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HOUSE BILL 1451

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Rodne, Jenkins, Walkinshaw, Harris, Walsh, Senn, Goodman, Riccelli, Moeller, Ormsby, McBride, and Tharinger

Read first time 01/21/15. Referred to Committee on Judiciary.

1 AN ACT Relating to civil commitment; amending RCW 71.05.040,  
2 71.05.050, 71.05.150, 71.05.156, 71.05.160, 71.05.170, 71.05.195,  
3 71.05.210, 71.05.212, 71.05.215, 71.05.230, 71.05.235, 71.05.240,  
4 71.05.245, 71.05.260, 71.05.280, 71.05.320, 71.05.360, 71.34.020,  
5 71.34.710, 71.34.740, 71.34.750, 10.77.025, 70.97.010, 70.97.010,  
6 70.97.050, 71.24.025, and 72.23.010; reenacting and amending RCW  
7 71.05.020, 71.05.020, 71.05.153, and 71.24.025; providing an  
8 effective date; and providing an expiration date.

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

10 **Sec. 1.** RCW 71.05.020 and 2011 c 148 s 1 and 2011 c 89 s 14 are  
11 each reenacted and amended to read 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 or  
15 psychiatric advanced registered nurse practitioner that a person  
16 should be examined or treated as a patient in a hospital;

17 (2) "Antipsychotic medications" means that class of drugs  
18 primarily used to treat serious manifestations of mental illness  
19 associated with thought disorders, which includes, but is not limited  
20 to atypical antipsychotic medications;

1 (3) "Attending staff" means any person on the staff of a public  
2 or private agency having responsibility for the care and treatment of  
3 a patient;

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

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

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

16 (7) "Custody" means involuntary detention under the provisions of  
17 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 (8) "Department" means the department of social and health  
21 services;

22 (9) "Designated chemical dependency specialist" means a person  
23 designated by the county alcoholism and other drug addiction program  
24 coordinator designated under RCW 70.96A.310 to perform the commitment  
25 duties described in chapters 70.96A and 70.96B RCW;

26 (10) "Designated crisis responder" means a mental health  
27 professional appointed by the county or the regional support network  
28 to perform the duties specified in this chapter;

29 (11) "Designated mental health professional" means a mental  
30 health professional designated by the county or other authority  
31 authorized in rule to perform the duties specified in this chapter;

32 (12) "Detention" or "detain" means the lawful confinement of a  
33 person, under the provisions of this chapter;

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

1 (14) "Developmental disability" means that condition defined in  
2 RCW 71A.10.020(~~(+3)~~) (5);

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

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

17 (17) "Gravely disabled" means a condition in which a person, as a  
18 result of a mental disorder: (a) Is in danger of serious physical  
19 harm resulting from a failure to provide for his or her essential  
20 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 (18) "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 (19) "History of one or more violent acts" refers to the period  
34 of time ten years prior to the filing of a petition under this  
35 chapter, excluding any time spent, but not any violent acts  
36 committed, in a mental health facility or in confinement as a result  
37 of a criminal conviction;

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

1 (21) "Individualized service plan" means a plan prepared by a  
2 developmental disabilities professional with other professionals as a  
3 team, for a person with developmental disabilities, which shall  
4 state:

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

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

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

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

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

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

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

21 (22) "Information related to mental health services" means all  
22 information and records compiled, obtained, or maintained in the  
23 course of providing services to either voluntary or involuntary  
24 recipients of services by a mental health service provider. This may  
25 include documents of legal proceedings under this chapter or chapter  
26 71.34 or 10.77 RCW, or somatic health care information;

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

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

33 (25) "Likelihood of serious harm" means:

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

1 property of others, as evidenced by behavior which has caused  
2 substantial loss or damage to the property of others; or

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

5 (26) "Mental disorder" means any organic, mental, or emotional  
6 impairment which has substantial adverse effects on a person's  
7 cognitive or volitional functions;

8 (27) "Mental health professional" means a psychiatrist,  
9 psychologist, psychiatric advanced registered nurse practitioner,  
10 psychiatric nurse, or social worker, and such other mental health  
11 professionals as may be defined by rules adopted by the secretary  
12 pursuant to the provisions of this chapter;

13 (28) "Mental health service provider" means a public or private  
14 agency that provides mental health services to persons with mental  
15 disorders as defined under this section and receives funding from  
16 public sources. This includes, but is not limited to, hospitals  
17 licensed under chapter 70.41 RCW, evaluation and treatment facilities  
18 as defined in this section, community mental health service delivery  
19 systems or community mental health programs as defined in RCW  
20 71.24.025, facilities conducting competency evaluations and  
21 restoration under chapter 10.77 RCW, and correctional facilities  
22 operated by state and local governments;

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

27 (30) "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, which is  
31 conducted for, or includes a department or ward conducted for, the  
32 care and treatment of persons who are mentally ill;

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

38 (32) "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 (33) "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 (34) "Psychologist" means a person who has been licensed as a  
10 psychologist pursuant to chapter 18.83 RCW;

11 (35) "Public agency" means any evaluation and treatment facility  
12 or institution, or hospital which is conducted for, or includes a  
13 department or ward conducted for, the care and treatment of persons  
14 with mental illness, if the agency is operated directly by, federal,  
15 state, county, or municipal government, or a combination of such  
16 governments;

17 (36) "Registration records" include all the records of the  
18 department, regional support networks, treatment facilities, and  
19 other persons providing services to the department, county  
20 departments, or facilities which identify persons who are receiving  
21 or who at any time have received services for mental illness;

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

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

26 (39) "Secretary" means the secretary of the department of social  
27 and health services, or his or her designee;

28 (40) "Serious violent offense" has the same meaning as provided  
29 in RCW 9.94A.030;

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

33 (42) "Therapeutic court personnel" means the staff of a mental  
34 health court or other therapeutic court which has jurisdiction over  
35 defendants who are dually diagnosed with mental disorders, including  
36 court personnel, probation officers, a court monitor, prosecuting  
37 attorney, or defense counsel acting within the scope of therapeutic  
38 court duties;

39 (43) "Triage facility" means a short-term facility or a portion  
40 of a facility licensed by the department of health and certified by

1 the department of social and health services under RCW 71.24.035,  
2 which is designed as a facility to assess and stabilize an individual  
3 or determine the need for involuntary commitment of an individual,  
4 and must meet department of health residential treatment facility  
5 standards. A triage facility may be structured as a voluntary or  
6 involuntary placement facility;

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

19 (45) "Violent act" means behavior that resulted in homicide,  
20 attempted suicide, nonfatal injuries, or substantial damage to  
21 property;

22 (46) "Persistent or acute disability" means a severe mental  
23 disorder that meets all the following criteria:

24 (a) If not treated, has a substantial probability of causing the  
25 person to suffer or continue to suffer severe and abnormal mental,  
26 emotional, or physical harm that significantly impairs judgment,  
27 reason, behavior, or capacity to recognize reality;

28 (b) Substantially impairs the person's capacity to make an  
29 informed decision regarding treatment, and this impairment causes the  
30 person to be incapable of understanding and expressing an  
31 understanding of the advantages and disadvantages of accepting  
32 treatment and understanding and expressing an understanding of the  
33 alternatives to the particular treatment offered after the  
34 advantages, disadvantages, and alternatives are explained to that  
35 person; and

36 (c) Has a reasonable prospect of being treatable by outpatient,  
37 inpatient, or combined outpatient and inpatient treatment.

38 **Sec. 2.** RCW 71.05.020 and 2014 c 225 s 79 are each reenacted and  
39 amended to read as follows:

1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

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

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

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

13 (4) "Commitment" means the determination by a court that a person  
14 should be detained for a period of either evaluation or treatment, or  
15 both, in an inpatient or a less restrictive setting;

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

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

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

29 (8) "Department" means the department of social and health  
30 services;

31 (9) "Designated chemical dependency specialist" means a person  
32 designated by the county alcoholism and other drug addiction program  
33 coordinator designated under RCW 70.96A.310 to perform the commitment  
34 duties described in chapters 70.96A and 70.96B RCW;

35 (10) "Designated crisis responder" means a mental health  
36 professional appointed by the county or the behavioral health  
37 organization to perform the duties specified in this chapter;

38 (11) "Designated mental health professional" means a mental  
39 health professional designated by the county or other authority  
40 authorized in rule to perform the duties specified in this chapter;



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

3 (13) "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, psychologist, psychiatric advanced registered  
7 nurse practitioner, or social worker, and such other developmental  
8 disabilities professionals as may be defined by rules adopted by the  
9 secretary;

10 (14) "Developmental disability" means that condition defined in  
11 RCW 71A.10.020(~~(+4)~~) (5);

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

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

34 (18) "Habilitative services" means those services provided by  
35 program personnel to assist persons in acquiring and maintaining life  
36 skills and in raising their levels of physical, mental, social, and  
37 vocational functioning. Habilitative services include education,  
38 training for employment, and therapy. The habilitative process shall  
39 be undertaken with recognition of the risk to the public safety

1 presented by the person being assisted as manifested by prior charged  
2 criminal conduct;

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

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

10 (21) "Individualized service plan" means a plan prepared by a  
11 developmental disabilities professional with other professionals as a  
12 team, for a person with developmental disabilities, which shall  
13 state:

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 (22) "Information related to mental health services" means all  
31 information and records compiled, obtained, or maintained in the  
32 course of providing services to either voluntary or involuntary  
33 recipients of services by a mental health service provider. This may  
34 include documents of legal proceedings under this chapter or chapter  
35 71.34 or 10.77 RCW, or somatic health care information;

36 (23) "Judicial commitment" means a commitment by a court pursuant  
37 to the provisions of this chapter;

38 (24) "Legal counsel" means attorneys and staff employed by county  
39 prosecutor offices or the state attorney general acting in their

1 capacity as legal representatives of public mental health service  
2 providers under RCW 71.05.130;

3 (25) "Likelihood of serious harm" means:

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

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

15 (26) "Mental disorder" means any organic, mental, or emotional  
16 impairment which has substantial adverse effects on a person's  
17 cognitive or volitional functions;

18 (27) "Mental health professional" means a psychiatrist,  
19 psychologist, psychiatric advanced registered nurse practitioner,  
20 psychiatric nurse, or social worker, and such other mental health  
21 professionals as may be defined by rules adopted by the secretary  
22 pursuant to the provisions of this chapter;

23 (28) "Mental health service provider" means a public or private  
24 agency that provides mental health services to persons with mental  
25 disorders as defined under this section and receives funding from  
26 public sources. This includes, but is not limited to, hospitals  
27 licensed under chapter 70.41 RCW, evaluation and treatment facilities  
28 as defined in this section, community mental health service delivery  
29 systems or community mental health programs as defined in RCW  
30 71.24.025, facilities conducting competency evaluations and  
31 restoration under chapter 10.77 RCW, and correctional facilities  
32 operated by state and local governments;

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

37 (30) "Private agency" means any person, partnership, corporation,  
38 or association that is not a public agency, whether or not financed  
39 in whole or in part by public funds, which constitutes an evaluation  
40 and treatment facility or private institution, or hospital, which is

1 conducted for, or includes a department or ward conducted for, the  
2 care and treatment of persons who are mentally ill;

3 (31) "Professional person" means a mental health professional and  
4 shall also mean a physician, psychiatric advanced registered nurse  
5 practitioner, registered nurse, and such others as may be defined by  
6 rules adopted by the secretary pursuant to the provisions of this  
7 chapter;

8 (32) "Psychiatric advanced registered nurse practitioner" means a  
9 person who is licensed as an advanced registered nurse practitioner  
10 pursuant to chapter 18.79 RCW; and who is board certified in advanced  
11 practice psychiatric and mental health nursing;

12 (33) "Psychiatrist" means a person having a license as a  
13 physician and surgeon in this state who has in addition completed  
14 three years of graduate training in psychiatry in a program approved  
15 by the American medical association or the American osteopathic  
16 association and is certified or eligible to be certified by the  
17 American board of psychiatry and neurology;

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

20 (35) "Public agency" means any evaluation and treatment facility  
21 or institution, or hospital which is conducted for, or includes a  
22 department or ward conducted for, the care and treatment of persons  
23 with mental illness, if the agency is operated directly by, federal,  
24 state, county, or municipal government, or a combination of such  
25 governments;

26 (36) "Registration records" include all the records of the  
27 department, behavioral health organizations, treatment facilities,  
28 and other persons providing services to the department, county  
29 departments, or facilities which identify persons who are receiving  
30 or who at any time have received services for mental illness;

31 (37) "Release" means legal termination of the commitment under  
32 the provisions of this chapter;

33 (38) "Resource management services" has the meaning given in  
34 chapter 71.24 RCW;

35 (39) "Secretary" means the secretary of the department of social  
36 and health services, or his or her designee;

37 (40) "Serious violent offense" has the same meaning as provided  
38 in RCW 9.94A.030;

1 (41) "Social worker" means a person with a master's or further  
2 advanced degree from a social work educational program accredited and  
3 approved as provided in RCW 18.320.010;

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

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

22 (44) "Triage facility" means a short-term facility or a portion  
23 of a facility licensed by the department of health and certified by  
24 the department of social and health services under RCW 71.24.035,  
25 which is designed as a facility to assess and stabilize an individual  
26 or determine the need for involuntary commitment of an individual,  
27 and must meet department of health residential treatment facility  
28 standards. A triage facility may be structured as a voluntary or  
29 involuntary placement facility;

30 (45) "Violent act" means behavior that resulted in homicide,  
31 attempted suicide, nonfatal injuries, or substantial damage to  
32 property;

33 (46) "Persistent or acute disability" means a severe mental  
34 disorder that meets all the following criteria:

35 (a) If not treated, has a substantial probability of causing the  
36 person to suffer or continue to suffer severe and abnormal mental,  
37 emotional, or physical harm that significantly impairs judgment,  
38 reason, behavior, or capacity to recognize reality;

39 (b) Substantially impairs the person's capacity to make an  
40 informed decision regarding treatment, and this impairment causes the

1 person to be incapable of understanding and expressing an  
2 understanding of the advantages and disadvantages of accepting  
3 treatment and understanding and expressing an understanding of the  
4 alternatives to the particular treatment offered after the  
5 advantages, disadvantages, and alternatives are explained to that  
6 person; and

7 (c) Has a reasonable prospect of being treatable by outpatient,  
8 inpatient, or combined outpatient and inpatient treatment.

9 **Sec. 3.** RCW 71.05.040 and 2004 c 166 s 2 are each amended to  
10 read as follows:

11 Persons (~~who are developmentally disabled~~) with developmental  
12 disabilities, who are impaired by chronic alcoholism or drug abuse,  
13 or who are suffering from dementia shall not be detained for  
14 evaluation and treatment or judicially committed solely by reason of  
15 that condition unless such condition causes a person to be gravely  
16 disabled, have a persistent or acute disability, or as a result of a  
17 mental disorder such condition exists that constitutes a likelihood  
18 of serious harm: Provided however, That persons (~~who are~~  
19 ~~developmentally disabled~~) with developmental disabilities, who are  
20 impaired by chronic alcoholism or drug abuse, or who are suffering  
21 from dementia and who otherwise meet the criteria for detention or  
22 judicial commitment are not ineligible for detention or commitment  
23 based on this condition alone.

24 **Sec. 4.** RCW 71.05.050 and 2000 c 94 s 3 are each amended to read  
25 as follows:

26 Nothing in this chapter shall be construed to limit the right of  
27 any person to apply voluntarily to any public or private agency or  
28 practitioner for treatment of a mental disorder, either by direct  
29 application or by referral. Any person voluntarily admitted for  
30 inpatient treatment to any public or private agency shall be released  
31 immediately upon his or her request. Any person voluntarily admitted  
32 for inpatient treatment to any public or private agency shall orally  
33 be advised of the right to immediate discharge, and further advised  
34 of such rights in writing as are secured to them pursuant to this  
35 chapter and their rights of access to attorneys, courts, and other  
36 legal redress. Their condition and status shall be reviewed at least  
37 once each one hundred eighty days for evaluation as to the need for  
38 further treatment or possible discharge, at which time they shall

1 again be advised of their right to discharge upon request: PROVIDED  
2 HOWEVER, That if the professional staff of any public or private  
3 agency or hospital regards a person voluntarily admitted who requests  
4 discharge as presenting, as a result of a mental disorder, an  
5 imminent likelihood of serious harm, or is gravely disabled or  
6 persistently or acutely disabled, they may detain such person for  
7 sufficient time to notify the ((~~county~~)) designated mental health  
8 professional of such person's condition to enable the ((~~county~~))  
9 designated mental health professional to authorize such person being  
10 further held in custody or transported to an evaluation and treatment  
11 center pursuant to the provisions of this chapter, which shall in  
12 ordinary circumstances be no later than the next judicial day:  
13 PROVIDED FURTHER, That if a person is brought to the emergency room  
14 of a public or private agency or hospital for observation or  
15 treatment, the person refuses voluntary admission, and the  
16 professional staff of the public or private agency or hospital regard  
17 such person as presenting as a result of a mental disorder an  
18 imminent likelihood of serious harm, or as presenting an imminent  
19 danger because of grave disability or an imminent danger because of  
20 persistent or acute disability, they may detain such person for  
21 sufficient time to notify the ((~~county~~)) designated mental health  
22 professional of such person's condition to enable the ((~~county~~))  
23 designated mental health professional to authorize such person being  
24 further held in custody or transported to an evaluation treatment  
25 center pursuant to the conditions in this chapter, but which time  
26 shall be no more than six hours from the time the professional staff  
27 determine that an evaluation by the ((~~county~~)) designated mental  
28 health professional is necessary.

29 **Sec. 5.** RCW 71.05.150 and 2011 c 148 s 5 are each amended to  
30 read as follows:

31 (1) When a designated mental health professional receives  
32 information alleging that a person, as a result of a mental disorder:  
33 ((~~(i)~~)) (a) Presents a likelihood of serious harm; ((~~or~~-(ii))) (b) is  
34 gravely disabled; or (c) has a persistent or acute disability; the  
35 designated mental health professional may, after investigation and  
36 evaluation of the specific facts alleged and of the reliability and  
37 credibility of any person providing information to initiate  
38 detention, if satisfied that the allegations are true and that the  
39 person will not voluntarily seek appropriate treatment, file a

1 petition for initial detention. Before filing the petition, the  
2 designated mental health professional must personally interview the  
3 person, unless the person refuses an interview, and determine whether  
4 the person will voluntarily receive appropriate evaluation and  
5 treatment at an evaluation and treatment facility, crisis  
6 stabilization unit, or triage facility.

7 (2)(a) An order to detain to a designated evaluation and  
8 treatment facility for not more than a seventy-two-hour evaluation  
9 and treatment period may be issued by a judge of the superior court  
10 upon request of a designated mental health professional, whenever it  
11 appears to the satisfaction of a judge of the superior court:

12 (i) That there is probable cause to support the petition; and

13 (ii) That the person has refused or failed to accept appropriate  
14 evaluation and treatment voluntarily.

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

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

23 (3) The designated mental health professional shall then serve or  
24 cause to be served on such person, his or her guardian, and  
25 conservator, if any, a copy of the order together with a notice of  
26 rights, and a petition for initial detention. After service on such  
27 person the designated mental health professional shall file the  
28 return of service in court and provide copies of all papers in the  
29 court file to the evaluation and treatment facility and the  
30 designated attorney. The designated mental health professional shall  
31 notify the court and the prosecuting attorney that a probable cause  
32 hearing will be held within seventy-two hours of the date and time of  
33 outpatient evaluation or admission to the evaluation and treatment  
34 facility. The person shall be permitted to be accompanied by one or  
35 more of his or her relatives, friends, an attorney, a personal  
36 physician, or other professional or religious advisor to the place of  
37 evaluation. An attorney accompanying the person to the place of  
38 evaluation shall be permitted to be present during the admission  
39 evaluation. Any other individual accompanying the person may be  
40 present during the admission evaluation. The facility may exclude the



1 individual if his or her presence would present a safety risk, delay  
2 the proceedings, or otherwise interfere with the evaluation.

3 (4) The designated mental health professional may notify a peace  
4 officer to take such person or cause such person to be taken into  
5 custody and placed in an evaluation and treatment facility. At the  
6 time such person is taken into custody there shall commence to be  
7 served on such person, his or her guardian, and conservator, if any,  
8 a copy of the original order together with a notice of rights and a  
9 petition for initial detention.

10 **Sec. 6.** RCW 71.05.153 and 2011 c 305 s 8 and 2011 c 148 s 2 are  
11 each reenacted and amended to read as follows:

12 (1) When a designated mental health professional receives  
13 information alleging that a person, as the result of a mental  
14 disorder, presents an imminent likelihood of serious harm, ~~((or))~~ is  
15 in imminent danger because of being gravely disabled, or is in  
16 imminent danger due to having a persistent or acute disability, after  
17 investigation and evaluation of the specific facts alleged and of the  
18 reliability and credibility of the person or persons providing the  
19 information if any, the designated mental health professional may  
20 take such person, or cause by oral or written order such person to be  
21 taken into emergency custody in an evaluation and treatment facility  
22 for not more than seventy-two hours as described in RCW 71.05.180.

23 (2) A peace officer may take or cause such person to be taken  
24 into custody and immediately delivered to a triage facility, crisis  
25 stabilization unit, evaluation and treatment facility, or the  
26 emergency department of a local hospital under the following  
27 circumstances:

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

29 (b) When he or she has reasonable cause to believe that such  
30 person is suffering from a mental disorder and presents an imminent  
31 likelihood of serious harm ~~((or))~~, is in imminent danger because of  
32 being gravely disabled, or is in imminent danger due to having a  
33 persistent or acute disability.

34 (3) Persons delivered to a crisis stabilization unit, evaluation  
35 and treatment facility, emergency department of a local hospital, or  
36 triage facility that has elected to operate as an involuntary  
37 facility by peace officers pursuant to subsection (2) of this section  
38 may be held by the facility for a period of up to twelve hours.

1 (4) Within three hours of arrival, the person must be examined by  
2 a mental health professional. Within twelve hours of arrival, the  
3 designated mental health professional must determine whether the  
4 individual meets detention criteria. If the individual is detained,  
5 the designated mental health professional shall file a petition for  
6 detention or a supplemental petition as appropriate and commence  
7 service on the designated attorney for the detained person. If the  
8 individual is released to the community, the mental health provider  
9 shall inform the peace officer of the release within a reasonable  
10 period of time after the release if the peace officer has  
11 specifically requested notification and provided contact information  
12 to the provider.

13 **Sec. 7.** RCW 71.05.156 and 2013 c 334 s 2 are each amended to  
14 read as follows:

15 A designated mental health professional who conducts an  
16 evaluation under RCW 71.05.153 for imminent likelihood of serious  
17 harm ~~((or))~~, imminent danger because of being gravely disabled  
18 ~~((under RCW 71.05.153))~~, or imminent danger due to having a  
19 persistent or acute disability must also evaluate the person under  
20 RCW 71.05.150 for likelihood of serious harm ~~((or))~~, grave  
21 disability, or persistent or acute disability that does not meet the  
22 imminent standard for emergency detention.

23 **Sec. 8.** RCW 71.05.160 and 2007 c 375 s 13 are each amended to  
24 read as follows:

25 Any facility receiving a person pursuant to RCW 71.05.150 or  
26 71.05.153 shall require the designated mental health professional to  
27 prepare a petition for initial detention stating the circumstances  
28 under which the person's condition was made known and stating that  
29 there is evidence, as a result of his or her personal observation or  
30 investigation, that the actions of the person for which application  
31 is made constitute a likelihood of serious harm, or that he or she is  
32 gravely disabled, or that he or she has a persistent or acute  
33 disability, and stating the specific facts known to him or her as a  
34 result of his or her personal observation or investigation, upon  
35 which he or she bases the belief that such person should be detained  
36 for the purposes and under the authority of this chapter.

37 If a person is involuntarily placed in an evaluation and  
38 treatment facility pursuant to RCW 71.05.150 or 71.05.153, on the

1 next judicial day following the initial detention, the designated  
2 mental health professional shall file with the court and serve the  
3 designated attorney of the detained person the petition or  
4 supplemental petition for initial detention, proof of service of  
5 notice, and a copy of a notice of emergency detention.

6 **Sec. 9.** RCW 71.05.170 and 2000 c 94 s 5 are each amended to read  
7 as follows:

8 Whenever the ((~~county~~)) designated mental health professional  
9 petitions for detention of a person whose actions constitute a  
10 likelihood of serious harm, ((~~or~~)) who is gravely disabled, or who  
11 has a persistent or acute disability, the facility providing seventy-  
12 two hour evaluation and treatment must immediately accept on a  
13 provisional basis the petition and the person. The facility shall  
14 then evaluate the person's condition and admit, detain, transfer, or  
15 discharge such person in accordance with RCW 71.05.210. The facility  
16 shall notify in writing the court and the ((~~county~~)) designated  
17 mental health professional of the date and time of the initial  
18 detention of each person involuntarily detained in order that a  
19 probable cause hearing shall be held no later than seventy-two hours  
20 after detention.

21 The duty of a state hospital to accept persons for evaluation and  
22 treatment under this section shall be limited by chapter 71.24 RCW.

23 **Sec. 10.** RCW 71.05.195 and 2010 c 208 s 1 are each amended to  
24 read as follows:

25 (1) A civil commitment may be initiated under the procedures  
26 described in RCW 71.05.150 or 71.05.153 for a person who has been  
27 found not guilty by reason of insanity in a state other than  
28 Washington and who has fled from detention, commitment, or  
29 conditional release in that state, on the basis of a request by the  
30 state in which the person was found not guilty by reason of insanity  
31 for the person to be detained and transferred back to the custody or  
32 care of the requesting state. A finding of likelihood of serious harm  
33 ((~~or~~)), grave disability, or persistent or acute disability is not  
34 required for a commitment under this section. The detention may occur  
35 at either an evaluation and treatment facility or a state hospital.  
36 The petition for seventy-two hour detention filed by the designated  
37 mental health professional must be accompanied by the following  
38 documents:

1 (a) A copy of an order for detention, commitment, or conditional  
2 release of the person in a state other than Washington on the basis  
3 of a judgment of not guilty by reason of insanity;

4 (b) A warrant issued by a magistrate in the state in which the  
5 person was found not guilty by reason of insanity indicating that the  
6 person has fled from detention, commitment, or conditional release in  
7 that state and authorizing the detention of the person within the  
8 state in which the person was found not guilty by reason of insanity;

9 (c) A statement from the executive authority of the state in  
10 which the person was found not guilty by reason of insanity  
11 requesting that the person be returned to the requesting state and  
12 agreeing to facilitate the transfer of the person to the requesting  
13 state.

14 (2) The person shall be entitled to a probable cause hearing  
15 within the time limits applicable to other detentions under this  
16 chapter and shall be afforded the rights described in this chapter  
17 including the right to counsel. At the probable cause hearing, the  
18 court shall determine the identity of the person and whether the  
19 other requirements of this section are met. If the court so finds,  
20 the court may order continued detention in a treatment facility for  
21 up to thirty days for the purpose of the transfer of the person to  
22 the custody or care of the requesting state. The court may order a  
23 less restrictive alternative to detention only under conditions which  
24 ensure the person's safe transfer to the custody or care of the  
25 requesting state within thirty days without undue risk to the safety  
26 of the person or others.

27 (3) For the purposes of this section, "not guilty by reason of  
28 insanity" shall be construed to include any provision of law which is  
29 generally equivalent to a finding of criminal insanity within the  
30 state of Washington; and "state" shall be construed to mean any  
31 state, district, or territory of the United States.

32 **Sec. 11.** RCW 71.05.210 and 2009 c 217 s 1 are each amended to  
33 read as follows:

34 Each person involuntarily detained and accepted or admitted at an  
35 evaluation and treatment facility (1) shall, within twenty-four hours  
36 of his or her admission or acceptance at the facility, be examined  
37 and evaluated by (a) a licensed physician who may be assisted by a  
38 physician assistant according to chapter 18.71A RCW and a mental  
39 health professional, (b) an advanced registered nurse practitioner

1 according to chapter 18.79 RCW and a mental health professional, or  
2 (c) a licensed physician and a psychiatric advanced registered nurse  
3 practitioner and (2) shall receive such treatment and care as his or  
4 her condition requires including treatment on an outpatient basis for  
5 the period that he or she is detained, except that, beginning twenty-  
6 four hours prior to a trial or hearing pursuant to RCW 71.05.215,  
7 71.05.240, 71.05.310, 71.05.320, 71.05.340, or 71.05.217, the  
8 individual may refuse psychiatric medications, but may not refuse:  
9 (a) Any other medication previously prescribed by a person licensed  
10 under Title 18 RCW; or (b) emergency lifesaving treatment, and the  
11 individual shall be informed at an appropriate time of his or her  
12 right of such refusal. The person shall be detained up to seventy-two  
13 hours, if, in the opinion of the professional person in charge of the  
14 facility, or his or her professional designee, the person presents a  
15 likelihood of serious harm, ~~((or))~~ is gravely disabled, or has a  
16 persistent or acute disability. A person who has been detained for  
17 seventy-two hours shall no later than the end of such period be  
18 released, unless referred for further care on a voluntary basis, or  
19 detained pursuant to court order for further treatment as provided in  
20 this chapter.

21 If, after examination and evaluation, the mental health  
22 professional and licensed physician or psychiatric advanced  
23 registered nurse practitioner determine that the initial needs of the  
24 person would be better served by placement in a chemical dependency  
25 treatment facility, then the person shall be referred to an approved  
26 treatment program defined under RCW 70.96A.020.

27 An evaluation and treatment center admitting or accepting any  
28 person pursuant to this chapter whose physical condition reveals the  
29 need for hospitalization shall assure that such person is transferred  
30 to an appropriate hospital for evaluation or admission for treatment.  
31 Notice of such fact shall be given to the court, the designated  
32 attorney, and the designated mental health professional and the court  
33 shall order such continuance in proceedings under this chapter as may  
34 be necessary, but in no event may this continuance be more than  
35 fourteen days.

36 **Sec. 12.** RCW 71.05.212 and 2010 c 280 s 2 are each amended to  
37 read as follows:

38 (1) Whenever a designated mental health professional or  
39 professional person is conducting an evaluation under this chapter,

1 consideration shall include all reasonably available information from  
2 credible witnesses and records regarding:

3 (a) Prior recommendations for evaluation of the need for civil  
4 commitments when the recommendation is made pursuant to an evaluation  
5 conducted under chapter 10.77 RCW;

6 (b) Historical behavior, including history of one or more violent  
7 acts;

8 (c) Prior determinations of incompetency or insanity under  
9 chapter 10.77 RCW; and

10 (d) Prior commitments under this chapter.

11 (2) Credible witnesses may include family members, landlords,  
12 neighbors, or others with significant contact and history of  
13 involvement with the person. If the designated mental health  
14 professional relies upon information from a credible witness in  
15 reaching his or her decision to detain the individual, then he or she  
16 must provide contact information for any such witness to the  
17 prosecutor. The designated mental health professional or prosecutor  
18 shall provide notice of the date, time, and location of the probable  
19 cause hearing to such a witness.

20 (3) Symptoms and behavior of the respondent which standing alone  
21 would not justify civil commitment may support a finding of grave  
22 disability, persistent or acute disability, or likelihood of serious  
23 harm when:

24 (a) Such symptoms or behavior are closely associated with  
25 symptoms or behavior which preceded and led to a past incident of  
26 involuntary hospitalization, severe deterioration, or one or more  
27 violent acts;

28 (b) These symptoms or behavior represent a marked and concerning  
29 change in the baseline behavior of the respondent; and

30 (c) Without treatment, the continued deterioration of the  
31 respondent is probable.

32 (4) When conducting an evaluation for offenders identified under  
33 RCW 72.09.370, the designated mental health professional or  
34 professional person shall consider an offender's history of  
35 judicially required or administratively ordered antipsychotic  
36 medication while in confinement.

37 **Sec. 13.** RCW 71.05.215 and 2008 c 156 s 2 are each amended to  
38 read as follows:

1 (1) A person found to be gravely disabled, to have a persistent  
2 or acute disability, or to present((s)) a likelihood of serious harm  
3 as a result of a mental disorder has a right to refuse antipsychotic  
4 medication unless it is determined that the failure to medicate may  
5 result in a likelihood of serious harm or substantial deterioration  
6 or substantially prolong the length of involuntary commitment and  
7 there is no less intrusive course of treatment than medication in the  
8 best interest of that person.

9 (2) The department shall adopt rules to carry out the purposes of  
10 this chapter. These rules shall include:

11 (a) An attempt to obtain the informed consent of the person prior  
12 to administration of antipsychotic medication.

13 (b) For short-term treatment up to thirty days, the right to  
14 refuse antipsychotic medications unless there is an additional  
15 concurring medical opinion approving medication by a psychiatrist,  
16 psychiatric advanced registered nurse practitioner, or physician in  
17 consultation with a mental health professional with prescriptive  
18 authority.

19 (c) For continued treatment beyond thirty days through the  
20 hearing on any petition filed under RCW 71.05.217, the right to  
21 periodic review of the decision to medicate by the medical director  
22 or designee.

23 (d) Administration of antipsychotic medication in an emergency  
24 and review of this decision within twenty-four hours. An emergency  
25 exists if the person presents an imminent likelihood of serious harm,  
26 and medically acceptable alternatives to administration of  
27 antipsychotic medications are not available or are unlikely to be  
28 successful; and in the opinion of the physician or psychiatric  
29 advanced registered nurse practitioner, the person's condition  
30 constitutes an emergency requiring the treatment be instituted prior  
31 to obtaining a second medical opinion.

32 (e) Documentation in the medical record of the attempt by the  
33 physician or psychiatric advanced registered nurse practitioner to  
34 obtain informed consent and the reasons why antipsychotic medication  
35 is being administered over the person's objection or lack of consent.

36 **Sec. 14.** RCW 71.05.230 and 2011 c 343 s 9 are each amended to  
37 read as follows:

38 A person detained for seventy-two hour evaluation and treatment  
39 may be detained for not more than fourteen additional days of

1 involuntary intensive treatment or ninety additional days of a less  
2 restrictive alternative to involuntary intensive treatment. A  
3 petition may only be filed if the following conditions are met:

4 (1) The professional staff of the agency or facility providing  
5 evaluation services has analyzed the person's condition and finds  
6 that the condition is caused by mental disorder and either results in  
7 a likelihood of serious harm, or results in the detained person being  
8 gravely disabled or having a persistent or acute disability, and are  
9 prepared to testify those conditions are met; and

10 (2) The person has been advised of the need for voluntary  
11 treatment and the professional staff of the facility has evidence  
12 that he or she has not in good faith volunteered; and

13 (3) The facility providing intensive treatment is certified to  
14 provide such treatment by the department; and

15 (4) The professional staff of the agency or facility or the  
16 designated mental health professional has filed a petition for  
17 fourteen day involuntary detention or a ninety day less restrictive  
18 alternative with the court. The petition must be signed either by:

19 (a) Two physicians;

20 (b) One physician and a mental health professional;

21 (c) Two psychiatric advanced registered nurse practitioners;

22 (d) One psychiatric advanced registered nurse practitioner and a  
23 mental health professional; or

24 (e) A physician and a psychiatric advanced registered nurse  
25 practitioner. The persons signing the petition must have examined the  
26 person. If involuntary detention is sought the petition shall state  
27 facts that support the finding that such person, as a result of  
28 mental disorder, presents a likelihood of serious harm, or is gravely  
29 disabled, or that the person has a persistent or acute disability,  
30 and that there are no less restrictive alternatives to detention in  
31 the best interest of such person or others. The petition shall state  
32 specifically that less restrictive alternative treatment was  
33 considered and specify why treatment less restrictive than detention  
34 is not appropriate. If an involuntary less restrictive alternative is  
35 sought, the petition shall state facts that support the finding that  
36 such person, as a result of mental disorder, presents a likelihood of  
37 serious harm, or is gravely disabled, or that the person has a  
38 persistent or acute disability, and shall set forth the less  
39 restrictive alternative proposed by the facility; and



1 (5) A copy of the petition has been served on the detained  
2 person, his or her attorney and his or her guardian or conservator,  
3 if any, prior to the probable cause hearing; and

4 (6) The court at the time the petition was filed and before the  
5 probable cause hearing has appointed counsel to represent such person  
6 if no other counsel has appeared; and

7 (7) The petition reflects that the person was informed of the  
8 loss of firearm rights if involuntarily committed; and

9 (8) At the conclusion of the initial commitment period, the  
10 professional staff of the agency or facility or the designated mental  
11 health professional may petition for an additional period of either  
12 ninety days of less restrictive alternative treatment or ninety days  
13 of involuntary intensive treatment as provided in RCW 71.05.290; and

14 (9) If the hospital or facility designated to provide outpatient  
15 treatment is other than the facility providing involuntary treatment,  
16 the outpatient facility so designated has agreed to assume such  
17 responsibility.

18 **Sec. 15.** RCW 71.05.235 and 2008 c 213 s 5 are each amended to  
19 read as follows:

20 (1) If an individual is referred to a designated mental health  
21 professional under RCW 10.77.088(1)(b)(i), the designated mental  
22 health professional shall examine the individual within forty-eight  
23 hours. If the designated mental health professional determines it is  
24 not appropriate to detain the individual or petition for a ninety-day  
25 less restrictive alternative under RCW 71.05.230(4), that decision  
26 shall be immediately presented to the superior court for hearing. The  
27 court shall hold a hearing to consider the decision of the designated  
28 mental health professional not later than the next judicial day. At  
29 the hearing the superior court shall review the determination of the  
30 designated mental health professional and determine whether an order  
31 should be entered requiring the person to be evaluated at an  
32 evaluation and treatment facility. No person referred to an  
33 evaluation and treatment facility may be held at the facility longer  
34 than seventy-two hours.

35 (2) If an individual is placed in an evaluation and treatment  
36 facility under RCW 10.77.088(1)(b)(ii), a professional person shall  
37 evaluate the individual for purposes of determining whether to file a  
38 ninety-day inpatient or outpatient petition under chapter 71.05 RCW.  
39 Before expiration of the seventy-two hour evaluation period

1 authorized under RCW 10.77.088(1)(b)(ii), the professional person  
2 shall file a petition or, if the recommendation of the professional  
3 person is to release the individual, present his or her  
4 recommendation to the superior court of the county in which the  
5 criminal charge was dismissed. The superior court shall review the  
6 recommendation not later than forty-eight hours, excluding Saturdays,  
7 Sundays, and holidays, after the recommendation is presented. If the  
8 court rejects the recommendation to unconditionally release the  
9 individual, the court may order the individual detained at a  
10 designated evaluation and treatment facility for not more than a  
11 seventy-two hour evaluation and treatment period and direct the  
12 individual to appear at a surety hearing before that court within  
13 seventy-two hours, or the court may release the individual but direct  
14 the individual to appear at a surety hearing set before that court  
15 within eleven days, at which time the prosecutor may file a petition  
16 under this chapter for ninety-day inpatient or outpatient treatment.  
17 If a petition is filed by the prosecutor, the court may order that  
18 the person named in the petition be detained at the evaluation and  
19 treatment facility that performed the evaluation under this  
20 subsection or order the respondent to be in outpatient treatment. If  
21 a petition is filed but the individual fails to appear in court for  
22 the surety hearing, the court shall order that a mental health  
23 professional or peace officer shall take such person or cause such  
24 person to be taken into custody and placed in an evaluation and  
25 treatment facility to be brought before the court the next judicial  
26 day after detention. Upon the individual's first appearance in court  
27 after a petition has been filed, proceedings under RCW 71.05.310 and  
28 71.05.320 shall commence. For an individual subject to this  
29 subsection, the prosecutor or professional person may directly file a  
30 petition for ninety-day inpatient or outpatient treatment and no  
31 petition for initial detention or fourteen-day detention is required  
32 before such a petition may be filed.

33 The court shall conduct the hearing on the petition filed under  
34 this subsection within five judicial days of the date the petition is  
35 filed. The court may continue the hearing upon the written request of  
36 the person named in the petition or the person's attorney, for good  
37 cause shown, which continuance shall not exceed five additional  
38 judicial days. If the person named in the petition requests a jury  
39 trial, the trial shall commence within ten judicial days of the date  
40 of the filing of the petition. The burden of proof shall be by clear,

1 cogent, and convincing evidence and shall be upon the petitioner. The  
2 person shall be present at such proceeding, which shall in all  
3 respects accord with the constitutional guarantees of due process of  
4 law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).

5 During the proceeding the person named in the petition shall  
6 continue to be detained and treated until released by order of the  
7 court. If no order has been made within thirty days after the filing  
8 of the petition, not including any extensions of time requested by  
9 the detained person or his or her attorney, the detained person shall  
10 be released.

11 (3) If a designated mental health professional or the  
12 professional person and prosecuting attorney for the county in which  
13 the criminal charge was dismissed or attorney general, as  
14 appropriate, stipulate that the individual does not present a  
15 likelihood of serious harm ((~~or~~)), is not gravely disabled, or does  
16 not have a persistent or acute disability, the hearing under this  
17 section is not required and the individual, if in custody, shall be  
18 released.

19 (4) The individual shall have the rights specified in RCW  
20 71.05.360 (8) and (9).

21 **Sec. 16.** RCW 71.05.240 and 2009 c 293 s 4 are each amended to  
22 read as follows:

23 (1) If a petition is filed for fourteen day involuntary treatment  
24 or ninety days of less restrictive alternative treatment, the court  
25 shall hold a probable cause hearing within seventy-two hours of the  
26 initial detention of such person as determined in RCW 71.05.180. If  
27 requested by the detained person or his or her attorney, the hearing  
28 may be postponed for a period not to exceed forty-eight hours. The  
29 hearing may also be continued subject to the conditions set forth in  
30 RCW 71.05.210 or subject to the petitioner's showing of good cause  
31 for a period not to exceed twenty-four hours.

32 (2) The court at the time of the probable cause hearing and  
33 before an order of commitment is entered shall inform the person both  
34 orally and in writing that the failure to make a good faith effort to  
35 seek voluntary treatment as provided in RCW 71.05.230 will result in  
36 the loss of his or her firearm rights if the person is subsequently  
37 detained for involuntary treatment under this section.

38 (3) At the conclusion of the probable cause hearing, if the court  
39 finds by a preponderance of the evidence that such person, as the

1 result of mental disorder, presents a likelihood of serious harm,  
2 ((~~or~~)) is gravely disabled, or has a persistent or acute disability,  
3 and, after considering less restrictive alternatives to involuntary  
4 detention and treatment, finds that no such alternatives are in the  
5 best interests of such person or others, the court shall order that  
6 such person be detained for involuntary treatment not to exceed  
7 fourteen days in a facility certified to provide treatment by the  
8 department. If the court finds that such person, as the result of a  
9 mental disorder, presents a likelihood of serious harm, ((~~or~~)) is  
10 gravely disabled, or has a persistent or acute disability, but that  
11 treatment in a less restrictive setting than detention is in the best  
12 interest of such person or others, the court shall order an  
13 appropriate less restrictive course of treatment for not to exceed  
14 ninety days.

15 (4) The court shall specifically state to such person and give  
16 such person notice in writing that if involuntary treatment beyond  
17 the fourteen day period or beyond the ninety days of less restrictive  
18 treatment is to be sought, such person will have the right to a full  
19 hearing or jury trial as required by RCW 71.05.310. The court shall  
20 also state to the person and provide written notice that the person  
21 is barred from the possession of firearms and that the prohibition  
22 remains in effect until a court restores his or her right to possess  
23 a firearm under RCW 9.41.047.

24 **Sec. 17.** RCW 71.05.245 and 2010 c 280 s 3 are each amended to  
25 read as follows:

26 (1) In making a determination of whether a person is gravely  
27 disabled ((~~or~~)) presents a likelihood of serious harm, or has a  
28 persistent or acute disability in a hearing conducted under RCW  
29 71.05.240 or 71.05.320, the court must consider the symptoms and  
30 behavior of the respondent in light of all available evidence  
31 concerning the respondent's historical behavior.

32 (2) Symptoms or behavior which standing alone would not justify  
33 civil commitment may support a finding of grave disability ((~~or~~)) a  
34 likelihood of serious harm, or persistent or acute disability when:  
35 (a) Such symptoms or behavior are closely associated with symptoms or  
36 behavior which preceded and led to a past incident of involuntary  
37 hospitalization, severe deterioration, or one or more violent acts;  
38 (b) these symptoms or behavior represent a marked and concerning

1 change in the baseline behavior of the respondent; and (c) without  
2 treatment, the continued deterioration of the respondent is probable.

3 (3) In making a determination of whether there is a likelihood of  
4 serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320,  
5 the court shall give great weight to any evidence before the court  
6 regarding whether the person has: (a) A recent history of one or more  
7 violent acts; or (b) a recent history of one or more commitments  
8 under this chapter or its equivalent provisions under the laws of  
9 another state which were based on a likelihood of serious harm. The  
10 existence of prior violent acts or commitments under this chapter or  
11 its equivalent shall not be the sole basis for determining whether a  
12 person presents a likelihood of serious harm.

13 For the purposes of this subsection "recent" refers to the period  
14 of time not exceeding three years prior to the current hearing.

15 **Sec. 18.** RCW 71.05.260 and 1997 c 112 s 20 are each amended to  
16 read as follows:

17 (1) Involuntary intensive treatment ordered at the time of the  
18 probable cause hearing shall be for no more than fourteen days, and  
19 shall terminate sooner when, in the opinion of the professional  
20 person in charge of the facility or his or her professional designee,  
21 (a) the person no longer constitutes a likelihood of serious harm, or  
22 (b) no longer is gravely disabled, or (c) no longer has a persistent  
23 or acute disability, or (d) is prepared to accept voluntary treatment  
24 upon referral, or ((+d)) (e) is to remain in the facility providing  
25 intensive treatment on a voluntary basis.

26 (2) A person who has been detained for fourteen days of intensive  
27 treatment shall be released at the end of the fourteen days unless  
28 one of the following applies: (a) Such person agrees to receive  
29 further treatment on a voluntary basis; or (b) such person is a  
30 patient to whom RCW 71.05.280 is applicable.

31 **Sec. 19.** RCW 71.05.280 and 2013 c 289 s 4 are each amended to  
32 read as follows:

33 At the expiration of the fourteen-day period of intensive  
34 treatment, a person may be confined for further treatment pursuant to  
35 RCW 71.05.320 if:

36 (1) Such person after having been taken into custody for  
37 evaluation and treatment has threatened, attempted, or inflicted: (a)  
38 Physical harm upon the person of another or himself or herself, or

1 substantial damage upon the property of another, and (b) as a result  
2 of mental disorder presents a likelihood of serious harm; or

3 (2) Such person was taken into custody as a result of conduct in  
4 which he or she attempted or inflicted physical harm upon the person  
5 of another or himself or herself, or substantial damage upon the  
6 property of others, and continues to present, as a result of mental  
7 disorder, a likelihood of serious harm; or

8 (3) Such person has been determined to be incompetent and  
9 criminal charges have been dismissed pursuant to RCW 10.77.086(4),  
10 and has committed acts constituting a felony, and as a result of a  
11 mental disorder, presents a substantial likelihood of repeating  
12 similar acts.

13 (a) In any proceeding pursuant to this subsection it shall not be  
14 necessary to show intent, willfulness, or state of mind as an element  
15 of the crime;

16 (b) For any person subject to commitment under this subsection  
17 where the charge underlying the finding of incompetence is for a  
18 felony classified as violent under RCW 9.94A.030, the court shall  
19 determine whether the acts the person committed constitute a violent  
20 offense under RCW 9.94A.030; or

21 (4) Such person is gravely disabled; or

22 (5) Such person has a persistent or acute disability.

23 **Sec. 20.** RCW 71.05.320 and 2013 c 289 s 5 are each amended to  
24 read as follows:

25 (1) If the court or jury finds that grounds set forth in RCW  
26 71.05.280 have been proven and that the best interests of the person  
27 or others will not be served by a less restrictive treatment which is  
28 an alternative to detention, the court shall remand him or her to the  
29 custody of the department or to a facility certified for ninety day  
30 treatment by the department for a further period of intensive  
31 treatment not to exceed ninety days from the date of judgment. If the  
32 grounds set forth in RCW 71.05.280(3) are the basis of commitment,  
33 then the period of treatment may be up to but not exceed one hundred  
34 eighty days from the date of judgment in a facility certified for one  
35 hundred eighty day treatment by the department.

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

1 department or to a facility certified for ninety day treatment by the  
2 department or to a less restrictive alternative for a further period  
3 of less restrictive treatment not to exceed ninety days from the date  
4 of judgment. If the grounds set forth in RCW 71.05.280(3) are the  
5 basis of commitment, then the period of treatment may be up to but  
6 not exceed one hundred eighty days from the date of judgment.

7 (3) The person shall be released from involuntary treatment at  
8 the expiration of the period of commitment imposed under subsection  
9 (1) or (2) of this section unless the superintendent or professional  
10 person in charge of the facility in which he or she is confined, or  
11 in the event of a less restrictive alternative, the designated mental  
12 health professional, files a new petition for involuntary treatment  
13 on the grounds that the committed person:

14 (a) During the current period of court ordered treatment: (i) Has  
15 threatened, attempted, or inflicted physical harm upon the person of  
16 another, or substantial damage upon the property of another, and (ii)  
17 as a result of mental disorder or developmental disability presents a  
18 likelihood of serious harm; or

19 (b) Was taken into custody as a result of conduct in which he or  
20 she attempted or inflicted serious physical harm upon the person of  
21 another, and continues to present, as a result of mental disorder or  
22 developmental disability a likelihood of serious harm; or

23 (c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result  
24 of mental disorder or developmental disability continues to present a  
25 substantial likelihood of repeating acts similar to the charged  
26 criminal behavior, when considering the person's life history,  
27 progress in treatment, and the public safety.

28 (ii) In cases under this subsection where the court has made an  
29 affirmative special finding under RCW 71.05.280(3)(b), the commitment  
30 shall continue for up to an additional one hundred eighty day period  
31 whenever the petition presents prima facie evidence that the person  
32 continues to suffer from a mental disorder or developmental  
33 disability that results in a substantial likelihood of committing  
34 acts similar to the charged criminal behavior, unless the person  
35 presents proof through an admissible expert opinion that the person's  
36 condition has so changed such that the mental disorder or  
37 developmental disability no longer presents a substantial likelihood  
38 of the person committing acts similar to the charged criminal  
39 behavior. The initial or additional commitment period may include  
40 transfer to a specialized program of intensive support and treatment,

1 which may be initiated prior to or after discharge from the state  
2 hospital; or

3 (d) Continues to be gravely disabled; or

4 (e) Continues to have a persistent or acute disability.

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

8 (4) For a person committed under subsection (2) of this section  
9 who has been remanded to a period of less restrictive treatment, in  
10 addition to the grounds specified in subsection (3) of this section,  
11 the designated mental health professional may file a new petition for  
12 continued less restrictive treatment if:

13 (a) The person was previously committed by a court to detention  
14 for involuntary mental health treatment during the thirty-six months  
15 that preceded the person's initial detention date during the current  
16 involuntary commitment cycle, excluding any time spent in a mental  
17 health facility or in confinement as a result of a criminal  
18 conviction;

19 (b) In view of the person's treatment history or current  
20 behavior, the person is unlikely to voluntarily participate in  
21 outpatient treatment without an order for less restrictive treatment;  
22 and

23 (c) Outpatient treatment that would be provided under a less  
24 restrictive treatment order is necessary to prevent a relapse,  
25 decompensation, or deterioration that is likely to result in the  
26 person presenting a likelihood of serious harm or the person becoming  
27 gravely disabled within a reasonably short period of time.

28 (5) A new petition for involuntary treatment filed under  
29 subsection (3) or (4) of this section shall be filed and heard in the  
30 superior court of the county of the facility which is filing the new  
31 petition for involuntary treatment unless good cause is shown for a  
32 change of venue. The cost of the proceedings shall be borne by the  
33 state.

34 (6) The hearing shall be held as provided in RCW 71.05.310, and  
35 if the court or jury finds that the grounds for additional  
36 confinement as set forth in this section are present, the court may  
37 order the committed person returned for an additional period of  
38 treatment not to exceed one hundred eighty days from the date of  
39 judgment. At the end of the one hundred eighty day period of  
40 commitment, the committed person shall be released unless a petition



1 for another one hundred eighty day period of continued treatment is  
2 filed and heard in the same manner as provided in this section.  
3 Successive one hundred eighty day commitments are permissible on the  
4 same grounds and pursuant to the same procedures as the original one  
5 hundred eighty day commitment. However, a commitment is not  
6 permissible under subsection (4) of this section if thirty-six months  
7 have passed since the last date of discharge from detention for  
8 inpatient treatment that preceded the current less restrictive  
9 alternative order, nor shall a commitment under subsection (4) of  
10 this section be permissible if the likelihood of serious harm in  
11 subsection (4)(c) of this section is based solely on harm to the  
12 property of others.

13 (7) No person committed as provided in this section may be  
14 detained unless a valid order of commitment is in effect. No order of  
15 commitment can exceed one hundred eighty days in length.

16 **Sec. 21.** RCW 71.05.360 and 2009 c 217 s 5 are each amended to  
17 read as follows:

18 (1)(a) Every person involuntarily detained or committed under the  
19 provisions of this chapter shall be entitled to all the rights set  
20 forth in this chapter, which shall be prominently posted in the  
21 facility, and shall retain all rights not denied him or her under  
22 this chapter except as chapter 9.41 RCW may limit the right of a  
23 person to purchase or possess a firearm or to qualify for a concealed  
24 pistol license.

25 (b) No person shall be presumed incompetent as a consequence of  
26 receiving an evaluation or voluntary or involuntary treatment for a  
27 mental disorder, under this chapter or any prior laws of this state  
28 dealing with mental illness. Competency shall not be determined or  
29 withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

30 (c) Any person who leaves a public or private agency following  
31 evaluation or treatment for mental disorder shall be given a written  
32 statement setting forth the substance of this section.

33 (2) Each person involuntarily detained or committed pursuant to  
34 this chapter shall have the right to adequate care and individualized  
35 treatment.

36 (3) The provisions of this chapter shall not be construed to deny  
37 to any person treatment by spiritual means through prayer in  
38 accordance with the tenets and practices of a church or religious  
39 denomination.

1 (4) Persons receiving evaluation or treatment under this chapter  
2 shall be given a reasonable choice of an available physician,  
3 psychiatric advanced registered nurse practitioner, or other  
4 professional person qualified to provide such services.

5 (5) Whenever any person is detained for evaluation and treatment  
6 pursuant to this chapter, both the person and, if possible, a  
7 responsible member of his or her immediate family, personal  
8 representative, guardian, or conservator, if any, shall be advised as  
9 soon as possible in writing or orally, by the officer or person  
10 taking him or her into custody or by personnel of the evaluation and  
11 treatment facility where the person is detained that unless the  
12 person is released or voluntarily admits himself or herself for  
13 treatment within seventy-two hours of the initial detention:

14 (a) A judicial hearing in a superior court, either by a judge or  
15 court commissioner thereof, shall be held not more than seventy-two  
16 hours after the initial detention to determine whether there is  
17 probable cause to detain the person after the seventy-two hours have  
18 expired for up to an additional fourteen days without further  
19 automatic hearing for the reason that the person is a person whose  
20 mental disorder presents a likelihood of serious harm or that the  
21 person is gravely disabled or has a persistent or acute disability;

22 (b) The person has a right to communicate immediately with an  
23 attorney; has a right to have an attorney appointed to represent him  
24 or her before and at the probable cause hearing if he or she is  
25 indigent; and has the right to be told the name and address of the  
26 attorney that the mental health professional has designated pursuant  
27 to this chapter;

28 (c) The person has the right to remain silent and that any  
29 statement he or she makes may be used against him or her;

30 (d) The person has the right to present evidence and to cross-  
31 examine witnesses who testify against him or her at the probable  
32 cause hearing; and

33 (e) The person has the right to refuse psychiatric medications,  
34 including antipsychotic medication beginning twenty-four hours prior  
35 to the probable cause hearing.

36 (6) When proceedings are initiated under RCW 71.05.153, no later  
37 than twelve hours after such person is admitted to the evaluation and  
38 treatment facility the personnel of the evaluation and treatment  
39 facility or the designated mental health professional shall serve on  
40 such person a copy of the petition for initial detention and the

1 name, business address, and phone number of the designated attorney  
2 and shall forthwith commence service of a copy of the petition for  
3 initial detention on the designated attorney.

4 (7) The judicial hearing described in subsection (5) of this  
5 section is hereby authorized, and shall be held according to the  
6 provisions of subsection (5) of this section and rules promulgated by  
7 the supreme court.

8 (8) At the probable cause hearing the detained person shall have  
9 the following rights in addition to the rights previously specified:

10 (a) To present evidence on his or her behalf;

11 (b) To cross-examine witnesses who testify against him or her;

12 (c) To be proceeded against by the rules of evidence;

13 (d) To remain silent;

14 (e) To view and copy all petitions and reports in the court file.

15 (9) Privileges between patients and physicians, psychologists, or  
16 psychiatric advanced registered nurse practitioners are deemed waived  
17 in proceedings under this chapter relating to the administration of  
18 antipsychotic medications. As to other proceedings under this  
19 chapter, the privileges shall be waived when a court of competent  
20 jurisdiction in its discretion determines that such waiver is  
21 necessary to protect either the detained person or the public.

22 The waiver of a privilege under this section is limited to  
23 records or testimony relevant to evaluation of the detained person  
24 for purposes of a proceeding under this chapter. Upon motion by the  
25 detained person or on its own motion, the court shall examine a  
26 record or testimony sought by a petitioner to determine whether it is  
27 within the scope of the waiver.

28 The record maker shall not be required to testify in order to  
29 introduce medical or psychological records of the detained person so  
30 long as the requirements of RCW 5.45.020 are met except that portions  
31 of the record which contain opinions as to the detained person's  
32 mental state must be deleted from such records unless the person  
33 making such conclusions is available for cross-examination.

34 (10) Insofar as danger to the person or others is not created,  
35 each person involuntarily detained, treated in a less restrictive  
36 alternative course of treatment, or committed for treatment and  
37 evaluation pursuant to this chapter shall have, in addition to other  
38 rights not specifically withheld by law, the following rights:

1 (a) To wear his or her own clothes and to keep and use his or her  
2 own personal possessions, except when deprivation of same is  
3 essential to protect the safety of the resident or other persons;

4 (b) To keep and be allowed to spend a reasonable sum of his or  
5 her own money for canteen expenses and small purchases;

6 (c) To have access to individual storage space for his or her  
7 private use;

8 (d) To have visitors at reasonable times;

9 (e) To have reasonable access to a telephone, both to make and  
10 receive confidential calls, consistent with an effective treatment  
11 program;

12 (f) To have ready access to letter writing materials, including  
13 stamps, and to send and receive uncensored correspondence through the  
14 mails;

15 (g) To discuss treatment plans and decisions with professional  
16 persons;

17 (h) Not to consent to the administration of antipsychotic  
18 medications and not to thereafter be administered antipsychotic  
19 medications unless ordered by a court under RCW 71.05.217 or pursuant  
20 to an administrative hearing under RCW 71.05.215;

21 (i) Not to consent to the performance of electroconvulsant  
22 therapy or surgery, except emergency lifesaving surgery, unless  
23 ordered by a court under RCW 71.05.217;

24 (j) Not to have psychosurgery performed on him or her under any  
25 circumstances;

26 (k) To dispose of property and sign contracts unless such person  
27 has been adjudicated an incompetent in a court proceeding directed to  
28 that particular issue.

29 (11) Every person involuntarily detained shall immediately be  
30 informed of his or her right to a hearing to review the legality of  
31 his or her detention and of his or her right to counsel, by the  
32 professional person in charge of the facility providing evaluation  
33 and treatment, or his or her designee, and, when appropriate, by the  
34 court. If the person so elects, the court shall immediately appoint  
35 an attorney to assist him or her.

36 (12) A person challenging his or her detention or his or her  
37 attorney shall have the right to designate and have the court appoint  
38 a reasonably available independent physician, psychiatric advanced  
39 registered nurse practitioner, or licensed mental health professional  
40 to examine the person detained, the results of which examination may

1 be used in the proceeding. The person shall, if he or she is  
2 financially able, bear the cost of such expert examination, otherwise  
3 such expert examination shall be at public expense.

4 (13) Nothing contained in this chapter shall prohibit the patient  
5 from petitioning by writ of habeas corpus for release.

6 (14) Nothing in this chapter shall prohibit a person committed on  
7 or prior to January 1, 1974, from exercising a right available to him  
8 or her at or prior to January 1, 1974, for obtaining release from  
9 confinement.

10 (15) Nothing in this section permits any person to knowingly  
11 violate a no-contact order or a condition of an active judgment and  
12 sentence or an active condition of supervision by the department of  
13 corrections.

14 **Sec. 22.** RCW 71.34.020 and 2011 c 89 s 16 are each amended to  
15 read as follows:

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

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

23 (2) "Children's mental health specialist" means:

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

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

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

35 (4) "Department" means the department of social and health  
36 services.

37 (5) "Designated mental health professional" means a mental health  
38 professional designated by one or more counties to perform the

1 functions of a designated mental health professional described in  
2 this chapter.

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

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

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

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

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

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

1 which has caused substantial loss or damage to the property of  
2 others.

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

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

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

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

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

24 (17) "Parent" means:

25 (a) A biological or adoptive parent who has legal custody of the  
26 child, including either parent if custody is shared under a joint  
27 custody agreement; or

28 (b) A person or agency judicially appointed as legal guardian or  
29 custodian of the child.

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

34 (19) "Psychiatric nurse" means a registered nurse who has a  
35 bachelor's degree from an accredited college or university, and who  
36 has had, in addition, at least two years' experience in the direct  
37 treatment of persons who have a mental illness or who are emotionally  
38 disturbed, such experience gained under the supervision of a mental  
39 health professional. "Psychiatric nurse" shall also mean any other  
40 registered nurse who has three years of such experience.

1 (20) "Psychiatrist" means a person having a license as a  
2 physician in this state who has completed residency training in  
3 psychiatry in a program approved by the American Medical Association  
4 or the American Osteopathic Association, and is board eligible or  
5 board certified in psychiatry.

6 (21) "Psychologist" means a person licensed as a psychologist  
7 under chapter 18.83 RCW.

8 (22) "Responsible other" means the minor, the minor's parent or  
9 estate, or any other person legally responsible for support of the  
10 minor.

11 (23) "Secretary" means the secretary of the department or  
12 secretary's designee.

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

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

22 (26) "Persistent or acute disability" means a severe mental  
23 disorder that meets all the following criteria:

24 (a) If not treated, has a substantial probability of causing the  
25 person to suffer or continue to suffer severe and abnormal mental,  
26 emotional, or physical harm that significantly impairs judgment,  
27 reason, behavior, or capacity to recognize reality;

28 (b) Substantially impairs the person's capacity to make an  
29 informed decision regarding treatment, and this impairment causes the  
30 person to be incapable of understanding and expressing an  
31 understanding of the advantages and disadvantages of accepting  
32 treatment and understanding and expressing an understanding of the  
33 alternatives to the particular treatment offered after the  
34 advantages, disadvantages, and alternatives are explained to that  
35 person; and

36 (c) Has a reasonable prospect of being treatable by outpatient,  
37 inpatient, or combined outpatient and inpatient treatment.

38 **Sec. 23.** RCW 71.34.710 and 1995 c 312 s 53 are each amended to  
39 read as follows:



1 (1) When a ((~~county~~)) designated mental health professional  
2 receives information that a minor, thirteen years or older, as a  
3 result of a mental disorder presents a likelihood of serious harm or  
4 is gravely disabled, or has a persistent or acute disability, has  
5 investigated the specific facts alleged and of the credibility of the  
6 person or persons providing the information, and has determined that  
7 voluntary admission for inpatient treatment is not possible, the  
8 ((~~county~~)) designated mental health professional may take the minor,  
9 or cause the minor to be taken, into custody and transported to an  
10 evaluation and treatment facility providing inpatient treatment.

11 If the minor is not taken into custody for evaluation and  
12 treatment, the parent who has custody of the minor may seek review of  
13 that decision made by the ((~~county~~)) designated mental health  
14 professional in court. The parent shall file notice with the court  
15 and provide a copy of the ((~~county~~)) designated mental health  
16 professional's report or notes.

17 (2) Within twelve hours of the minor's arrival at the evaluation  
18 and treatment facility, the ((~~county~~)) designated mental health  
19 professional shall serve on the minor a copy of the petition for  
20 initial detention, notice of initial detention, and statement of  
21 rights. The ((~~county~~)) designated mental health professional shall  
22 file with the court on the next judicial day following the initial  
23 detention the original petition for initial detention, notice of  
24 initial detention, and statement of rights along with an affidavit of  
25 service. The ((~~county~~)) designated mental health professional shall  
26 commence service of the petition for initial detention and notice of  
27 the initial detention on the minor's parent and the minor's attorney  
28 as soon as possible following the initial detention.

29 (3) At the time of initial detention, the ((~~county~~)) designated  
30 mental health professional shall advise the minor both orally and in  
31 writing that if admitted to the evaluation and treatment facility for  
32 inpatient treatment, a commitment hearing shall be held within  
33 seventy-two hours of the minor's provisional acceptance to determine  
34 whether probable cause exists to commit the minor for further mental  
35 health treatment.

36 The minor 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 minor is indigent.

1 (4) Whenever the ((county)) designated mental health professional  
2 petitions for detention of a minor under this chapter, an evaluation  
3 and treatment facility providing seventy-two hour evaluation and  
4 treatment must immediately accept on a provisional basis the petition  
5 and the person. Within twenty-four hours of the minor's arrival, the  
6 facility must evaluate the minor's condition and either admit or  
7 release the minor in accordance with this chapter.

8 (5) If a minor is not approved for admission by the inpatient  
9 evaluation and treatment facility, the facility shall make such  
10 recommendations and referrals for further care and treatment of the  
11 minor as necessary.

12 **Sec. 24.** RCW 71.34.740 and 2009 c 293 s 7 are each amended to  
13 read as follows:

14 (1) A commitment hearing shall be held within seventy-two hours  
15 of the minor's admission, excluding Saturday, Sunday, and holidays,  
16 unless a continuance is requested by the minor or the minor's  
17 attorney.

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

21 (3) At the commitment hearing, the evidence in support of the  
22 petition shall be presented by the county prosecutor.

23 (4) The minor shall be present at the commitment hearing unless  
24 the minor, with the assistance of the minor's attorney, waives the  
25 right to be present at the hearing.

26 (5) If the parents are opposed to the petition, they may be  
27 represented at the hearing and shall be entitled to court-appointed  
28 counsel if they are indigent.

29 (6) At the commitment hearing, the minor shall have the following  
30 rights:

31 (a) To be represented by an attorney;

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

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

34 (7) The court at the time of the commitment hearing and before an  
35 order of commitment is entered shall inform the minor both orally and  
36 in writing that the failure to make a good faith effort to seek  
37 voluntary treatment as provided in RCW 71.34.730 will result in the  
38 loss of his or her firearm rights if the minor is subsequently  
39 detained for involuntary treatment under this section.

1 (8) If the minor has received medication within twenty-four hours  
2 of the hearing, the court shall be informed of that fact and of the  
3 probable effects of the medication.

4 (9) Rules of evidence shall not apply in fourteen-day commitment  
5 hearings.

6 (10) For a fourteen-day commitment, the court must find by a  
7 preponderance of the evidence that:

8 (a) The minor has a mental disorder and presents a  
9 ((~~▮~~))likelihood of serious harm((~~▮~~)), is ((~~▮~~))gravely  
10 disabled((~~▮~~)), or has a persistent or acute disability;

11 (b) The minor is in need of evaluation and treatment of the type  
12 provided by the inpatient evaluation and treatment facility to which  
13 continued inpatient care is sought or is in need of less restrictive  
14 alternative treatment found to be in the best interests of the minor;  
15 and

16 (c) The minor is unwilling or unable in good faith to consent to  
17 voluntary treatment.

18 (11) If the court finds that the minor meets the criteria for a  
19 fourteen-day commitment, the court shall either authorize commitment  
20 of the minor for inpatient treatment or for less restrictive  
21 alternative treatment upon such conditions as are necessary. If the  
22 court determines that the minor does not meet the criteria for a  
23 fourteen-day commitment, the minor shall be released.

24 (12) Nothing in this section prohibits the professional person in  
25 charge of the evaluation and treatment facility from releasing the  
26 minor at any time, when, in the opinion of the professional person in  
27 charge of the facility, further inpatient treatment is no longer  
28 necessary. The release may be subject to reasonable conditions if  
29 appropriate.

30 Whenever a minor is released under this section, the professional  
31 person in charge shall within three days, notify the court in writing  
32 of the release.

33 (13) A minor who has been committed for fourteen days shall be  
34 released at the end of that period unless a petition for one hundred  
35 eighty-day commitment is pending before the court.

36 **Sec. 25.** RCW 71.34.750 and 2009 c 217 s 18 are each amended to  
37 read as follows:

38 (1) At any time during the minor's period of fourteen-day  
39 commitment, the professional person in charge may petition the court

1 for an order requiring the minor to undergo an additional one hundred  
2 eighty-day period of treatment. The evidence in support of the  
3 petition shall be presented by the county prosecutor unless the  
4 petition is filed by the professional person in charge of a state-  
5 operated facility in which case the evidence shall be presented by  
6 the attorney general.

7 (2) The petition for one hundred eighty-day commitment shall  
8 contain the following:

9 (a) The name and address of the petitioner or petitioners;

10 (b) The name of the minor alleged to meet the criteria for one  
11 hundred eighty-day commitment;

12 (c) A statement that the petitioner is the professional person in  
13 charge of the evaluation and treatment facility responsible for the  
14 treatment of the minor;

15 (d) The date of the fourteen-day commitment order; and

16 (e) A summary of the facts supporting the petition.

17 (3) The petition shall be supported by accompanying affidavits  
18 signed by (a) two examining physicians, one of whom shall be a child  
19 psychiatrist, or two psychiatric advanced registered nurse  
20 practitioners, one of whom shall be a child and adolescent or family  
21 psychiatric advanced registered nurse practitioner, (b) one  
22 children's mental health specialist and either an examining physician  
23 or a psychiatric advanced registered nurse practitioner, or (c) an  
24 examining physician and a psychiatric advanced registered nurse  
25 practitioner, one of which needs to be a child psychiatrist or a  
26 child and adolescent psychiatric nurse practitioner. The affidavits  
27 shall describe in detail the behavior of the detained minor which  
28 supports the petition and shall state whether a less restrictive  
29 alternative to inpatient treatment is in the best interests of the  
30 minor.

31 (4) The petition for one hundred eighty-day commitment shall be  
32 filed with the clerk of the court at least three days before the  
33 expiration of the fourteen-day commitment period. The petitioner or  
34 the petitioner's designee shall within twenty-four hours of filing  
35 serve a copy of the petition on the minor and notify the minor's  
36 attorney and the minor's parent. A copy of the petition shall be  
37 provided to such persons at least twenty-four hours prior to the  
38 hearing.

39 (5) At the time of filing, the court shall set a date within  
40 seven days for the hearing on the petition. The court may continue

1 the hearing upon the written request of the minor or the minor's  
2 attorney for not more than ten days. The minor or the parents shall  
3 be afforded the same rights as in a fourteen-day commitment hearing.  
4 Treatment of the minor shall continue pending the proceeding.

5 (6) For one hundred eighty-day commitment, the court must find by  
6 clear, cogent, and convincing evidence that the minor:

7 (a) Is suffering from a mental disorder;

8 (b) Presents a likelihood of serious harm ((~~or~~)), is gravely  
9 disabled, or has a persistent or acute disability; and

10 (c) Is in need of further treatment that only can be provided in  
11 a one hundred eighty-day commitment.

12 (7) If the court finds that the criteria for commitment are met  
13 and that less restrictive treatment in a community setting is not  
14 appropriate or available, the court shall order the minor committed  
15 for further inpatient treatment to the custody of the secretary or to  
16 a private treatment and evaluation facility if the minor's parents  
17 have assumed responsibility for payment for the treatment. If the  
18 court finds that a less restrictive alternative is in the best  
19 interest of the minor, the court shall order less restrictive  
20 alternative treatment upon such conditions as necessary.

21 If the court determines that the minor does not meet the criteria  
22 for one hundred eighty-day commitment, the minor shall be released.

23 (8) Successive one hundred eighty-day commitments are permissible  
24 on the same grounds and under the same procedures as the original one  
25 hundred eighty-day commitment. Such petitions shall be filed at least  
26 five days prior to the expiration of the previous one hundred eighty-  
27 day commitment order.

28 **Sec. 26.** RCW 10.77.025 and 2000 c 94 s 13 are each amended to  
29 read as follows:

30 (1) Whenever any person has been: (a) Committed to a correctional  
31 facility or inpatient treatment under any provision of this chapter;  
32 or (b) ordered to undergo alternative treatment following his or her  
33 acquittal by reason of insanity of a crime charged, such commitment  
34 or treatment cannot exceed the maximum possible penal sentence for  
35 any offense charged for which the person was committed, or was  
36 acquitted by reason of insanity.

37 (2) Whenever any person committed under any provision of this  
38 chapter has not been released within seven days of the maximum  
39 possible penal sentence under subsection (1) of this section, and the

1 professional person in charge of the facility believes that the  
2 person presents a likelihood of serious harm or is gravely disabled  
3 due to a mental disorder, or has a persistent or acute disability,  
4 the professional person shall, prior to the expiration of the maximum  
5 penal sentence, notify the appropriate ((~~county~~)) designated mental  
6 health professional of the impending expiration and provide a copy of  
7 all relevant information regarding the person, including the likely  
8 release date and shall indicate why the person should not be  
9 released.

10 (3) A ((~~county~~)) designated mental health professional who  
11 receives notice and records under subsection (2) of this section  
12 shall, prior to the date of the expiration of the maximum sentence,  
13 determine whether to initiate proceedings under chapter 71.05 RCW.

14 **Sec. 27.** RCW 70.97.010 and 2011 c 89 s 11 are each amended to  
15 read as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

18 (1) "Antipsychotic medications" means that class of drugs  
19 primarily used to treat serious manifestations of mental illness  
20 associated with thought disorders, which includes but is not limited  
21 to atypical antipsychotic medications.

22 (2) "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 patient.

25 (3) "Chemical dependency" means alcoholism, drug addiction, or  
26 dependence on alcohol and one or more other psychoactive chemicals,  
27 as the context requires and as those terms are defined in chapter  
28 70.96A RCW.

29 (4) "Chemical dependency professional" means a person certified  
30 as a chemical dependency professional by the department of health  
31 under chapter 18.205 RCW.

32 (5) "Commitment" means the determination by a court that an  
33 individual should be detained for a period of either evaluation or  
34 treatment, or both, in an inpatient or a less restrictive setting.

35 (6) "Conditional release" means a modification of a commitment  
36 that may be revoked upon violation of any of its terms.

37 (7) "Custody" means involuntary detention under chapter 71.05 or  
38 70.96A RCW, uninterrupted by any period of unconditional release from  
39 commitment from a facility providing involuntary care and treatment.

1 (8) "Department" means the department of social and health  
2 services.

3 (9) "Designated responder" means a designated mental health  
4 professional, a designated chemical dependency specialist, or a  
5 designated crisis responder as those terms are defined in chapter  
6 70.96A, 71.05, or 70.96B RCW.

7 (10) "Detention" or "detain" means the lawful confinement of an  
8 individual under chapter 70.96A or 71.05 RCW.

9 (11) "Discharge" means the termination of facility authority. The  
10 commitment may remain in place, be terminated, or be amended by court  
11 order.

12 (12) "Enhanced services facility" means a facility that provides  
13 treatment and services to persons for whom acute inpatient treatment  
14 is not medically necessary and who have been determined by the  
15 department to be inappropriate for placement in other licensed  
16 facilities due to the complex needs that result in behavioral and  
17 security issues.

18 (13) "Expanded community services program" means a nonsecure  
19 program of enhanced behavioral and residential support provided to  
20 long-term and residential care providers serving specifically  
21 eligible clients who would otherwise be at risk for hospitalization  
22 at state hospital geriatric units.

23 (14) "Facility" means an enhanced services facility.

24 (15) "Gravely disabled" means a condition in which an individual,  
25 as a result of a mental disorder, as a result of the use of alcohol  
26 or other psychoactive chemicals, or both:

27 (a) Is in danger of serious physical harm resulting from a  
28 failure to provide for his or her essential human needs of health or  
29 safety; or

30 (b) Manifests severe deterioration in routine functioning  
31 evidenced by repeated and escalating loss of cognitive or volitional  
32 control over his or her actions and is not receiving such care as is  
33 essential for his or her health or safety.

34 (16) "History of one or more violent acts" refers to the period  
35 of time ten years before the filing of a petition under this chapter,  
36 or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any  
37 violent acts committed, in a mental health facility or a long-term  
38 alcoholism or drug treatment facility, or in confinement as a result  
39 of a criminal conviction.

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

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

5 (a) A substantial risk that:

6 (i) Physical harm will be inflicted by an individual upon his or  
7 her own person, as evidenced by threats or attempts to commit suicide  
8 or inflict physical harm on oneself;

9 (ii) Physical harm will be inflicted by an individual upon  
10 another, as evidenced by behavior that has caused such harm or that  
11 places another person or persons in reasonable fear of sustaining  
12 such harm; or

13 (iii) Physical harm will be inflicted by an individual upon the  
14 property of others, as evidenced by behavior that has caused  
15 substantial loss or damage to the property of others; or

16 (b) The individual has threatened the physical safety of another  
17 and has a history of one or more violent acts.

18 (19) "Mental disorder" means any organic, mental, or emotional  
19 impairment that has substantial adverse effects on an individual's  
20 cognitive or volitional functions.

21 (20) "Mental health professional" means a psychiatrist,  
22 psychologist, psychiatric nurse, or social worker, and such other  
23 mental health professionals as may be defined by rules adopted by the  
24 secretary under the authority of chapter 71.05 RCW.

25 (21) "Professional person" means a mental health professional and  
26 also means a physician, registered nurse, and such others as may be  
27 defined in rules adopted by the secretary pursuant to the provisions  
28 of this chapter.

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

35 (23) "Psychologist" means a person who has been licensed as a  
36 psychologist under chapter 18.83 RCW.

37 (24) "Registration records" include all the records of the  
38 department, regional support networks, treatment facilities, and  
39 other persons providing services to the department, county  
40 departments, or facilities which identify individuals who are



1 receiving or who at any time have received services for mental  
2 illness.

3 (25) "Release" means legal termination of the commitment under  
4 chapter 70.96A or 71.05 RCW.

5 (26) "Resident" means a person admitted to an enhanced services  
6 facility.

7 (27) "Secretary" means the secretary of the department or the  
8 secretary's designee.

9 (28) "Significant change" means:

10 (a) A deterioration in a resident's physical, mental, or  
11 psychosocial condition that has caused or is likely to cause clinical  
12 complications or life-threatening conditions; or

13 (b) An improvement in the resident's physical, mental, or  
14 psychosocial condition that may make the resident eligible for  
15 release or for treatment in a less intensive or less secure setting.

16 (29) "Social worker" means a person with a master's or further  
17 advanced degree from a social work educational program accredited and  
18 approved as provided in RCW 18.320.010.

19 (30) "Treatment" means the broad range of emergency,  
20 detoxification, residential, inpatient, and outpatient services and  
21 care, including diagnostic evaluation, mental health or chemical  
22 dependency education and counseling, medical, psychiatric,  
23 psychological, and social service care, vocational rehabilitation,  
24 and career counseling, which may be extended to persons with mental  
25 disorders, chemical dependency disorders, or both, and their  
26 families.

27 (31) "Treatment records" include registration and all other  
28 records concerning individuals who are receiving or who at any time  
29 have received services for mental illness, which are maintained by  
30 the department, by regional support networks and their staffs, and by  
31 treatment facilities. "Treatment records" do not include notes or  
32 records maintained for personal use by an individual providing  
33 treatment services for the department, regional support networks, or  
34 a treatment facility if the notes or records are not available to  
35 others.

36 (32) "Violent act" means behavior that resulted in homicide,  
37 attempted suicide, nonfatal injuries, or substantial damage to  
38 property.

39 (33) "Persistent or acute disability" means a severe mental  
40 disorder that meets all the following criteria:

1       (a) If not treated, has a substantial probability of causing the  
2 person to suffer or continue to suffer severe and abnormal mental,  
3 emotional, or physical harm that significantly impairs judgment,  
4 reason, behavior, or capacity to recognize reality;

5       (b) Substantially impairs the person's capacity to make an  
6 informed decision regarding treatment, and this impairment causes the  
7 person to be incapable of understanding and expressing an  
8 understanding of the advantages and disadvantages of accepting  
9 treatment and understanding and expressing an understanding of the  
10 alternatives to the particular treatment offered after the  
11 advantages, disadvantages, and alternatives are explained to that  
12 person; and

13       (c) Has a reasonable prospect of being treatable by outpatient,  
14 inpatient, or combined outpatient and inpatient treatment.

15       **Sec. 28.** RCW 70.97.010 and 2014 c 225 s 78 are each amended to  
16 read as follows:

17       The definitions in this section apply throughout this chapter  
18 unless the context clearly requires otherwise.

19       (1) "Antipsychotic medications" means that class of drugs  
20 primarily used to treat serious manifestations of mental illness  
21 associated with thought disorders, which includes but is not limited  
22 to atypical antipsychotic medications.

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

26       (3) "Chemical dependency" means alcoholism, drug addiction, or  
27 dependence on alcohol and one or more other psychoactive chemicals,  
28 as the context requires and as those terms are defined in chapter  
29 70.96A RCW.

30       (4) "Chemical dependency professional" means a person certified  
31 as a chemical dependency professional by the department of health  
32 under chapter 18.205 RCW.

33       (5) "Commitment" means the determination by a court that an  
34 individual should be detained for a period of either evaluation or  
35 treatment, or both, in an inpatient or a less restrictive setting.

36       (6) "Conditional release" means a modification of a commitment  
37 that may be revoked upon violation of any of its terms.

1 (7) "Custody" means involuntary detention under chapter 71.05 or  
2 70.96A RCW, uninterrupted by any period of unconditional release from  
3 commitment from a facility providing involuntary care and treatment.

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

6 (9) "Designated responder" means a designated mental health  
7 professional, a designated chemical dependency specialist, or a  
8 designated crisis responder as those terms are defined in chapter  
9 70.96A, 71.05, or 70.96B RCW.

10 (10) "Detention" or "detain" means the lawful confinement of an  
11 individual under chapter 70.96A or 71.05 RCW.

12 (11) "Discharge" means the termination of facility authority. The  
13 commitment may remain in place, be terminated, or be amended by court  
14 order.

15 (12) "Enhanced services facility" means a facility that provides  
16 treatment and services to persons for whom acute inpatient treatment  
17 is not medically necessary and who have been determined by the  
18 department to be inappropriate for placement in other licensed  
19 facilities due to the complex needs that result in behavioral and  
20 security issues.

21 (13) "Expanded community services program" means a nonsecure  
22 program of enhanced behavioral and residential support provided to  
23 long-term and residential care providers serving specifically  
24 eligible clients who would otherwise be at risk for hospitalization  
25 at state hospital geriatric units.

26 (14) "Facility" means an enhanced services facility.

27 (15) "Gravely disabled" means a condition in which an individual,  
28 as a result of a mental disorder, as a result of the use of alcohol  
29 or other psychoactive chemicals, or both:

30 (a) Is in danger of serious physical harm resulting from a  
31 failure to provide for his or her essential human needs of health or  
32 safety; or

33 (b) Manifests severe deterioration in routine functioning  
34 evidenced by repeated and escalating loss of cognitive or volitional  
35 control over his or her actions and is not receiving such care as is  
36 essential for his or her health or safety.

37 (16) "History of one or more violent acts" refers to the period  
38 of time ten years before the filing of a petition under this chapter,  
39 or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any  
40 violent acts committed, in a mental health facility or a long-term

1 alcoholism or drug treatment facility, or in confinement as a result  
2 of a criminal conviction.

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

6 (18) "Likelihood of serious harm" means:

7 (a) A substantial risk that:

8 (i) Physical harm will be inflicted by an individual upon his or  
9 her own person, as evidenced by threats or attempts to commit suicide  
10 or inflict physical harm on oneself;

11 (ii) Physical harm will be inflicted by an individual upon  
12 another, as evidenced by behavior that has caused such harm or that  
13 places another person or persons in reasonable fear of sustaining  
14 such harm; or

15 (iii) Physical harm will be inflicted by an individual upon the  
16 property of others, as evidenced by behavior that has caused  
17 substantial loss or damage to the property of others; or

18 (b) The individual has threatened the physical safety of another  
19 and has a history of one or more violent acts.

20 (19) "Mental disorder" means any organic, mental, or emotional  
21 impairment that has substantial adverse effects on an individual's  
22 cognitive or volitional functions.

23 (20) "Mental health professional" means a psychiatrist,  
24 psychologist, psychiatric nurse, or social worker, and such other  
25 mental health professionals as may be defined by rules adopted by the  
26 secretary under the authority of chapter 71.05 RCW.

27 (21) "Professional person" means a mental health professional and  
28 also means a physician, registered nurse, and such others as may be  
29 defined in rules adopted by the secretary pursuant to the provisions  
30 of this chapter.

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

37 (23) "Psychologist" means a person who has been licensed as a  
38 psychologist under chapter 18.83 RCW.

39 (24) "Registration records" include all the records of the  
40 department, behavioral health organizations, treatment facilities,

1 and other persons providing services to the department, county  
2 departments, or facilities which identify individuals who are  
3 receiving or who at any time have received services for mental  
4 illness.

5 (25) "Release" means legal termination of the commitment under  
6 chapter 70.96A or 71.05 RCW.

7 (26) "Resident" means a person admitted to an enhanced services  
8 facility.

9 (27) "Secretary" means the secretary of the department or the  
10 secretary's designee.

11 (28) "Significant change" means:

12 (a) A deterioration in a resident's physical, mental, or  
13 psychosocial condition that has caused or is likely to cause clinical  
14 complications or life-threatening conditions; or

15 (b) An improvement in the resident's physical, mental, or  
16 psychosocial condition that may make the resident eligible for  
17 release or for treatment in a less intensive or less secure setting.

18 (29) "Social worker" means a person with a master's or further  
19 advanced degree from a social work educational program accredited and  
20 approved as provided in RCW 18.320.010.

21 (30) "Treatment" means the broad range of emergency,  
22 detoxification, residential, inpatient, and outpatient services and  
23 care, including diagnostic evaluation, mental health or chemical  
24 dependency education and counseling, medical, psychiatric,  
25 psychological, and social service care, vocational rehabilitation,  
26 and career counseling, which may be extended to persons with mental  
27 disorders, chemical dependency disorders, or both, and their  
28 families.

29 (31) "Treatment records" include registration and all other  
30 records concerning individuals who are receiving or who at any time  
31 have received services for mental illness, which are maintained by  
32 the department, by behavioral health organizations and their staffs,  
33 and by treatment facilities. "Treatment records" do not include notes  
34 or records maintained for personal use by an individual providing  
35 treatment services for the department, behavioral health  
36 organizations, or a treatment facility if the notes or records are  
37 not available to others.

38 (32) "Violent act" means behavior that resulted in homicide,  
39 attempted suicide, nonfatal injuries, or substantial damage to  
40 property.

1 (33) "Persistent or acute disability" means a severe mental  
2 disorder that meets all the following criteria:

3 (a) If not treated, has a substantial probability of causing the  
4 person to suffer or continue to suffer severe and abnormal mental,  
5 emotional, or physical harm that significantly impairs judgment,  
6 reason, behavior, or capacity to recognize reality;

7 (b) Substantially impairs the person's capacity to make an  
8 informed decision regarding treatment, and this impairment causes the  
9 person to be incapable of understanding and expressing an  
10 understanding of the advantages and disadvantages of accepting  
11 treatment and understanding and expressing an understanding of the  
12 alternatives to the particular treatment offered after the  
13 advantages, disadvantages, and alternatives are explained to that  
14 person; and

15 (c) Has a reasonable prospect of being treatable by outpatient,  
16 inpatient, or combined outpatient and inpatient treatment.

17 **Sec. 29.** RCW 70.97.050 and 2005 c 504 s 407 are each amended to  
18 read as follows:

19 A person who has a persistent or acute disability or is gravely  
20 disabled or presents a likelihood of serious harm as a result of a  
21 mental or chemical dependency disorder or co-occurring mental and  
22 chemical dependency disorders has a right to refuse antipsychotic  
23 medication. Antipsychotic medication may be administered over the  
24 person's objections only pursuant to RCW 71.05.215 or 71.05.217.

25 **Sec. 30.** RCW 71.24.025 and 2013 c 338 s 5 are each amended to  
26 read as follows:

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

29 (1) "Acutely mentally ill" means a condition which is limited to  
30 a short-term severe crisis episode of:

31 (a) A mental disorder as defined in RCW 71.05.020 or, in the case  
32 of a child, as defined in RCW 71.34.020;

33 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
34 case of a child, a gravely disabled minor as defined in RCW  
35 71.34.020; (~~or~~)

36 (c) Presenting a likelihood of serious harm as defined in RCW  
37 71.05.020 or, in the case of a child, as defined in RCW 71.34.020; or

1        (d) Having a persistent or acute disability as defined in RCW  
2 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

3        (2) "Available resources" means funds appropriated for the  
4 purpose of providing community mental health programs, federal funds,  
5 except those provided according to Title XIX of the Social Security  
6 Act, and state funds appropriated under this chapter or chapter 71.05  
7 RCW by the legislature during any biennium for the purpose of  
8 providing residential services, resource management services,  
9 community support services, and other mental health services. This  
10 does not include funds appropriated for the purpose of operating and  
11 administering the state psychiatric hospitals.

12        (3) "Child" means a person under the age of eighteen years.

13        (4) "Chronically mentally ill adult" or "adult who is chronically  
14 mentally ill" means an adult who has a mental disorder and meets at  
15 least one of the following criteria:

16        (a) Has undergone two or more episodes of hospital care for a  
17 mental disorder within the preceding two years; or

18        (b) Has experienced a continuous psychiatric hospitalization or  
19 residential treatment exceeding six months' duration within the  
20 preceding year; or

21        (c) Has been unable to engage in any substantial gainful activity  
22 by reason of any mental disorder which has lasted for a continuous  
23 period of not less than twelve months. "Substantial gainful activity"  
24 shall be defined by the department by rule consistent with Public Law  
25 92-603, as amended.

26        (5) "Clubhouse" means a community-based program that provides  
27 rehabilitation services and is certified by the department of social  
28 and health services.

29        (6) "Community mental health program" means all mental health  
30 services, activities, or programs using available resources.

31        (7) "Community mental health service delivery system" means  
32 public or private agencies that provide services specifically to  
33 persons with mental disorders as defined under RCW 71.05.020 and  
34 receive funding from public sources.

35        (8) "Community support services" means services authorized,  
36 planned, and coordinated through resource management services  
37 including, at a minimum, assessment, diagnosis, emergency crisis  
38 intervention available twenty-four hours, seven days a week,  
39 prescreening determinations for persons who are mentally ill being  
40 considered for placement in nursing homes as required by federal law,

1 screening for patients being considered for admission to residential  
2 services, diagnosis and treatment for children who are acutely  
3 mentally ill or severely emotionally disturbed discovered under  
4 screening through the federal Title XIX early and periodic screening,  
5 diagnosis, and treatment program, investigation, legal, and other  
6 nonresidential services under chapter 71.05 RCW, case management  
7 services, psychiatric treatment including medication supervision,  
8 counseling, psychotherapy, assuring transfer of relevant patient  
9 information between service providers, recovery services, and other  
10 services determined by regional support networks.

11 (9) "Consensus-based" means a program or practice that has  
12 general support among treatment providers and experts, based on  
13 experience or professional literature, and may have anecdotal or case  
14 study support, or that is agreed but not possible to perform studies  
15 with random assignment and controlled groups.

16 (10) "County authority" means the board of county commissioners,  
17 county council, or county executive having authority to establish a  
18 community mental health program, or two or more of the county  
19 authorities specified in this subsection which have entered into an  
20 agreement to provide a community mental health program.

21 (11) "Department" means the department of social and health  
22 services.

23 (12) "Designated mental health professional" means a mental  
24 health professional designated by the county or other authority  
25 authorized in rule to perform the duties specified in this chapter.

26 (13) "Emerging best practice" or "promising practice" means a  
27 program or practice that, based on statistical analyses or a well  
28 established theory of change, shows potential for meeting the  
29 evidence-based or research-based criteria, which may include the use  
30 of a program that is evidence-based for outcomes other than those  
31 listed in subsection (14) of this section.

32 (14) "Evidence-based" means a program or practice that has been  
33 tested in heterogeneous or intended populations with multiple  
34 randomized, or statistically controlled evaluations, or both; or one  
35 large multiple site randomized, or statistically controlled  
36 evaluation, or both, where the weight of the evidence from a systemic  
37 review demonstrates sustained improvements in at least one outcome.  
38 "Evidence-based" also means a program or practice that can be  
39 implemented with a set of procedures to allow successful replication



1 in Washington and, when possible, is determined to be cost-  
2 beneficial.

3 (15) "Licensed service provider" means an entity licensed  
4 according to this chapter or chapter 71.05 RCW or an entity deemed to  
5 meet state minimum standards as a result of accreditation by a  
6 recognized behavioral health accrediting body recognized and having a  
7 current agreement with the department, that meets state minimum  
8 standards or persons licensed under chapter 18.57, 18.71, 18.83, or  
9 18.79 RCW, as it applies to registered nurses and advanced registered  
10 nurse practitioners.

11 (16) "Long-term inpatient care" means inpatient services for  
12 persons committed for, or voluntarily receiving intensive treatment  
13 for, periods of ninety days or greater under chapter 71.05 RCW.  
14 "Long-term inpatient care" as used in this chapter does not include:  
15 (a) Services for individuals committed under chapter 71.05 RCW who  
16 are receiving services pursuant to a conditional release or a court-  
17 ordered less restrictive alternative to detention; or (b) services  
18 for individuals voluntarily receiving less restrictive alternative  
19 treatment on the grounds of the state hospital.

20 (17) "Mental health services" means all services provided by  
21 regional support networks and other services provided by the state  
22 for persons who are mentally ill.

23 (18) "Mentally ill persons," "persons who are mentally ill," and  
24 "the mentally ill" mean persons and conditions defined in subsections  
25 (1), (4), (27), and (28) of this section.

26 (19) "Recovery" means the process in which people are able to  
27 live, work, learn, and participate fully in their communities.

28 (20) "Regional support network" means a county authority or group  
29 of county authorities or other entity recognized by the secretary in  
30 contract in a defined region.

31 (21) "Registration records" include all the records of the  
32 department, regional support networks, treatment facilities, and  
33 other persons providing services to the department, county  
34 departments, or facilities which identify persons who are receiving  
35 or who at any time have received services for mental illness.

36 (22) "Research-based" means a program or practice that has been  
37 tested with a single randomized, or statistically controlled  
38 evaluation, or both, demonstrating sustained desirable outcomes; or  
39 where the weight of the evidence from a systemic review supports

1 sustained outcomes as described in subsection (14) of this section  
2 but does not meet the full criteria for evidence-based.

3 (23) "Residential services" means a complete range of residences  
4 and supports authorized by resource management services and which may  
5 involve a facility, a distinct part thereof, or services which  
6 support community living, for persons who are acutely mentally ill,  
7 adults who are chronically mentally ill, children who are severely  
8 emotionally disturbed, or adults who are seriously disturbed and  
9 determined by the regional support network to be at risk of becoming  
10 acutely or chronically mentally ill. The services shall include at  
11 least evaluation and treatment services as defined in chapter 71.05  
12 RCW, acute crisis respite care, long-term adaptive and rehabilitative  
13 care, and supervised and supported living services, and shall also  
14 include any residential services developed to service persons who are  
15 mentally ill in nursing homes, assisted living facilities, and adult  
16 family homes, and may include outpatient services provided as an  
17 element in a package of services in a supported housing model.  
18 Residential services for children in out-of-home placements related  
19 to their mental disorder shall not include the costs of food and  
20 shelter, except for children's long-term residential facilities  
21 existing prior to January 1, 1991.

22 (24) "Resilience" means the personal and community qualities that  
23 enable individuals to rebound from adversity, trauma, tragedy,  
24 threats, or other stresses, and to live productive lives.

25 (25) "Resource management services" mean the planning,  
26 coordination, and authorization of residential services and community  
27 support services administered pursuant to an individual service plan  
28 for: (a) Adults and children who are acutely mentally ill; (b) adults  
29 who are chronically mentally ill; (c) children who are severely  
30 emotionally disturbed; or (d) adults who are seriously disturbed and  
31 determined solely by a regional support network to be at risk of  
32 becoming acutely or chronically mentally ill. Such planning,  
33 coordination, and authorization shall include mental health screening  
34 for children eligible under the federal Title XIX early and periodic  
35 screening, diagnosis, and treatment program. Resource management  
36 services include seven day a week, twenty-four hour a day  
37 availability of information regarding enrollment of adults and  
38 children who are mentally ill in services and their individual  
39 service plan to designated mental health professionals, evaluation

1 and treatment facilities, and others as determined by the regional  
2 support network.

3 (26) "Secretary" means the secretary of social and health  
4 services.

5 (27) "Seriously disturbed person" means a person who:

6 (a) Is gravely disabled, has a persistent or acute disability, or  
7 presents a likelihood of serious harm to himself or herself or  
8 others, or to the property of others, as a result of a mental  
9 disorder as defined in chapter 71.05 RCW;

10 (b) Has been on conditional release status, or under a less  
11 restrictive alternative order, at some time during the preceding two  
12 years from an evaluation and treatment facility or a state mental  
13 health hospital;

14 (c) Has a mental disorder which causes major impairment in  
15 several areas of daily living;

16 (d) Exhibits suicidal preoccupation or attempts; or

17 (e) Is a child diagnosed by a mental health professional, as  
18 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
19 is clearly interfering with the child's functioning in family or  
20 school or with peers or is clearly interfering with the child's  
21 personality development and learning.

22 (28) "Severely emotionally disturbed child" or "child who is  
23 severely emotionally disturbed" means a child who has been determined  
24 by the regional support network to be experiencing a mental disorder  
25 as defined in chapter 71.34 RCW, including those mental disorders  
26 that result in a behavioral or conduct disorder, that is clearly  
27 interfering with the child's functioning in family or school or with  
28 peers and who meets at least one of the following criteria:

29 (a) Has undergone inpatient treatment or placement outside of the  
30 home related to a mental disorder within the last two years;

31 (b) Has undergone involuntary treatment under chapter 71.34 RCW  
32 within the last two years;

33 (c) Is currently served by at least one of the following child-  
34 serving systems: Juvenile justice, child-protection/welfare, special  
35 education, or developmental disabilities;

36 (d) Is at risk of escalating maladjustment due to:

37 (i) Chronic family dysfunction involving a caretaker who is  
38 mentally ill or inadequate;

39 (ii) Changes in custodial adult;

1 (iii) Going to, residing in, or returning from any placement  
2 outside of the home, for example, psychiatric hospital, short-term  
3 inpatient, residential treatment, group or foster home, or a  
4 correctional facility;

5 (iv) Subject to repeated physical abuse or neglect;

6 (v) Drug or alcohol abuse; or

7 (vi) Homelessness.

8 (29) "State minimum standards" means minimum requirements  
9 established by rules adopted by the secretary and necessary to  
10 implement this chapter for: (a) Delivery of mental health services;  
11 (b) licensed service providers for the provision of mental health  
12 services; (c) residential services; and (d) community support  
13 services and resource management services.

14 (30) "Treatment records" include registration and all other  
15 records concerning persons who are receiving or who at any time have  
16 received services for mental illness, which are maintained by the  
17 department, by regional support networks and their staffs, and by  
18 treatment facilities. Treatment records do not include notes or  
19 records maintained for personal use by a person providing treatment  
20 services for the department, regional support networks, or a  
21 treatment facility if the notes or records are not available to  
22 others.

23 (31) "Tribal authority," for the purposes of this section and RCW  
24 71.24.300 only, means: The federally recognized Indian tribes and the  
25 major Indian organizations recognized by the secretary insofar as  
26 these organizations do not have a financial relationship with any  
27 regional support network that would present a conflict of interest.

28 **Sec. 31.** RCW 71.24.025 and 2014 c 225 s 10 are each reenacted  
29 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) "Acutely mentally ill" means a condition which is limited to  
33 a short-term severe crisis episode of:

34 (a) A mental disorder as defined in RCW 71.05.020 or, in the case  
35 of a child, as defined in RCW 71.34.020;

36 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
37 case of a child, a gravely disabled minor as defined in RCW  
38 71.34.020; ((~~or~~))

1 (c) Presenting a likelihood of serious harm as defined in RCW  
2 71.05.020 or, in the case of a child, as defined in RCW 71.34.020; or  
3 (d) Having a persistent or acute disability, as defined in RCW  
4 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

5 (2) "Available resources" means funds appropriated for the  
6 purpose of providing community mental health programs, federal funds,  
7 except those provided according to Title XIX of the Social Security  
8 Act, and state funds appropriated under this chapter or chapter 71.05  
9 RCW by the legislature during any biennium for the purpose of  
10 providing residential services, resource management services,  
11 community support services, and other mental health services. This  
12 does not include funds appropriated for the purpose of operating and  
13 administering the state psychiatric hospitals.

14 (3) "Behavioral health organization" means any county authority  
15 or group of county authorities or other entity recognized by the  
16 secretary in contract in a defined region.

17 (4) "Behavioral health services" means mental health services as  
18 described in this chapter and chapter 71.36 RCW and chemical  
19 dependency treatment services as described in chapter 70.96A RCW.

20 (5) "Child" means a person under the age of eighteen years.

21 (6) "Chronically mentally ill adult" or "adult who is chronically  
22 mentally ill" means an adult who has a mental disorder and meets at  
23 least one of the following criteria:

24 (a) Has undergone two or more episodes of hospital care for a  
25 mental disorder within the preceding two years; or

26 (b) Has experienced a continuous psychiatric hospitalization or  
27 residential treatment exceeding six months' duration within the  
28 preceding year; or

29 (c) Has been unable to engage in any substantial gainful activity  
30 by reason of any mental disorder which has lasted for a continuous  
31 period of not less than twelve months. "Substantial gainful activity"  
32 shall be defined by the department by rule consistent with Public Law  
33 92-603, as amended.

34 (7) "Clubhouse" means a community-based program that provides  
35 rehabilitation services and is certified by the department of social  
36 and health services.

37 (8) "Community mental health program" means all mental health  
38 services, activities, or programs using available resources.

39 (9) "Community mental health service delivery system" means  
40 public, private, or tribal agencies that provide services

1 specifically to persons with mental disorders as defined under RCW  
2 71.05.020 and receive funding from public sources.

3 (10) "Community support services" means services authorized,  
4 planned, and coordinated through resource management services  
5 including, at a minimum, assessment, diagnosis, emergency crisis  
6 intervention available twenty-four hours, seven days a week,  
7 prescreening determinations for persons who are mentally ill being  
8 considered for placement in nursing homes as required by federal law,  
9 screening for patients being considered for admission to residential  
10 services, diagnosis and treatment for children who are acutely  
11 mentally ill or severely emotionally disturbed discovered under  
12 screening through the federal Title XIX early and periodic screening,  
13 diagnosis, and treatment program, investigation, legal, and other  
14 nonresidential services under chapter 71.05 RCW, case management  
15 services, psychiatric treatment including medication supervision,  
16 counseling, psychotherapy, assuring transfer of relevant patient  
17 information between service providers, recovery services, and other  
18 services determined by behavioral health organizations.

19 (11) "Consensus-based" means a program or practice that has  
20 general support among treatment providers and experts, based on  
21 experience or professional literature, and may have anecdotal or case  
22 study support, or that is agreed but not possible to perform studies  
23 with random assignment and controlled groups.

24 (12) "County authority" means the board of county commissioners,  
25 county council, or county executive having authority to establish a  
26 community mental health program, or two or more of the county  
27 authorities specified in this subsection which have entered into an  
28 agreement to provide a community mental health program.

29 (13) "Department" means the department of social and health  
30 services.

31 (14) "Designated mental health professional" means a mental  
32 health professional designated by the county or other authority  
33 authorized in rule to perform the duties specified in this chapter.

34 (15) "Emerging best practice" or "promising practice" means a  
35 program or practice that, based on statistical analyses or a well  
36 established theory of change, shows potential for meeting the  
37 evidence-based or research-based criteria, which may include the use  
38 of a program that is evidence-based for outcomes other than those  
39 listed in subsection (16) of this section.

1 (16) "Evidence-based" means a program or practice that has been  
2 tested in heterogeneous or intended populations with multiple  
3 randomized, or statistically controlled evaluations, or both; or one  
4 large multiple site randomized, or statistically controlled  
5 evaluation, or both, where the weight of the evidence from a systemic  
6 review demonstrates sustained improvements in at least one outcome.  
7 "Evidence-based" also means a program or practice that can be  
8 implemented with a set of procedures to allow successful replication  
9 in Washington and, when possible, is determined to be cost-  
10 beneficial.

11 (17) "Licensed service provider" means an entity licensed  
12 according to this chapter or chapter 71.05 or 70.96A RCW or an entity  
13 deemed to meet state minimum standards as a result of accreditation  
14 by a recognized behavioral health accrediting body recognized and  
15 having a current agreement with the department, or tribal attestation  
16 that meets state minimum standards, or persons licensed under chapter  
17 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses  
18 and advanced registered nurse practitioners.

19 (18) "Long-term inpatient care" means inpatient services for  
20 persons committed for, or voluntarily receiving intensive treatment  
21 for, periods of ninety days or greater under chapter 71.05 RCW.  
22 "Long-term inpatient care" as used in this chapter does not include:  
23 (a) Services for individuals committed under chapter 71.05 RCW who  
24 are receiving services pursuant to a conditional release or a court-  
25 ordered less restrictive alternative to detention; or (b) services  
26 for individuals voluntarily receiving less restrictive alternative  
27 treatment on the grounds of the state hospital.

28 (19) "Mental health services" means all services provided by  
29 behavioral health organizations and other services provided by the  
30 state for persons who are mentally ill.

31 (20) "Mentally ill persons," "persons who are mentally ill," and  
32 "the mentally ill" mean persons and conditions defined in subsections  
33 (1), (6), (28), and (29) of this section.

34 (21) "Recovery" means the process in which people are able to  
35 live, work, learn, and participate fully in their communities.

36 (22) "Registration records" include all the records of the  
37 department, behavioral health organizations, treatment facilities,  
38 and other persons providing services to the department, county  
39 departments, or facilities which identify persons who are receiving  
40 or who at any time have received services for mental illness.

1 (23) "Research-based" means a program or practice that has been  
2 tested with a single randomized, or statistically controlled  
3 evaluation, or both, demonstrating sustained desirable outcomes; or  
4 where the weight of the evidence from a systemic review supports  
5 sustained outcomes as described in subsection (16) of this section  
6 but does not meet the full criteria for evidence-based.

7 (24) "Residential services" means a complete range of residences  
8 and supports authorized by resource management services and which may  
9 involve a facility, a distinct part thereof, or services which  
10 support community living, for persons who are acutely mentally ill,  
11 adults who are chronically mentally ill, children who are severely  
12 emotionally disturbed, or adults who are seriously disturbed and  
13 determined by the behavioral health organization to be at risk of  
14 becoming acutely or chronically mentally ill. The services shall  
15 include at least evaluation and treatment services as defined in  
16 chapter 71.05 RCW, acute crisis respite care, long-term adaptive and  
17 rehabilitative care, and supervised and supported living services,  
18 and shall also include any residential services developed to service  
19 persons who are mentally ill in nursing homes, assisted living  
20 facilities, and adult family homes, and may include outpatient  
21 services provided as an element in a package of services in a  
22 supported housing model. Residential services for children in out-of-  
23 home placements related to their mental disorder shall not include  
24 the costs of food and shelter, except for children's long-term  
25 residential facilities existing prior to January 1, 1991.

26 (25) "Resilience" means the personal and community qualities that  
27 enable individuals to rebound from adversity, trauma, tragedy,  
28 threats, or other stresses, and to live productive lives.

29 (26) "Resource management services" mean the planning,  
30 coordination, and authorization of residential services and community  
31 support services administered pursuant to an individual service plan  
32 for: (a) Adults and children who are acutely mentally ill; (b) adults  
33 who are chronically mentally ill; (c) children who are severely  
34 emotionally disturbed; or (d) adults who are seriously disturbed and  
35 determined solely by a behavioral health organization to be at risk  
36 of becoming acutely or chronically mentally ill. Such planning,  
37 coordination, and authorization shall include mental health screening  
38 for children eligible under the federal Title XIX early and periodic  
39 screening, diagnosis, and treatment program. Resource management  
40 services include seven day a week, twenty-four hour a day



1 availability of information regarding enrollment of adults and  
2 children who are mentally ill in services and their individual  
3 service plan to designated mental health professionals, evaluation  
4 and treatment facilities, and others as determined by the behavioral  
5 health organization.

6 (27) "Secretary" means the secretary of social and health  
7 services.

8 (28) "Seriously disturbed person" means a person who:

9 (a) Is gravely disabled, has a persistent or acute disability, or  
10 presents a likelihood of serious harm to himself or herself or  
11 others, or to the property of others, as a result of a mental  
12 disorder as defined in chapter 71.05 RCW;

13 (b) Has been on conditional release status, or under a less  
14 restrictive alternative order, at some time during the preceding two  
15 years from an evaluation and treatment facility or a state mental  
16 health hospital;

17 (c) Has a mental disorder which causes major impairment in  
18 several areas of daily living;

19 (d) Exhibits suicidal preoccupation or attempts; or

20 (e) Is a child diagnosed by a mental health professional, as  
21 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
22 is clearly interfering with the child's functioning in family or  
23 school or with peers or is clearly interfering with the child's  
24 personality development and learning.

25 (29) "Severely emotionally disturbed child" or "child who is  
26 severely emotionally disturbed" means a child who has been determined  
27 by the behavioral health organization to be experiencing a mental  
28 disorder as defined in chapter 71.34 RCW, including those mental  
29 disorders that result in a behavioral or conduct disorder, that is  
30 clearly interfering with the child's functioning in family or school  
31 or with peers and who meets at least one of the following criteria:

32 (a) Has undergone inpatient treatment or placement outside of the  
33 home related to a mental disorder within the last two years;

34 (b) Has undergone involuntary treatment under chapter 71.34 RCW  
35 within the last two years;

36 (c) Is currently served by at least one of the following child-  
37 serving systems: Juvenile justice, child-protection/welfare, special  
38 education, or developmental disabilities;

39 (d) Is at risk of escalating maladjustment due to:

1 (i) Chronic family dysfunction involving a caretaker who is  
2 mentally ill or inadequate;

3 (ii) Changes in custodial adult;

4 (iii) Going to, residing in, or returning from any placement  
5 outside of the home, for example, psychiatric hospital, short-term  
6 inpatient, residential treatment, group or foster home, or a  
7 correctional facility;

8 (iv) Subject to repeated physical abuse or neglect;

9 (v) Drug or alcohol abuse; or

10 (vi) Homelessness.

11 (30) "State minimum standards" means minimum requirements  
12 established by rules adopted by the secretary and necessary to  
13 implement this chapter for: (a) Delivery of mental health services;  
14 (b) licensed service providers for the provision of mental health  
15 services; (c) residential services; and (d) community support  
16 services and resource management services.

17 (31) "Treatment records" include registration and all other  
18 records concerning persons who are receiving or who at any time have  
19 received services for mental illness, which are maintained by the  
20 department, by behavioral health organizations and their staffs, and  
21 by treatment facilities. Treatment records do not include notes or  
22 records maintained for personal use by a person providing treatment  
23 services for the department, behavioral health organizations, or a  
24 treatment facility if the notes or records are not available to  
25 others.

26 (32) "Tribal authority," for the purposes of this section and RCW  
27 71.24.300 only, means: The federally recognized Indian tribes and the  
28 major Indian organizations recognized by the secretary insofar as  
29 these organizations do not have a financial relationship with any  
30 behavioral health organization that would present a conflict of  
31 interest.

32 **Sec. 32.** RCW 72.23.010 and 2000 c 22 s 2 are each amended to  
33 read as follows:

34 The definitions in this section apply throughout this chapter,  
35 unless the context clearly requires otherwise.

36 (1) "Court" means the superior court of the state of Washington.

37 (2) "Department" means the department of social and health  
38 services.

39 (3) "Employee" means an employee as defined in RCW 49.17.020.

1 (4) "Licensed physician" means an individual permitted to  
2 practice as a physician under the laws of the state, or a medical  
3 officer, similarly qualified, of the government of the United States  
4 while in this state in performance of his or her official duties.

5 (5) "Mentally ill person" means any person who, pursuant to the  
6 definitions contained in RCW 71.05.020, as a result of a mental  
7 disorder presents a likelihood of serious harm to others or himself  
8 or herself ((~~or~~)), is gravely disabled, or has a persistent or acute  
9 disability.

10 (6) "Patient" means a person under observation, care, or  
11 treatment in a state hospital, or a person found mentally ill by the  
12 court, and not discharged from a state hospital, or other facility,  
13 to which such person had been ordered hospitalized.

14 (7) "Resident" means a resident of the state of Washington.

15 (8) "Secretary" means the secretary of social and health  
16 services.

17 (9) "State hospital" means any hospital, including a child study  
18 and treatment center, operated and maintained by the state of  
19 Washington for the care of the mentally ill.

20 (10) "Superintendent" means the superintendent of a state  
21 hospital.

22 (11) "Violence" or "violent act" means any physical assault or  
23 attempted physical assault against an employee or patient of a state  
24 hospital.

25 Wherever used in this chapter, the masculine shall include the  
26 feminine and the singular shall include the plural.

27 NEW SECTION. **Sec. 33.** Sections 1, 27, and 30 of this act expire  
28 April 1, 2016.

29 NEW SECTION. **Sec. 34.** Sections 2, 28, and 31 of this act take  
30 effect April 1, 2016.

--- END ---