient treatment, the court must find by a
31 preponderance of the evidence that:

32 (a) Continued inpatient mental health treatment is medically
33 appropriate for the minor; and

34 (b) The minor is in need of evaluation and treatment of the type
35 provided by the inpatient evaluation and treatment facility to which
36 continued inpatient care is sought and the minor is not suitable for a
37 less restrictive treatment alternative.

1 (10) If the court finds that the minor meets the criteria, the
2 court shall authorize continued inpatient treatment subject to the
3 reviews conducted under RCW 71.34.025. If the court determines that
4 the minor does not meet the criteria, the minor shall be released.

5 (11) Nothing in this section prohibits the professional person in
6 charge of the evaluation and treatment facility from releasing the
7 minor at any time, when, in the opinion of the professional person in
8 charge of the facility, further inpatient treatment is no longer
9 necessary."

10 Renumber the remaining sections consecutively and correct any
11 internal references accordingly.

12 Beginning on page 20, at the beginning of line 36, strike all
13 material through "(2) of" on page 21, line 34, and insert

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

22 ~~If the county-designated chemical dependency specialist determines~~
23 ~~that continued inpatient treatment of the child is no longer medically~~
24 ~~appropriate, the specialist shall notify the facility, the child, the~~
25 ~~child's parents, and the department of the finding within twenty-four~~
26 ~~hours of the determination.~~

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

1 ~~guidelines, and clinical criteria applicable to inpatient treatment of~~
2 ~~minors established by the department.)~~)

3 The department shall, at thirty-day intervals following the
4 judicial review conducted under section 22 of this act, conduct reviews
5 of the treatment status of each minor admitted to inpatient treatment,
6 under section 21 of this act, to determine whether it is medically
7 appropriate to continue the minor's treatment under inpatient status.
8 The reviews shall be conducted by a professional person at the
9 department or at a contracted agency.

10 (2) In making a determination under"

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14 On page 22, line 1, strike "(4)" and insert "(3)"

15 On page 22, line 14, strike "(5)" and insert "(4)"

--- END ---

EFFECT: Requires a 72-hour judicial review for a minor's admission to inpatient mental health or chemical dependency treatment when the admission was at the request of the parents. Applies when the child does not consent to the treatment.