AN ACT Relating to mental health and chemical dependency treatment for minors; amending RCW 71.34.010, 71.34.020, 71.34.025, 71.34.030, 70.96A.095, and 70.96A.097; reenacting and amending RCW 70.96A.020; adding new sections to chapter 71.34 RCW; adding new sections to chapter 70.96A RCW; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature finds it is often necessary for parents to obtain mental health or chemical dependency treatment for their minor children prior to the time the child’s condition presents a likelihood of serious harm or the child becomes gravely disabled. The legislature finds that treatment of such conditions is not the equivalent of incarceration or detention, but is a legitimate act of parental discretion, when supported by decisions of credentialed professionals. The legislature finds that, consistent with Parham v. J.R., 442 U.S. 584 (1979), state action is not involved in the determination of a parent and professional person to admit a minor child to treatment and finds this act provides sufficient independent review by the department of social and health services, as a neutral fact-finder, to protect the interests of all parties. The legislature
finds it is necessary to provide parents a statutory process, other
than the petition process provided in chapters 70.96A and 71.34 RCW, to
obtain treatment for their minor children without the consent of the
children.

The legislature finds that differing standards of admission and
review in parent-initiated mental health and chemical dependency
treatment for their minor children are necessary and the admission
standards and procedures under state involuntary treatment procedures
are not adequate to provide safeguards for the safety and well-being of
all children. The legislature finds the timeline for admission and
reviews under existing law do not provide sufficient opportunities for
assessment of the mental health and chemically dependent status of
every minor child and that additional time and different standards will
facilitate the likelihood of successful treatment of children who are
in need of assistance but unwilling to obtain it voluntarily. The
legislature finds there are children whose behavior presents a clear
need of medical treatment but is not so extreme as to require immediate
state intervention under the state involuntary treatment procedures.

MENTAL HEALTH

Sec. 2. RCW 71.34.010 and 1992 c 205 s 302 are each amended to
read as follows:

It is the purpose of this chapter to ((ensure)) assure that minors
in need of mental health care and treatment receive an appropriate
continuum of culturally relevant care and treatment, ((from)) including
prevention and early intervention ((to)), self-directed care, parent-
directed care, and involuntary treatment. To facilitate the continuum
of care and treatment to minors in out-of-home placements, all
divisions of the department that provide mental health services to
minors shall jointly plan and deliver those services.

It is also the purpose of this chapter to protect the rights of
minors against needless hospitalization and deprivations of liberty and
to enable treatment decisions to be made in response to clinical needs
in accordance with sound professional judgment. The mental health care
and treatment providers shall encourage the use of voluntary services
and, whenever clinically appropriate, the providers shall offer less
restrictive alternatives to inpatient treatment. Additionally, all
mental health care and treatment providers shall ((ensure)) assure that
minors’ parents are given an opportunity to participate in the
treatment decisions for their minor children. The mental health care
and treatment providers shall, to the extent possible, offer services
that involve minors’ parents or family.

It is also the purpose of this chapter to assure the ability of
parents to exercise reasonable, compassionate care and control of their
minor children when there is a medical necessity for treatment and
without the requirement of filing a petition under this chapter.

Sec. 3. RCW 71.34.020 and 1985 c 354 s 2 are each amended to read
as follows:

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

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

(2) "Children’s mental health specialist" means:
(a) A mental health professional who has completed a minimum of one
hundred actual hours, not quarter or semester hours, of specialized
training devoted to the study of child development and the treatment of
children; and
(b) A mental health professional who has the equivalent of one year
of full-time experience in the treatment of children under the
supervision of a children’s mental health specialist.

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

(4) "County-designated mental health professional" means a mental
health professional designated by one or more counties to perform the
functions of a county-designated mental health professional described
in this chapter.

(5) "Department" means the department of social and health
services.

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

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

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

(9) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, or residential treatment facility certified by the department as an evaluation and treatment facility for minors.

(10) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(11) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.

(12) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder; or (b) prevent the worsening of mental conditions that endanger life or cause suffering and pain, or
result in illness or infirmity or threaten to cause or aggravate a
handicap, or cause physical deformity or malfunction, and there is no
adequate less restrictive alternative available.

(13) "Medically appropriate" means that a minor admitted to
inpatient treatment, under section 13 of this act, has not sufficiently
improved his or her condition to be released to a less restrictive
setting.

(14) "Mental disorder" means any organic, mental, or emotional
impairment that has substantial adverse effects on an individual’s
cognitive or volitional functions. The presence of alcohol abuse, drug
abuse, juvenile criminal history, antisocial behavior, or mental
retardation alone is insufficient to justify a finding of "mental
disorder" within the meaning of this section.

(15) "Mental health professional" means a psychiatrist,
psychologist, psychiatric nurse, or social worker, and such other
mental health professionals as may be defined by rules adopted by the
secretary under this chapter.

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

(17) "Outpatient treatment" means any of the
nonresidential services mandated under chapter 71.24 RCW and provided
by licensed services providers as identified by RCW 71.24.025(3).

(18) "Parent" means:
(a) A biological or adoptive parent who has legal custody of the
child, including either parent if custody is shared under a joint
custody agreement; or
(b) A person or agency judicially appointed as legal guardian or
custodian of the child.

(19) "Professional person in charge" or "professional
person" means a physician or other mental health professional empowered
by an evaluation and treatment facility with authority to make
admission and discharge decisions on behalf of that facility.

(20) "Psychiatric nurse" means a registered nurse who has
a bachelor’s degree from an accredited college or university, and who
has had, in addition, at least two years’ experience in the direct
treatment of mentally ill or emotionally disturbed persons, such
experience gained under the supervision of a mental health
professional. "Psychiatric nurse" shall also mean any other registered
nurse who has three years of such experience.
"Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

"Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

"Responsible other" means the minor, the minor’s parent or estate, or any other person legally responsible for support of the minor.

"Secretary" means the secretary of the department or secretary’s designee.

"Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

Sec. 4. RCW 71.34.025 and 1995 c 312 s 56 are each amended to read as follows:

(1) The admission of any child under RCW 71.34.030 may be reviewed by the county-designated mental health professional between fifteen and thirty days following admission. The county-designated mental health professional may undertake the review on his or her own initiative and may seek reimbursement from the parents, their insurance, or medicaid for the expense of the review.

(2) The department shall assure that, for any minor admitted to inpatient treatment under section 13 of this act, a review is conducted by a professional person at the department or at a contracted agency no sooner than seven days and no later than fourteen days following admission to determine whether it is medically appropriate to continue the minor’s treatment on an inpatient basis. The department may, subject to available funds, contract with a county for the conduct of the review conducted under this subsection and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.
If the county-designated mental health professional determines that continued inpatient treatment of the child is no longer medically appropriate, the professional shall notify the facility, the child, the child’s parents, and the department of the finding within twenty-four hours of the determination.

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

(2) The department shall, at thirty-day intervals following the review conducted under subsection (1) of this section, conduct reviews of the treatment status of each minor admitted to inpatient treatment, under section 13 of this act, to determine whether it is medically appropriate to continue the minor’s treatment under inpatient status. The reviews shall be conducted by a professional person at the department or at a contracted agency.

(3) In making a determination under subsection (1) or (2) of this section, the department shall consider the opinion of the treatment provider, the safety of the minor, and the likelihood the minor’s mental health will deteriorate if released from inpatient treatment. The department shall consult with the parent in advance of making its determination.

(4) If the department determines it is no longer medically appropriate for a minor to receive inpatient treatment, the department shall immediately notify the parents and the facility. The facility shall release the minor to the parents within twenty-four hours of receiving notice. If the professional person in charge and the parent believe that it is medically appropriate for the minor to remain in inpatient treatment, the minor shall be released to the parent on the second judicial day following the department’s determination in order to allow the parent time to file an at-risk youth petition under
chapter 13.32A RCW. If the department determines it is medically appropriate for the minor to receive outpatient treatment and the minor declines to obtain such treatment, such refusal shall be grounds for the parent to file an at-risk youth petition.

(5) If the evaluation conducted under section 13 of this act is done by the department, the reviews required by subsections (1) and (2) of this section shall be done by contract with an independent agency.

(6) The department may, subject to available funds, contract with other governmental agencies to conduct the reviews under this section. The department may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.

NEW SECTION. Sec. 5. A new section is added to chapter 71.34 RCW to read as follows:

For purposes of eligibility for medical assistance under chapter 74.09 RCW, minors in inpatient mental health treatment shall be considered to be part of their parent’s or legal guardian’s household, unless the minor has been assessed by the department or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the parents are found to not be exercising responsibility for care and control of the minor. Payment for such care by the department shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.

VOLUNTARY MENTAL HEALTH OUTPATIENT TREATMENT

Sec. 6. RCW 71.34.030 and 1995 c 312 s 52 are each amended to read as follows:

((1)) Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor’s parent. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

((2)) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed
by the minor, and it is not feasible to treat the minor in any less
restrictive setting or the minor’s home, the minor may be admitted to
an evaluation and treatment facility in accordance with the following
requirements:

(a) A minor may be voluntarily admitted by application of the
parent. The consent of the minor is not required for the minor to be
evaluated and admitted as appropriate.

(b) A minor thirteen years or older may, with the concurrence of
the professional person in charge of an evaluation and treatment
facility, admit himself or herself without parental consent to the
evaluation and treatment facility, provided that notice is given by the
facility to the minor’s parent in accordance with the following
requirements:

(i) Notice of the minor’s admission shall be in the form most
likely to reach the parent within twenty-four hours of the minor’s
voluntary admission and shall advise the parent that the minor has been
admitted to inpatient treatment; the location and telephone number of
the facility providing such treatment; and the name of a professional
person on the staff of the facility providing treatment who is
designated to discuss the minor’s need for inpatient treatment with the
parent.

(ii) The minor shall be released to the parent at the parent’s
request for release unless the facility files a petition with the
superior court of the county in which treatment is being provided
setting forth the basis for the facility’s belief that the minor is in
need of inpatient treatment and that release would constitute a threat
to the minor’s health or safety.

(iii) The petition shall be signed by the professional person in
charge of the facility or that person’s designee.

(iv) The parent may apply to the court for separate counsel to
represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held
within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner,
or licensed attorney designated by the superior court as a hearing
officer for such hearing. The hearing may be held at the treatment
facility.

(vii) At such hearing, the facility must demonstrate by a
preponderance of the evidence presented at the hearing that the minor

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is in need of inpatient treatment and that release would constitute a threat to the minor’s health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

(c) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months.

(d) The minor’s need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.

(b) Any minor thirteen years or older voluntarily admitted may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor’s clinical record, and send copies of it to the minor’s attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, thirteen years or older, from the facility within twenty-four hours after receipt of the minor’s notice of intent to leave, unless the county-designated mental health professional or a parent or legal guardian files a petition or an application for initial detention within the time prescribed by this chapter.

(4) The ability of a parent to apply to a certified evaluation and treatment program for the involuntary admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.)

NEW SECTION. Sec. 7. A new section is added to chapter 71.34 RCW to read as follows:

(1) Any provider of outpatient treatment for a minor thirteen years of age or older shall provide notice of the treatment to the minor’s parents. The notice shall be made upon the completion of the minor’s third visit for treatment, and shall contain the name, location, and
telephone number of the mental health care provider who is designated to discuss the minor’s need for treatment with the parent.

(2) A treatment provider may defer notification to a parent of a minor’s request for treatment if: (a) The minor alleges physical or sexual abuse by the parent and the treatment provider notifies the department of the alleged abuse. Upon completion of its assessment of the allegation, the department shall notify the treatment provider of its findings. If the department determines the allegation is not valid, the treatment provider shall immediately notify the parent of the minor’s treatment. If the department determines the allegation is valid, the treatment provider need not provide notice to the parent; or (b) the provider believes the parental notification will interfere with the necessary treatment for the minor. If the provider believes the notification will interfere with the necessary treatment, the provider shall notify the department. The department shall review the circumstances and pursue either a child in need of services petition, if the child meets the definition of a child in need of services under RCW 13.32A.030(4)(c), or a dependency petition under chapter 13.34 RCW, if the child meets the definition of a dependent child under RCW 13.34.030(4). If the department determines neither petition is appropriate it shall immediately inform the provider, who shall notify the parent of the treatment within twenty-four hours or after the third visit for treatment, whichever is later.

VOLUNTARY MENTAL HEALTH INPATIENT TREATMENT

NEW SECTION. Sec. 8. A new section is added to chapter 71.34 RCW to read as follows:

(1) A minor thirteen years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental treatment, without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility, there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less
restrictive setting or the minor’s home, the minor may be admitted to
an evaluation and treatment facility.

(3) Written renewal of voluntary consent must be obtained from the
applicant no less than once every twelve months. The minor’s need for
continued inpatient treatments shall be reviewed and documented no less
than every one hundred eighty days.

NEW SECTION. Sec. 9. A new section is added to chapter 71.34 RCW
to read as follows:

The administrator of the treatment facility shall provide notice to
the parents of a minor when the minor is voluntarily admitted to
inpatient treatment under section 8 of this act. The notice shall be
in the form most likely to reach the parent within twenty-four hours of
the minor’s voluntary admission and shall advise the parent: (1) That
the minor has been admitted to inpatient treatment; (2) of the location
and telephone number of the facility providing such treatment; (3) of
the name of a professional person on the staff of the facility
providing treatment who is designated to discuss the minor’s need for
inpatient treatment with the parent; and (4) of the medical necessity
for admission.

NEW SECTION. Sec. 10. A new section is added to chapter 71.34 RCW
to read as follows:

(1) Any minor thirteen years or older who has voluntarily admitted
himself or herself to inpatient treatment shall be released to the
parent upon the parent’s written request for release unless the
professional person in charge of the facility exercises his or her
option to file a petition for commitment of a minor.

(2)(a) The petition shall be filed with the superior court of the
county in which treatment is being provided setting forth the basis for
the facility’s belief that the minor is in need of inpatient treatment
and that release would constitute a threat to the minor’s health or
safety.

(b) The petition shall be signed by the minor and the professional
person in charge of the facility or that person’s designee.

(c) The parent may apply to the court for separate counsel to
represent the parent if the parent cannot afford counsel.

(d) There shall be a hearing on the petition, which shall be held
within seventy-two hours from the filing of the petition.
(3) The commitment hearing shall be conducted at the superior court or an appropriate place at the treatment facility.

(4) The professional person must demonstrate, by a preponderance of the evidence, that the minor is in need of inpatient treatment and that the release would constitute a threat to the minor’s health or safety. The rules of evidence shall not apply at the hearing.

NEW SECTION. Sec. 11. A new section is added to chapter 71.34 RCW to read as follows:

(1) Any minor thirteen years or older voluntarily admitted to an evaluation and treatment facility under section 8 of this act may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(2) The staff member receiving the notice shall date it immediately, record its existence in the minor’s clinical record, and send copies of it to the minor’s attorney, if any, the county-designated mental health professional, and the parent.

(3) The professional person shall discharge the minor, thirteen years or older, from the facility within twenty-four hours after receipt of the minor’s notice of intent to leave, unless the county-designated mental health professional commences an initial detention proceeding under the provisions of this chapter.

NEW SECTION. Sec. 12. A new section is added to chapter 71.34 RCW to read as follows:

Any minor under the age of thirteen shall be discharged immediately from inpatient treatment upon written request of the parent.

PARENT-INITIATED MENTAL HEALTH TREATMENT

NEW SECTION. Sec. 13. A new section is added to chapter 71.34 RCW to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to an evaluation and treatment facility and request that the professional person examine the child to determine whether the child has a mental disorder and is in need of inpatient treatment.
(2) The consent of the minor is not required for admission, evaluation, and treatment if the parent brings the minor to the facility.

(3) An appropriately trained professional person may evaluate whether the minor has a mental disorder. The evaluation shall be completed within twenty-four hours of the time the child was brought to the facility, unless the professional person determines that the condition of the child necessitates additional time for evaluation. In no event shall a child be held longer than seventy-two hours for evaluation without being admitted or released. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be admitted. Within twenty-four hours of the admission, the professional person shall notify the department of the admission.

(4) No provider is obligated to provide treatment to a child under the provisions of this section. No provider may admit a child to treatment under this section unless it is medically necessary.

(5) No minor receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) For the purposes of this section "professional person" does not include a social worker.

NEW SECTION. Sec. 14. A new section is added to chapter 71.34 RCW to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to a provider of outpatient mental health treatment and request that an appropriately trained professional person examine the child to determine whether the child has a mental disorder and is in need of outpatient treatment.

(2) The consent of the minor is not required for evaluation if the parent brings the minor to the provider.

(3) The professional person may evaluate whether the minor has a mental disorder and is in need of outpatient treatment.

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

The ability of a parent to apply to a certified evaluation and treatment program for the admission of his or her minor does not create a right to obtain or benefit from any funds or resources of the state.
The state may provide services for indigent minors to the extent that funds are available.

CHEMICAL DEPENDENCY

Sec. 16. RCW 70.96A.020 and 1996 c 178 s 23 and 1996 c 133 s 33 are each reenacted and amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who suffers from the disease of alcoholism.

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

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(4) "Chemical dependency" means alcoholism or drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(5) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.

(6) "Department" means the department of social and health services.

(7) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(8) "Director" means the person administering the chemical dependency program within the department.

(9) "Drug addict" means a person who suffers from the disease of drug addiction.
(10) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.

(12) "Gravely disabled by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

(13) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment and presents a likelihood of serious harm to himself or herself, to any other person, or to property.

(14) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

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

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

(17) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one’s self; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused the harm or that places another person or persons in reasonable fear of sustaining the harm; or (c) a substantial risk that physical harm will be inflicted by an individual
upon the property of others, as evidenced by behavior that has caused
substantial loss or damage to the property of others.

(18) "Medical necessity" for inpatient care of a minor means a
requested certified inpatient service that is reasonably calculated to:
(a) Diagnose, arrest, or alleviate a chemical dependency; or (b)
prevent the worsening of chemical dependency conditions that endanger
life or cause suffering and pain, or result in illness or infirmity or
threaten to cause or aggravate a handicap, or cause physical deformity
or malfunction, and there is no adequate less restrictive alternative
available.

(19) "Medically appropriate" means a minor admitted by his or her
parents to inpatient treatment under section 21 of this act has not
sufficiently improved his or her condition to be released to a less
restrictive setting.

(20) "Minor" means a person less than eighteen years of age.

(21) "Parent" means the parent or parents who have the
legal right to custody of the child. Parent includes custodian or
guardian.

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

(23) "Person" means an individual, including a minor.

(24) "Professional person in charge" or "professional
person" means a physician or chemical dependency counselor as defined
in rule by the department, who is empowered by a certified treatment
program with authority to make assessment, admission, continuing care,
and discharge decisions on behalf of the certified program.

(25) "Secretary" means the secretary of the department of social
and health services.

(26) "Treatment" means the broad range of emergency,
detoxification, residential, and outpatient services and care,
including diagnostic evaluation, chemical dependency education and
counseling, medical, psychiatric, psychological, and social service
care, vocational rehabilitation and career counseling, which may be
extended to alcoholics and other drug addicts and their families,
persons incapacitated by alcohol or other psychoactive chemicals, and
intoxicated persons.
"Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of alcoholics or other drug addicts.

VOLUNTARY CHEMICAL DEPENDENCY OUTPATIENT TREATMENT

Sec. 17. RCW 70.96A.095 and 1996 c 133 s 34 are each amended to read as follows:

((4)) Any person thirteen years of age or older may give consent for himself or herself to the furnishing of outpatient treatment by a chemical dependency treatment program certified by the department. ((Consent of the parent of a person less than eighteen years of age for inpatient treatment is necessary to authorize the care unless the child meets the definition of a child in need of services in RCW 13.32A.030(4)(c), as determined by the department.)) Parental authorization is required for any treatment of a minor under the age of thirteen. ((The parent of a minor is not liable for payment of care for such persons pursuant to this chapter, unless they have joined in the consent to the treatment.))

(2) The parent of any minor child may apply to a certified treatment program for the admission of his or her minor child for purposes authorized in this chapter. The consent of the minor child shall not be required for the application or admission. The certified treatment program shall accept the application and evaluate the child for admission. The ability of a parent to apply to a certified treatment program for the admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.

(3) Any provider of outpatient treatment who provides outpatient treatment to a minor thirteen years of age or older shall provide notice of the minor’s request for treatment to the minor’s parents if:

(a) The minor signs a written consent authorizing the disclosure; or

(b) the treatment program director determines that the minor lacks capacity to make a rational choice regarding consenting to disclosure. The notice shall be made within seven days of the request for treatment, excluding Saturdays, Sundays, and holidays, and shall contain the name, location, and telephone number of the facility providing treatment, and the name of a professional person on the staff.
NEW SECTION. Sec. 18. A new section is added to chapter 70.96A
RCW to read as follows:

Any provider of outpatient treatment who provides outpatient
treatment to a minor thirteen years of age or older shall provide
notice of the minor’s request for treatment to the minor’s parents if:
(1) The minor signs a written consent authorizing the disclosure; or
(2) the treatment program director determines that the minor lacks
capacity to make a rational choice regarding consenting to disclosure.
The notice shall be made within seven days of the request for
treatment, excluding Saturdays, Sundays, and holidays, and shall
contain the name, location, and telephone number of the facility
providing treatment, and the name of a professional person on the staff
of the facility providing treatment who is designated to discuss the
minor’s need for treatment with the parent.

VOLUNTARY CHEMICAL DEPENDENCY INPATIENT TREATMENT

NEW SECTION. Sec. 19. A new section is added to chapter 70.96A
RCW to read as follows:

Parental consent is required for inpatient chemical dependency
treatment of a minor, unless the child meets the definition of a child
in need of services in RCW 13.32A.030(4)(c) as determined by the
department: PROVIDED, That parental consent is required for any
treatment of a minor under the age of thirteen.
This section does not apply to petitions filed under this chapter.

NEW SECTION. Sec. 20. A new section is added to chapter 70.96A
RCW to read as follows:
(1) The parent of a minor is not liable for payment of inpatient or
outpatient chemical dependency treatment unless the parent has joined
in the consent to the treatment.
(2) The ability of a parent to apply to a certified treatment
program for the admission of his or her minor child does not create a
right to obtain or benefit from any funds or resources of the state.
However, the state may provide services for indigent minors to the
extent that funds are available therefor.
NEW SECTION. Sec. 21. A new section is added to chapter 70.96A RCW to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to a certified treatment program and request that a chemical dependency assessment be conducted by a professional person to determine whether the child is chemically dependent and in need of inpatient treatment.

(2) The consent of the minor is not required for admission, evaluation, and treatment if the parent brings the child to the program.

(3) An appropriately trained professional person may evaluate whether the minor is chemically dependent. The evaluation shall be completed within twenty-four hours of the time the child was brought to the facility, unless the professional person determines that the condition of the child necessitates additional time for evaluation. In no event shall a child be held longer than seventy-two hours for evaluation without being admitted or released. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be admitted. Within twenty-four hours of the admission the professional person shall notify the department of the admission.

(4) No provider is obligated to provide treatment to a child under the provisions of this section. No provider may admit a child to treatment under this section unless it is medically necessary.

(5) No minor receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

Sec. 22. RCW 70.96A.097 and 1995 c 312 s 48 are each amended to read as follows:

(1) (The admission of any child under RCW 70.96A.095 may be reviewed by the county-designated chemical dependency specialist between fifteen and thirty days following admission. The county-designated chemical dependency specialist may undertake the review on his or her own initiative and may seek reimbursement from the parents, their insurance, or medicaid for the expense of the review.

(2+)) The department shall ensure that, for any minor admitted to inpatient treatment under section 21 of this act, a review is conducted
by a professional person at the department or at a contracted agency no sooner than seven days and no later than ((sixty)) fourteen days following admission to determine whether it is medically appropriate to continue the ((child’s)) minor’s treatment on an inpatient basis. ((The department may, subject to available funds, contract with a county for the conduct of the review conducted under this subsection and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.))

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

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

(2) The department shall, at thirty-day intervals following the review conducted under subsection (1) of this section, conduct reviews of the treatment status of each minor admitted to inpatient treatment, under section 21 of this act, to determine whether it is medically appropriate to continue the minor’s treatment under inpatient status. The reviews shall be conducted by a professional person at the department or at a contracted agency.

(3) In making a determination under subsection (1) or (2) of this section whether it is medically appropriate to release the minor from inpatient treatment, the department shall consider the opinion of the treatment provider, the safety of the minor, the likelihood the minor’s chemical dependency recovery will deteriorate if released from inpatient treatment, and the wishes of the parent.
(4) If the department determines it is no longer medically appropriate for a minor to receive inpatient treatment, the department shall immediately notify the parents and the facility. The facility shall release the minor to the parents within twenty-four hours of receiving notice. If the professional person in charge and the parent believe that it is medically appropriate for the minor to remain in inpatient treatment, the minor shall be released to the parent on the second judicial day following the department’s determination in order to allow the parent time to file an at-risk youth petition under chapter 13.32A RCW. If the department determines it is medically appropriate for the minor to receive outpatient treatment and the minor declines to obtain such treatment, such refusal shall be grounds for the parent to file an at-risk youth petition.

(5) The department may, subject to available funds, contract with other governmental agencies for the conduct of the reviews conducted under this section and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.

NEW SECTION. Sec. 23. A new section is added to chapter 70.96A RCW to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to a provider of outpatient chemical dependency treatment and request that an appropriately trained professional person examine the child to determine whether the child has a chemical dependency and is in need of outpatient treatment.

(2) The consent of the minor is not required for evaluation if the parent brings the child to the provider.

(3) The professional person in charge of the facility may evaluate whether the minor has a chemical dependency and is in need of outpatient treatment.

NEW SECTION. Sec. 24. A new section is added to chapter 70.96A RCW to read as follows:

For purposes of eligibility for medical assistance under chapter 74.09 RCW, children in inpatient chemical dependency treatment shall be considered to be part of their parent’s or legal guardian’s household, unless the child has been assessed by the department or its designee as likely to require such treatment for at least ninety consecutive days,
or is in out-of-home care in accordance with chapter 13.34 RCW, or the child’s parents are found to not be exercising responsibility for care and control of the child. Payment for such care by the department shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.

NEW SECTION. Sec. 25. It is the purpose of sections 21 and 23 of this act to assure the ability of parents to exercise reasonable, compassionate care and control of their minor children when there is a medical necessity for treatment and without the requirement of filing a petition under chapter 70.96A RCW.

NEW SECTION. Sec. 26. Part headings used in this act do not constitute any part of the law.

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