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**HOUSE BILL 1922**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Shea and McCaslin

AN ACT Relating to ensuring a parent or guardian has the authority to admit and keep a minor child in a treatment facility for substance use disorder treatment for fourteen days; and amending RCW 13.40.042, 71.34.530, 71.34.510, 71.34.500, 71.34.600, 71.34.650, and 71.34.620.

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

**Sec.**  RCW 13.40.042 and 2014 c 128 s 4 are each amended to read as follows:

(1) When a police officer has reasonable cause to believe that a juvenile has committed acts constituting a nonfelony crime that is not a serious offense as identified in RCW 10.77.092, and the officer believes that the juvenile suffers from a mental disorder, and the local prosecutor has entered into an agreement with law enforcement regarding the detention of juveniles who may have a mental disorder or may be suffering from chemical dependency, the arresting officer, instead of taking the juvenile to the local juvenile detention facility, may take the juvenile to:

(a) An evaluation and treatment facility as defined in RCW 71.34.020 if the juvenile suffers from a mental disorder and the facility has been identified as an alternative location by agreement of the prosecutor, law enforcement, and the mental health provider;

(b) A facility or program identified by agreement of the prosecutor and law enforcement; or

(c) A location already identified and in use by law enforcement for the purpose of a behavioral health diversion.

(2) For the purposes of this section, an "alternative location" means a facility or program that has the capacity to evaluate a youth and, if determined to be appropriate, develop a behavioral health intervention plan and initiate treatment.

(3) If a juvenile is taken to any location described in subsection (1)(a) or (b) of this section, the juvenile may be held for up to ((~~twelve hours~~)) fourteen days and must be examined by a mental health or chemical dependency professional within three hours of arrival. If the mental health or chemical dependency professional determines that it is appropriate to release the juvenile, the professional must notify the juvenile's parent or guardian. The juvenile's parent or guardian has the authority to request that the juvenile be kept at any location described in subsection (1)(a) or (b) of this section.

(4) The authority provided pursuant to this section is in addition to existing authority under RCW 10.31.110 and 10.31.120.

**Sec.**  RCW 71.34.530 and 2006 c 93 s 4 are each amended to read as follows:

Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent or guardian. Parental authorization, authorization from a guardian, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for outpatient treatment of a minor under the age of thirteen. A parent or guardian of a minor child has the authority to: (1) Admit the minor child to an approved substance use disorder treatment program; and (2) keep the minor child in an approved substance use disorder treatment program for fourteen days.

**Sec.**  RCW 71.34.510 and 1998 c 296 s 15 are each amended to read as follows:

(1) The administrator of the treatment facility shall provide notice to the parents or guardians of a minor when the minor is voluntarily admitted to inpatient treatment under RCW 71.34.500. The notice shall be in the form most likely to reach the parent or guardian within twenty-four hours of the minor's voluntary admission and shall advise the parent or guardian: ((~~(1)~~)) (a) That the minor has been admitted to inpatient treatment; ((~~(2)~~)) (b) of the location and telephone number of the facility providing such treatment; ((~~(3)~~)) (c) of the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent or guardian; and ((~~(4)~~)) (d) of the medical necessity for admission.

(2) A parent or guardian of a minor child has the authority to: (a) Admit the minor child to an approved substance use disorder treatment program; and (b) keep the minor child in an approved substance use disorder treatment program for fourteen days.

**Sec.**  RCW 71.34.500 and 2016 sp.s. c 29 s 261 are each amended to read as follows:

(1) A minor thirteen years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental health treatment or an approved substance use disorder treatment program for inpatient substance use disorder treatment without parental or guardian consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization, authorization from a guardian, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for inpatient treatment of a minor under the age of thirteen.

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

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

(4) A parent or guardian of a minor child has the authority to keep the minor child in an approved substance use disorder treatment program providing inpatient treatment for fourteen days.

**Sec.**  RCW 71.34.600 and 2018 c 201 s 5013 are each amended to read as follows:

(1) A parent or guardian may bring, or authorize the bringing of, his or her minor child to:

(a) An evaluation and treatment facility or an inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request that the professional person examine the minor to determine whether the minor has a mental disorder and is in need of inpatient treatment; or

(b) A secure detoxification facility or approved substance use disorder treatment program and request that a substance use disorder assessment be conducted by a professional person to determine whether the minor has a substance use disorder and is in need of inpatient treatment.

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

(3) An appropriately trained professional person may evaluate whether the minor has a mental disorder or has a substance use disorder. The evaluation shall be completed within twenty-four hours of the time the minor was brought to the facility, unless the professional person determines that the condition of the minor necessitates additional time for evaluation. In no event shall a minor be held longer than seventy-two hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be held for treatment. A parent or guardian of the minor has the authority to keep the minor in an approved substance use disorder treatment program providing inpatient treatment for fourteen days. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the minor's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the authority if the child is held for treatment and of the date of admission.

(4) No provider is obligated to provide treatment to a minor under the provisions of this section except that no provider may refuse to treat a minor under the provisions of this section solely on the basis that the minor has not consented to the treatment. No provider may admit a minor to treatment under this section unless it is medically necessary.

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

(6) Prior to the review conducted under RCW 71.34.610, the professional person shall notify the minor of his or her right to petition superior court for release from the facility.

(7) For the purposes of this section "professional person" means "professional person" as defined in RCW 71.05.020.

**Sec.**  RCW 71.34.650 and 2016 sp.s. c 29 s 265 are each amended to read as follows:

(1) A parent or guardian may bring, or authorize the bringing of, his or her minor child to:

(a) A provider of outpatient mental health treatment and request that an appropriately trained professional person examine the minor to determine whether the minor has a mental disorder and is in need of outpatient treatment; or

(b) A provider of outpatient substance use disorder treatment and request that an appropriately trained professional person examine the minor to determine whether the minor has a substance use disorder and is in need of outpatient treatment.

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

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

(4) Any minor admitted to inpatient treatment under RCW 71.34.500 or 71.34.600 shall be discharged immediately from inpatient treatment upon written request of the parent or guardian.

**Sec.**  RCW 71.34.620 and 1998 c 296 s 19 are each amended to read as follows:

Following the review conducted under RCW 71.34.610, a minor child may petition the superior court for his or her release from the facility. The petition may be filed not sooner than five days following the review. The court shall release the minor unless it finds, upon a preponderance of the evidence, that it is a medical necessity for the minor to remain at the facility or if the parent or guardian of the minor child requests that the minor child be kept at the facility.

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