
HOUSE BILL 2054

State of Washington

66th Legislature

2019 Regular Session

By Representatives DeBolt, Tharinger, Schmick, and Cody

Read first time 02/14/19. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to establishing an agency to operate state
2 behavioral health facilities; amending RCW 70.02.230, 70.02.240,
3 70.02.350, 71.05.100, 71.05.320, 71.05.320, 71.05.340, 71.05.425,
4 71.05.520, 71.05.560, 71.05.620, 71.05.801, and 71.34.380; reenacting
5 and amending RCW 71.05.020 and 71A.10.020; adding a new section to
6 chapter 71A.20 RCW; adding a new chapter to Title 43 RCW; providing
7 effective dates; and providing an expiration date.

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

9 NEW SECTION. **Sec. 1.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires
11 otherwise.

12 (1) "Department" means the department of behavioral health
13 facilities.

14 (2) "Residential habilitation center" means the facilities
15 identified in RCW 71A.20.020.

16 (3) "Secretary" means the secretary of the department of
17 behavioral health facilities.

18 (4) "State hospital" has the same meaning as in chapter 72.23
19 RCW.

1 NEW SECTION. **Sec. 2.** (1) The department of behavioral health
2 facilities is created as an executive branch agency. The department
3 is vested with all powers and duties related to the operation of
4 state hospitals and residential habilitation facilities.

5 (2) The department shall:

6 (a) Establish agreements with other state, local, and tribal
7 agencies, as necessary to coordinate the safe and timely transfer of
8 persons being transitioned into the custody of the department or
9 discharged from the custody of the department.

10 (b) Collaborate with other state and federal agencies to maximize
11 participation of the federal government in the financing of state
12 hospitals and residential habilitation centers and the care of
13 persons residing in those facilities.

14 (c) Adopt rules, policies, and procedures in accordance with
15 chapter 34.05 RCW, as necessary to implement and administer the
16 provisions of this chapter.

17 NEW SECTION. **Sec. 3.** The executive head and appointing
18 authority of the department shall be the secretary of behavioral
19 health facilities. The secretary shall be appointed by the governor
20 with the consent of the senate, and shall serve at the pleasure of
21 the governor. The secretary shall be paid a salary to be fixed by the
22 governor in accordance with the provisions of RCW 43.03.040. If a
23 vacancy occurs in the position while the senate is not in session,
24 the governor shall make a temporary appointment until the next
25 meeting of the senate, when the governor shall present to that body
26 the nomination for the office.

27 NEW SECTION. **Sec. 4.** The office of financial management shall
28 establish an interagency work group of representatives from the
29 department of social and health services, the health care authority,
30 the department of health, and the department of children, youth, and
31 families. The work group shall develop a plan for the transition of
32 functions to the department of behavioral health facilities and make
33 recommendations for sharing responsibilities between agencies where
34 there may be overlapping authority. The work group shall adopt any
35 interagency agreements and data sharing agreements as necessary to
36 assure the proper functioning of residential habilitation centers and
37 state hospitals. The work group shall identify any legislative

1 changes necessary to meet the July 1, 2020, establishment of the
2 department of behavioral health facilities.

3 NEW SECTION. **Sec. 5.** (1) All powers, duties, and functions of
4 the department of social and health services pertaining to the
5 operation of state hospitals and residential habilitation centers are
6 transferred to the department of behavioral health facilities. All
7 references to the secretary or the department of social and health
8 services in the Revised Code of Washington mean the secretary or the
9 department of behavioral health facilities when referring to the
10 functions transferred in this section.

11 (2)(a) All reports, documents, surveys, books, records, files,
12 papers, or written material in the possession of the department of
13 social and health services pertaining to the powers, duties, and
14 functions transferred must be delivered to the custody of the
15 department of behavioral health facilities. All cabinets, furniture,
16 office equipment, motor vehicles, and other tangible property
17 employed by the department of social and health services in carrying
18 out the powers, duties, and functions transferred must be made
19 available to the department of behavioral health facilities. All
20 funds, credits, or other assets held in connection with the powers,
21 duties, and functions transferred are assigned to the department of
22 behavioral health facilities.

23 (b) Any appropriations made to the department of social and
24 health services for carrying out the powers, duties, and functions
25 transferred are, on the effective date of this section, transferred
26 and credited to the department of behavioral health facilities.

27 (c) Whenever any question arises as to the transfer of any
28 personnel, funds, books, documents, records, papers, files,
29 equipment, or other tangible property used or held in the exercise of
30 the powers and the performance of the duties and functions
31 transferred, the director of financial management shall make a
32 determination as to the proper allocation and certify the same to the
33 state agencies concerned.

34 (3) All employees of the department of social and health services
35 engaged in performing the powers, duties, and functions transferred
36 are transferred to the jurisdiction of the department of behavioral
37 health facilities. All employees classified under chapter 41.06 RCW,
38 the state civil service law, are assigned to the department of
39 behavioral health facilities to perform their usual duties upon the

1 same terms as formerly, without any loss of rights, subject to any
2 action that may be appropriate thereafter in accordance with the laws
3 and rules governing state civil service.

4 (4) All rules and all pending business before the department of
5 social and health services pertaining to the powers, duties, and
6 functions transferred shall be continued and acted upon by the
7 department of behavioral health facilities. All existing contracts
8 and obligations remain in full force and shall be performed by the
9 department of behavioral health facilities.

10 (5) The transfer of the powers, duties, functions, and personnel
11 of the department of social and health services does not affect the
12 validity of any act performed before the effective date of this
13 section.

14 (6) If apportionments of budgeted funds are required because of
15 the transfers directed by this section, the director of financial
16 management shall certify the apportionments to the agencies affected,
17 the state auditor, and the state treasurer. Each of these shall make
18 the appropriate transfer and adjustments in funds and appropriation
19 accounts and equipment records in accordance with the certification.

20 (7) All classified employees of the department of social and
21 health services assigned to the department of behavioral health
22 facilities under this section whose positions are within an existing
23 bargaining unit description at the department of behavioral health
24 facilities must become a part of the existing bargaining unit at the
25 department of behavioral health facilities and are considered an
26 appropriate inclusion or modification of the existing bargaining unit
27 under the provisions of chapter 41.80 RCW.

28 **Sec. 6.** RCW 70.02.230 and 2018 c 201 s 8002 are each amended to
29 read as follows:

30 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,
31 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or
32 pursuant to a valid authorization under RCW 70.02.030, the fact of
33 admission to a provider for mental health services and all
34 information and records compiled, obtained, or maintained in the
35 course of providing mental health services to either voluntary or
36 involuntary recipients of services at public or private agencies must
37 be confidential.

1 (2) Information and records related to mental health services,
2 other than those obtained through treatment under chapter 71.34 RCW,
3 may be disclosed only:

4 (a) In communications between qualified professional persons to
5 meet the requirements of chapter 71.05 RCW, in the provision of
6 services or appropriate referrals, or in the course of guardianship
7 proceedings if provided to a professional person:

8 (i) Employed by the facility;

9 (ii) Who has medical responsibility for the patient's care;

10 (iii) Who is a designated crisis responder;

11 (iv) Who is providing services under chapter 71.24 RCW;

12 (v) Who is employed by a state or local correctional facility
13 where the person is confined or supervised; or

14 (vi) Who is providing evaluation, treatment, or follow-up
15 services under chapter 10.77 RCW;

16 (b) When the communications regard the special needs of a patient
17 and the necessary circumstances giving rise to such needs and the
18 disclosure is made by a facility providing services to the operator
19 of a facility in which the patient resides or will reside;

20 (c)(i) When the person receiving services, or his or her
21 guardian, designates persons to whom information or records may be
22 released, or if the person is a minor, when his or her parents make
23 such a designation;

24 (ii) A public or private agency shall release to a person's next
25 of kin, attorney, personal representative, guardian, or conservator,
26 if any:

27 (A) The information that the person is presently a patient in the
28 facility or that the person is seriously physically ill;

29 (B) A statement evaluating the mental and physical condition of
30 the patient, and a statement of the probable duration of the
31 patient's confinement, if such information is requested by the next
32 of kin, attorney, personal representative, guardian, or conservator;
33 and

34 (iii) Other information requested by the next of kin or attorney
35 as may be necessary to decide whether or not proceedings should be
36 instituted to appoint a guardian or conservator;

37 (d)(i) To the courts as necessary to the administration of
38 chapter 71.05 RCW or to a court ordering an evaluation or treatment
39 under chapter 10.77 RCW solely for the purpose of preventing the

1 entry of any evaluation or treatment order that is inconsistent with
2 any order entered under chapter 71.05 RCW.

3 (ii) To a court or its designee in which a motion under chapter
4 10.77 RCW has been made for involuntary medication of a defendant for
5 the purpose of competency restoration.

6 (iii) Disclosure under this subsection is mandatory for the
7 purpose of the federal health insurance portability and
8 accountability act;

9 (e)(i) When a mental health professional or designated crisis
10 responder is requested by a representative of a law enforcement or
11 corrections agency, including a police officer, sheriff, community
12 corrections officer, a municipal attorney, or prosecuting attorney to
13 undertake an investigation or provide treatment under RCW 71.05.150,
14 10.31.110, or 71.05.153, the mental health professional or designated
15 crisis responder shall, if requested to do so, advise the
16 representative in writing of the results of the investigation
17 including a statement of reasons for the decision to detain or
18 release the person investigated. The written report must be submitted
19 within seventy-two hours of the completion of the investigation or
20 the request from the law enforcement or corrections representative,
21 whichever occurs later.

22 (ii) Disclosure under this subsection is mandatory for the
23 purposes of the federal health insurance portability and
24 accountability act;

25 (f) To the attorney of the detained person;

26 (g) To the prosecuting attorney as necessary to carry out the
27 responsibilities of the office under RCW 71.05.330(2),
28 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
29 access to records regarding the committed person's treatment and
30 prognosis, medication, behavior problems, and other records relevant
31 to the issue of whether treatment less restrictive than inpatient
32 treatment is in the best interest of the committed person or others.
33 Information must be disclosed only after giving notice to the
34 committed person and the person's counsel;

35 (h)(i) To appropriate law enforcement agencies and to a person,
36 when the identity of the person is known to the public or private
37 agency, whose health and safety has been threatened, or who is known
38 to have been repeatedly harassed, by the patient. The person may
39 designate a representative to receive the disclosure. The disclosure
40 must be made by the professional person in charge of the public or

1 private agency or his or her designee and must include the dates of
2 commitment, admission, discharge, or release, authorized or
3 unauthorized absence from the agency's facility, and only any other
4 information that is pertinent to the threat or harassment. The agency
5 or its employees are not civilly liable for the decision to disclose
6 or not, so long as the decision was reached in good faith and without
7 gross negligence.

8 (ii) Disclosure under this subsection is mandatory for the
9 purposes of the federal health insurance portability and
10 accountability act;

11 (i)(i) To appropriate corrections and law enforcement agencies
12 all necessary and relevant information in the event of a crisis or
13 emergent situation that poses a significant and imminent risk to the
14 public. The mental health service agency or its employees are not
15 civilly liable for the decision to disclose or not so long as the
16 decision was reached in good faith and without gross negligence.

17 (ii) Disclosure under this subsection is mandatory for the
18 purposes of the health insurance portability and accountability act;

19 (j) To the persons designated in RCW 71.05.425 for the purposes
20 described in those sections;

21 (k) Upon the death of a person. The person's next of kin,
22 personal representative, guardian, or conservator, if any, must be
23 notified. Next of kin who are of legal age and competent must be
24 notified under this section in the following order: Spouse, parents,
25 children, brothers and sisters, and other relatives according to the
26 degree of relation. Access to all records and information compiled,
27 obtained, or maintained in the course of providing services to a
28 deceased patient are governed by RCW 70.02.140;

29 (l) To mark headstones or otherwise memorialize patients interred
30 at state hospital cemeteries. The department of (~~social and health~~
31 ~~services~~) behavioral health facilities shall make available the
32 name, date of birth, and date of death of patients buried in state
33 hospital cemeteries fifty years after the death of a patient;

34 (m) To law enforcement officers and to prosecuting attorneys as
35 are necessary to enforce RCW 9.41.040(2)(a)(~~(iii)~~) (iv). The extent
36 of information that may be released is limited as follows:

37 (i) Only the fact, place, and date of involuntary commitment, an
38 official copy of any order or orders of commitment, and an official
39 copy of any written or oral notice of ineligibility to possess a

1 firearm that was provided to the person pursuant to RCW 9.41.047(1),
2 must be disclosed upon request;

3 (ii) The law enforcement and prosecuting attorneys may only
4 release the information obtained to the person's attorney as required
5 by court rule and to a jury or judge, if a jury is waived, that
6 presides over any trial at which the person is charged with violating
7 RCW 9.41.040(2)(a) (~~(iii)~~) (iv);

8 (iii) Disclosure under this subsection is mandatory for the
9 purposes of the federal health insurance portability and
10 accountability act;

11 (n) When a patient would otherwise be subject to the provisions
12 of this section and disclosure is necessary for the protection of the
13 patient or others due to his or her unauthorized disappearance from
14 the facility, and his or her whereabouts is unknown, notice of the
15 disappearance, along with relevant information, may be made to
16 relatives, the department of corrections when the person is under the
17 supervision of the department, and governmental law enforcement
18 agencies designated by the physician or psychiatric advanced
19 registered nurse practitioner in charge of the patient or the
20 professional person in charge of the facility, or his or her
21 professional designee;

22 (o) Pursuant to lawful order of a court;

23 (p) To qualified staff members of the department, to the
24 authority, to the director of behavioral health organizations, to
25 resource management services responsible for serving a patient, or to
26 service providers designated by resource management services as
27 necessary to determine the progress and adequacy of treatment and to
28 determine whether the person should be transferred to a less
29 restrictive or more appropriate treatment modality or facility;

30 (q) Within the mental health service agency where the patient is
31 receiving treatment, confidential information may be disclosed to
32 persons employed, serving in bona fide training programs, or
33 participating in supervised volunteer programs, at the facility when
34 it is necessary to perform their duties;

35 (r) Within the department and the authority as necessary to
36 coordinate treatment for mental illness, developmental disabilities,
37 alcoholism, or substance use disorder of persons who are under the
38 supervision of the department;

39 (s) Between the department of social and health services, the
40 department of behavioral health facilities, the department of

1 children, youth, and families, and the health care authority as
2 necessary to coordinate treatment for mental illness, developmental
3 disabilities, alcoholism, or drug abuse of persons who are under the
4 supervision of the department of social and health services, the
5 department of behavioral health facilities, or the department of
6 children, youth, and families;

7 (t) To a licensed physician or psychiatric advanced registered
8 nurse practitioner who has determined that the life or health of the
9 person is in danger and that treatment without the information and
10 records related to mental health services could be injurious to the
11 patient's health. Disclosure must be limited to the portions of the
12 records necessary to meet the medical emergency;

13 (u)(i) Consistent with the requirements of the federal health
14 insurance portability and accountability act, to:

15 (A) A health care provider who is providing care to a patient, or
16 to whom a patient has been referred for evaluation or treatment; or

17 (B) Any other person who is working in a care coordinator role
18 for a health care facility or health care provider or is under an
19 agreement pursuant to the federal health insurance portability and
20 accountability act with a health care facility or a health care
21 provider and requires the information and records to assure
22 coordinated care and treatment of that patient.

23 (ii) A person authorized to use or disclose information and
24 records related to mental health services under this subsection
25 (2)(u) must take appropriate steps to protect the information and
26 records relating to mental health services.

27 (iii) Psychotherapy notes may not be released without
28 authorization of the patient who is the subject of the request for
29 release of information;

30 (v) To administrative and office support staff designated to
31 obtain medical records for those licensed professionals listed in (u)
32 of this subsection;

33 (w) To a facility that is to receive a person who is
34 involuntarily committed under chapter 71.05 RCW, or upon transfer of
35 the person from one evaluation and treatment facility to another. The
36 release of records under this subsection is limited to the
37 information and records related to mental health services required by
38 law, a record or summary of all somatic treatments, and a discharge
39 summary. The discharge summary may include a statement of the
40 patient's problem, the treatment goals, the type of treatment which

1 has been provided, and recommendation for future treatment, but may
2 not include the patient's complete treatment record;

3 (x) To the person's counsel or guardian ad litem, without
4 modification, at any time in order to prepare for involuntary
5 commitment or recommitment proceedings, reexaminations, appeals, or
6 other actions relating to detention, admission, commitment, or
7 patient's rights under chapter 71.05 RCW;

8 (y) To staff members of the protection and advocacy agency or to
9 staff members of a private, nonprofit corporation for the purpose of
10 protecting and advocating the rights of persons with mental disorders
11 or developmental disabilities. Resource management services may limit
12 the release of information to the name, birthdate, and county of
13 residence of the patient, information regarding whether the patient
14 was voluntarily admitted, or involuntarily committed, the date and
15 place of admission, placement, or commitment, the name and address of
16 a guardian of the patient, and the date and place of the guardian's
17 appointment. Any staff member who wishes to obtain additional
18 information must notify the patient's resource management services in
19 writing of the request and of the resource management services' right
20 to object. The staff member shall send the notice by mail to the
21 guardian's address. If the guardian does not object in writing within
22 fifteen days after the notice is mailed, the staff member may obtain
23 the additional information. If the guardian objects in writing within
24 fifteen days after the notice is mailed, the staff member may not
25 obtain the additional information;

26 (z) To all current treating providers of the patient with
27 prescriptive authority who have written a prescription for the
28 patient within the last twelve months. For purposes of coordinating
29 health care, the department or the authority may release without
30 written authorization of the patient, information acquired for
31 billing and collection purposes as described in RCW 70.02.050(1)(d).
32 The department, or the authority, if applicable, shall notify the
33 patient that billing and collection information has been released to
34 named providers, and provide the substance of the information
35 released and the dates of such release. Neither the department nor
36 the authority may release counseling, inpatient psychiatric
37 hospitalization, or drug and alcohol treatment information without a
38 signed written release from the client;

39 (aa)(i) To the secretary of social and health services and the
40 director of the health care authority for either program evaluation

1 or research, or both so long as the secretary or director, where
2 applicable, adopts rules for the conduct of the evaluation or
3 research, or both. Such rules must include, but need not be limited
4 to, the requirement that all evaluators and researchers sign an oath
5 of confidentiality substantially as follows:

6 "As a condition of conducting evaluation or research concerning
7 persons who have received services from (fill in the facility,
8 agency, or person) I,, agree not to divulge, publish, or
9 otherwise make known to unauthorized persons or the public any
10 information obtained in the course of such evaluation or research
11 regarding persons who have received services such that the person who
12 received such services is identifiable.

13 I recognize that unauthorized release of confidential information
14 may subject me to civil liability under the provisions of state law.
15 /s/"

16 (ii) Nothing in this chapter may be construed to prohibit the
17 compilation and publication of statistical data for use by government
18 or researchers under standards, including standards to assure
19 maintenance of confidentiality, set forth by the secretary, or
20 director, where applicable;

21 (bb) To any person if the conditions in RCW 70.02.205 are met.

22 (3) Whenever federal law or federal regulations restrict the
23 release of information contained in the information and records
24 related to mental health services of any patient who receives
25 treatment for chemical dependency, the department or the authority
26 may restrict the release of the information as necessary to comply
27 with federal law and regulations.

28 (4) Civil liability and immunity for the release of information
29 about a particular person who is committed to the department of
30 (~~social and health services~~) behavioral health facilities or the
31 authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal
32 of a sex offense as defined in RCW 9.94A.030, is governed by RCW
33 4.24.550.

34 (5) The fact of admission to a provider of mental health
35 services, as well as all records, files, evidence, findings, or
36 orders made, prepared, collected, or maintained pursuant to chapter
37 71.05 RCW are not admissible as evidence in any legal proceeding
38 outside that chapter without the written authorization of the person
39 who was the subject of the proceeding except as provided in RCW

1 70.02.260, in a subsequent criminal prosecution of a person committed
2 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were
3 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
4 trial, in a civil commitment proceeding pursuant to chapter 71.09
5 RCW, or, in the case of a minor, a guardianship or dependency
6 proceeding. The records and files maintained in any court proceeding
7 pursuant to chapter 71.05 RCW must be confidential and available
8 subsequent to such proceedings only to the person who was the subject
9 of the proceeding or his or her attorney. In addition, the court may
10 order the subsequent release or use of such records or files only
11 upon good cause shown if the court finds that appropriate safeguards
12 for strict confidentiality are and will be maintained.

13 (6)(a) Except as provided in RCW 4.24.550, any person may bring
14 an action against an individual who has willfully released
15 confidential information or records concerning him or her in
16 violation of the provisions of this section, for the greater of the
17 following amounts:

18 (i) One thousand dollars; or

19 (ii) Three times the amount of actual damages sustained, if any.

20 (b) It is not a prerequisite to recovery under this subsection
21 that the plaintiff suffered or was threatened with special, as
22 contrasted with general, damages.

23 (c) Any person may bring an action to enjoin the release of
24 confidential information or records concerning him or her or his or
25 her ward, in violation of the provisions of this section, and may in
26 the same action seek damages as provided in this subsection.

27 (d) The court may award to the plaintiff, should he or she
28 prevail in any action authorized by this subsection, reasonable
29 attorney fees in addition to those otherwise provided by law.

30 (e) If an action is brought under this subsection, no action may
31 be brought under RCW 70.02.170.

32 **Sec. 7.** RCW 70.02.240 and 2018 c 201 s 8003 are each amended to
33 read as follows:

34 The fact of admission and all information and records related to
35 mental health services obtained through treatment under chapter 71.34
36 RCW is confidential, except as authorized in RCW 70.02.050,
37 70.02.210, 70.02.230, 70.02.250, and 70.02.260. Such confidential
38 information may be disclosed only:

1 (1) In communications between mental health professionals to meet
2 the requirements of chapter 71.34 RCW, in the provision of services
3 to the minor, or in making appropriate referrals;

4 (2) In the course of guardianship or dependency proceedings;

5 (3) To the minor, the minor's parent, and the minor's attorney,
6 subject to RCW 13.50.100;

7 (4) To the courts as necessary to administer chapter 71.34 RCW;

8 (5) To law enforcement officers or public health officers as
9 necessary to carry out the responsibilities of their office. However,
10 only the fact and date of admission, and the date of discharge, the
11 name and address of the treatment provider, if any, and the last
12 known address must be disclosed upon request;

13 (6) To law enforcement officers, public health officers,
14 relatives, and other governmental law enforcement agencies, if a
15 minor has escaped from custody, disappeared from an evaluation and
16 treatment facility, violated conditions of a less restrictive
17 treatment order, or failed to return from an authorized leave, and
18 then only such information as may be necessary to provide for public
19 safety or to assist in the apprehension of the minor. The officers
20 are obligated to keep the information confidential in accordance with
21 this chapter;

22 (7) To the secretary of (~~social and health services~~) the
23 department of behavioral health facilities and the director of the
24 health care authority for assistance in data collection and program
25 evaluation or research so long as the secretary or director, where
26 applicable, adopts rules for the conduct of such evaluation and
27 research. The rules must include, but need not be limited to, the
28 requirement that all evaluators and researchers sign an oath of
29 confidentiality substantially as follows:

30 "As a condition of conducting evaluation or research concerning
31 persons who have received services from (fill in the facility,
32 agency, or person) I,, agree not to divulge, publish, or
33 otherwise make known to unauthorized persons or the public any
34 information obtained in the course of such evaluation or research
35 regarding minors who have received services in a manner such that the
36 minor is identifiable.

37 I recognize that unauthorized release of confidential information
38 may subject me to civil liability under state law.

39 /s/";

1 (8) To appropriate law enforcement agencies, upon request, all
2 necessary and relevant information in the event of a crisis or
3 emergent situation that poses a significant and imminent risk to the
4 public. The mental health service agency or its employees are not
5 civilly liable for the decision to disclose or not, so long as the
6 decision was reached in good faith and without gross negligence;

7 (9) To appropriate law enforcement agencies and to a person, when
8 the identity of the person is known to the public or private agency,
9 whose health and safety has been threatened, or who is known to have
10 been repeatedly harassed, by the patient. The person may designate a
11 representative to receive the disclosure. The disclosure must be made
12 by the professional person in charge of the public or private agency
13 or his or her designee and must include the dates of admission,
14 discharge, authorized or unauthorized absence from the agency's
15 facility, and only any other information that is pertinent to the
16 threat or harassment. The agency or its employees are not civilly
17 liable for the decision to disclose or not, so long as the decision
18 was reached in good faith and without gross negligence;

19 (10) To a minor's next of kin, attorney, guardian, or
20 conservator, if any, the information that the minor is presently in
21 the facility or that the minor is seriously physically ill and a
22 statement evaluating the mental and physical condition of the minor
23 as well as a statement of the probable duration of the minor's
24 confinement;

25 (11) Upon the death of a minor, to the minor's next of kin;

26 (12) To a facility in which the minor resides or will reside;

27 (13) To law enforcement officers and to prosecuting attorneys as
28 are necessary to enforce RCW 9.41.040(2)(a)(~~(iii)~~) (iv). The extent
29 of information that may be released is limited as follows:

30 (a) Only the fact, place, and date of involuntary commitment, an
31 official copy of any order or orders of commitment, and an official
32 copy of any written or oral notice of ineligibility to possess a
33 firearm that was provided to the person pursuant to RCW 9.41.047(1),
34 must be disclosed upon request;

35 (b) The law enforcement and prosecuting attorneys may only
36 release the information obtained to the person's attorney as required
37 by court rule and to a jury or judge, if a jury is waived, that
38 presides over any trial at which the person is charged with violating
39 RCW 9.41.040(2)(a)(~~(iii)~~) (iv);

1 (c) Disclosure under this subsection is mandatory for the
2 purposes of the federal health insurance portability and
3 accountability act;

4 (14) This section may not be construed to prohibit the
5 compilation and publication of statistical data for use by government
6 or researchers under standards, including standards to assure
7 maintenance of confidentiality, set forth by the director of the
8 health care authority or the secretary of the department of (~~social
9 and health services~~) behavioral health facilities, where applicable.
10 The fact of admission and all information obtained pursuant to
11 chapter 71.34 RCW are not admissible as evidence in any legal
12 proceeding outside chapter 71.34 RCW, except guardianship or
13 dependency, without the written consent of the minor or the minor's
14 parent;

15 (15) For the purpose of a correctional facility participating in
16 the postinstitutional medical assistance system supporting the
17 expedited medical determinations and medical suspensions as provided
18 in RCW 74.09.555 and 74.09.295;

19 (16) Pursuant to a lawful order of a court.

20 **Sec. 8.** RCW 70.02.350 and 2018 c 201 s 8007 are each amended to
21 read as follows:

22 In addition to any other information required to be released
23 under this chapter, the department of (~~social and health services~~)
24 behavioral health facilities and the authority are authorized,
25 pursuant to RCW 4.24.550, to release relevant information that is
26 necessary to protect the public, concerning a specific person
27 committed under RCW 71.05.280(3) or 71.05.320(~~(+3)~~) (4)(c) following
28 dismissal of a sex offense as defined in RCW 9.94A.030.

29 **Sec. 9.** RCW 71.05.020 and 2018 c 305 s 1, 2018 c 291 s 1, and
30 2018 c 201 s 3001 are each reenacted and amended to read as follows:

31 The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.

33 (1) "Admission" or "admit" means a decision by a physician,
34 physician assistant, or psychiatric advanced registered nurse
35 practitioner that a person should be examined or treated as a patient
36 in a hospital;

37 (2) "Alcoholism" means a disease, characterized by a dependency
38 on alcoholic beverages, loss of control over the amount and

1 circumstances of use, symptoms of tolerance, physiological or
2 psychological withdrawal, or both, if use is reduced or discontinued,
3 and impairment of health or disruption of social or economic
4 functioning;

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

9 (4) "Approved substance use disorder treatment program" means a
10 program for persons with a substance use disorder provided by a
11 treatment program certified by the department as meeting standards
12 adopted under chapter 71.24 RCW;

13 (5) "Attending staff" means any person on the staff of a public
14 or private agency having responsibility for the care and treatment of
15 a patient;

16 (6) "Authority" means the Washington state health care authority;

17 (7) "Chemical dependency" means:

18 (a) Alcoholism;

19 (b) Drug addiction; or

20 (c) Dependence on alcohol and one or more psychoactive chemicals,
21 as the context requires;

22 (8) "Chemical dependency professional" means a person certified
23 as a chemical dependency professional by the department under chapter
24 18.205 RCW;

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

28 (10) "Conditional release" means a revocable modification of a
29 commitment, which may be revoked upon violation of any of its terms;

30 (11) "Crisis stabilization unit" means a short-term facility or a
31 portion of a facility licensed or certified by the department under
32 RCW 71.24.035, such as an evaluation and treatment facility or a
33 hospital, which has been designed to assess, diagnose, and treat
34 individuals experiencing an acute crisis without the use of long-term
35 hospitalization;

36 (12) "Custody" means involuntary detention under the provisions
37 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
38 unconditional release from commitment from a facility providing
39 involuntary care and treatment;

40 (13) "Department" means the department of health;

1 (14) "Designated crisis responder" means a mental health
2 professional appointed by the county, an entity appointed by the
3 county, or the behavioral health organization to perform the duties
4 specified in this chapter;

5 (15) "Detention" or "detain" means the lawful confinement of a
6 person, under the provisions of this chapter;

7 (16) "Developmental disabilities professional" means a person who
8 has specialized training and three years of experience in directly
9 treating or working with persons with developmental disabilities and
10 is a psychiatrist, physician assistant working with a supervising
11 psychiatrist, psychologist, psychiatric advanced registered nurse
12 practitioner, or social worker, and such other developmental
13 disabilities professionals as may be defined by rules adopted by the
14 secretary of the department of social and health services;

15 (17) "Developmental disability" means that condition defined in
16 RCW 71A.10.020(5);

17 (18) "Director" means the director of the authority;

18 (19) "Discharge" means the termination of hospital medical
19 authority. The commitment may remain in place, be terminated, or be
20 amended by court order;

21 (20) "Drug addiction" means a disease, characterized by a
22 dependency on psychoactive chemicals, loss of control over the amount
23 and circumstances of use, symptoms of tolerance, physiological or
24 psychological withdrawal, or both, if use is reduced or discontinued,
25 and impairment of health or disruption of social or economic
26 functioning;

27 (21) "Evaluation and treatment facility" means any facility which
28 can provide directly, or by direct arrangement with other public or
29 private agencies, emergency evaluation and treatment, outpatient
30 care, and timely and appropriate inpatient care to persons suffering
31 from a mental disorder, and which is licensed or certified as such by
32 the department. The authority may certify single beds as temporary
33 evaluation and treatment beds under RCW 71.05.745. A physically
34 separate and separately operated portion of a state hospital may be
35 designated as an evaluation and treatment facility. A facility which
36 is part of, or operated by, the department of (~~social and health~~
37 ~~services~~) behavioral health facilities or any federal agency will
38 not require certification. No correctional institution or facility,
39 or jail, shall be an evaluation and treatment facility within the
40 meaning of this chapter;

1 (22) "Gravely disabled" means a condition in which a person, as a
2 result of a mental disorder, or as a result of the use of alcohol or
3 other psychoactive chemicals: (a) Is in danger of serious physical
4 harm resulting from a failure to provide for his or her essential
5 human needs of health or safety; or (b) manifests severe
6 deterioration in routine functioning evidenced by repeated and
7 escalating loss of cognitive or volitional control over his or her
8 actions and is not receiving such care as is essential for his or her
9 health or safety;

10 (23) "Habilitative services" means those services provided by
11 program personnel to assist persons in acquiring and maintaining life
12 skills and in raising their levels of physical, mental, social, and
13 vocational functioning. Habilitative services include education,
14 training for employment, and therapy. The habilitative process shall
15 be undertaken with recognition of the risk to the public safety
16 presented by the person being assisted as manifested by prior charged
17 criminal conduct;

18 (24) "Hearing" means any proceeding conducted in open court. For
19 purposes of this chapter, at any hearing the petitioner, the
20 respondent, the witnesses, and the presiding judicial officer may be
21 present and participate either in person or by video, as determined
22 by the court. The term "video" as used herein shall include any
23 functional equivalent. At any hearing conducted by video, the
24 technology used must permit the judicial officer, counsel, all
25 parties, and the witnesses to be able to see, hear, and speak, when
26 authorized, during the hearing; to allow attorneys to use exhibits or
27 other materials during the hearing; and to allow respondent's counsel
28 to be in the same location as the respondent unless otherwise
29 requested by the respondent or the respondent's counsel. Witnesses in
30 a proceeding may also appear in court through other means, including
31 telephonically, pursuant to the requirements of superior court civil
32 rule 43. Notwithstanding the foregoing, the court, upon its own
33 motion or upon a motion for good cause by any party, may require all
34 parties and witnesses to participate in the hearing in person rather
35 than by video. In ruling on any such motion, the court may allow in-
36 person or video testimony; and the court may consider, among other
37 things, whether the respondent's alleged mental illness affects the
38 respondent's ability to perceive or participate in the proceeding by
39 video;

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

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

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

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

15 (b) The conditions and strategies necessary to achieve the
16 purposes of habilitation;

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

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

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

22 (f) Where relevant in light of past criminal behavior and due
23 consideration for public safety, the criteria for proposed movement
24 to less-restrictive settings, criteria for proposed eventual
25 discharge or release, and a projected possible date for discharge or
26 release; and

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

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

35 (29) "Intoxicated person" means a person whose mental or physical
36 functioning is substantially impaired as a result of the use of
37 alcohol or other psychoactive chemicals;

38 (30) "In need of assisted outpatient behavioral health treatment"
39 means that a person, as a result of a mental disorder or substance
40 use disorder: (a) Has been committed by a court to detention for

1 involuntary behavioral health treatment during the preceding thirty-
2 six months; (b) is unlikely to voluntarily participate in outpatient
3 treatment without an order for less restrictive alternative
4 treatment, based on a history of nonadherence with treatment or in
5 view of the person's current behavior; (c) is likely to benefit from
6 less restrictive alternative treatment; and (d) requires less
7 restrictive alternative treatment to prevent a relapse,
8 decompensation, or deterioration that is likely to result in the
9 person presenting a likelihood of serious harm or the person becoming
10 gravely disabled within a reasonably short period of time;

11 (31) "Judicial commitment" means a commitment by a court pursuant
12 to the provisions of this chapter;

13 (32) "Legal counsel" means attorneys and staff employed by county
14 prosecutor offices or the state attorney general acting in their
15 capacity as legal representatives of public mental health and
16 substance use disorder service providers under RCW 71.05.130;

17 (33) "Less restrictive alternative treatment" means a program of
18 individualized treatment in a less restrictive setting than inpatient
19 treatment that includes the services described in RCW 71.05.585;

20 (34) "Licensed physician" means a person licensed to practice
21 medicine or osteopathic medicine and surgery in the state of
22 Washington;

23 (35) "Likelihood of serious harm" means:

24 (a) A substantial risk that: (i) Physical harm will be inflicted
25 by a person upon his or her own person, as evidenced by threats or
26 attempts to commit suicide or inflict physical harm on oneself; (ii)
27 physical harm will be inflicted by a person upon another, as
28 evidenced by behavior which has caused such harm or which places
29 another person or persons in reasonable fear of sustaining such harm;
30 or (iii) physical harm will be inflicted by a person upon the
31 property of others, as evidenced by behavior which has caused
32 substantial loss or damage to the property of others; or

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

35 (36) "Medical clearance" means a physician or other health care
36 provider has determined that a person is medically stable and ready
37 for referral to the designated crisis responder;

38 (37) "Mental disorder" means any organic, mental, or emotional
39 impairment which has substantial adverse effects on a person's
40 cognitive or volitional functions;

1 (38) "Mental health professional" means a psychiatrist,
2 psychologist, physician assistant working with a supervising
3 psychiatrist, psychiatric advanced registered nurse practitioner,
4 psychiatric nurse, or social worker, and such other mental health
5 professionals as may be defined by rules adopted by the secretary
6 pursuant to the provisions of this chapter;

7 (39) "Mental health service provider" means a public or private
8 agency that provides mental health services to persons with mental
9 disorders or substance use disorders as defined under this section
10 and receives funding from public sources. This includes, but is not
11 limited to, hospitals licensed under chapter 70.41 RCW, evaluation
12 and treatment facilities as defined in this section, community mental
13 health service delivery systems or behavioral health programs as
14 defined in RCW 71.24.025, facilities conducting competency
15 evaluations and restoration under chapter 10.77 RCW, approved
16 substance use disorder treatment programs as defined in this section,
17 secure detoxification facilities as defined in this section, and
18 correctional facilities operated by state and local governments;

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

23 (41) "Physician assistant" means a person licensed as a physician
24 assistant under chapter 18.57A or 18.71A RCW;

25 (42) "Private agency" means any person, partnership, corporation,
26 or association that is not a public agency, whether or not financed
27 in whole or in part by public funds, which constitutes an evaluation
28 and treatment facility or private institution, or hospital, or
29 approved substance use disorder treatment program, which is conducted
30 for, or includes a department or ward conducted for, the care and
31 treatment of persons with mental illness, substance use disorders, or
32 both mental illness and substance use disorders;

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

39 (44) "Psychiatric advanced registered nurse practitioner" means a
40 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 (45) "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 (46) "Psychologist" means a person who has been licensed as a
10 psychologist pursuant to chapter 18.83 RCW;

11 (47) "Public agency" means any evaluation and treatment facility
12 or institution, secure detoxification facility, approved substance
13 use disorder treatment program, or hospital which is conducted for,
14 or includes a department or ward conducted for, the care and
15 treatment of persons with mental illness, substance use disorders, or
16 both mental illness and substance use disorders, if the agency is
17 operated directly by federal, state, county, or municipal government,
18 or a combination of such governments;

19 (48) "Release" means legal termination of the commitment under
20 the provisions of this chapter;

21 (49) "Resource management services" has the meaning given in
22 chapter 71.24 RCW;

23 (50) "Secretary" means the secretary of the department of health,
24 or his or her designee;

25 (51) "Secure detoxification facility" means a facility operated
26 by either a public or private agency or by the program of an agency
27 that:

28 (a) Provides for intoxicated persons:

29 (i) Evaluation and assessment, provided by certified chemical
30 dependency professionals;

31 (ii) Acute or subacute detoxification services; and

32 (iii) Discharge assistance provided by certified chemical
33 dependency professionals, including facilitating transitions to
34 appropriate voluntary or involuntary inpatient services or to less
35 restrictive alternatives as appropriate for the individual;

36 (b) Includes security measures sufficient to protect the
37 patients, staff, and community; and

38 (c) Is licensed or certified as such by the department of health;

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

1 (53) "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 (54) "Substance use disorder" means a cluster of cognitive,
5 behavioral, and physiological symptoms indicating that an individual
6 continues using the substance despite significant substance-related
7 problems. The diagnosis of a substance use disorder is based on a
8 pathological pattern of behaviors related to the use of the
9 substances;

10 (55) "Therapeutic court personnel" means the staff of a mental
11 health court or other therapeutic court which has jurisdiction over
12 defendants who are dually diagnosed with mental disorders, including
13 court personnel, probation officers, a court monitor, prosecuting
14 attorney, or defense counsel acting within the scope of therapeutic
15 court duties;

16 (56) "Treatment records" include registration and all other
17 records concerning persons who are receiving or who at any time have
18 received services for mental illness, which are maintained by the
19 department of social and health services, the department of
20 behavioral health facilities, the department, the authority,
21 behavioral health organizations and their staffs, and by treatment
22 facilities. Treatment records include mental health information
23 contained in a medical bill including but not limited to mental
24 health drugs, a mental health diagnosis, provider name, and dates of
25 service stemming from a medical service. Treatment records do not
26 include notes or records maintained for personal use by a person
27 providing treatment services for the department of social and health
28 services, the department of behavioral health facilities, the
29 department, the authority, behavioral health organizations, or a
30 treatment facility if the notes or records are not available to
31 others;

32 (57) "Triage facility" means a short-term facility or a portion
33 of a facility licensed or certified by the department under RCW
34 71.24.035, which is designed as a facility to assess and stabilize an
35 individual or determine the need for involuntary commitment of an
36 individual, and must meet department residential treatment facility
37 standards. A triage facility may be structured as a voluntary or
38 involuntary placement facility;

1 (58) "Violent act" means behavior that resulted in homicide,
2 attempted suicide, nonfatal injuries, or substantial damage to
3 property.

4 **Sec. 10.** RCW 71.05.100 and 2018 c 201 s 3005 are each amended to
5 read as follows:

6 In addition to the responsibility provided for by RCW 43.20B.330,
7 any person, or his or her estate, or his or her spouse, or the
8 parents of a minor person who is involuntarily detained pursuant to
9 this chapter for the purpose of treatment and evaluation outside of a
10 facility maintained and operated by the department of (~~social and~~
11 ~~health services~~) behavioral health facilities shall be responsible
12 for the cost of such care and treatment. In the event that an
13 individual is unable to pay for such treatment or in the event
14 payment would result in a substantial hardship upon the individual or
15 his or her family, then the county of residence of such person shall
16 be responsible for such costs. If it is not possible to determine the
17 county of residence of the person, the cost shall be borne by the
18 county where the person was originally detained. The department of
19 (~~social and health services~~) behavioral health facilities, or the
20 authority, as appropriate, shall, pursuant to chapter 34.05 RCW,
21 adopt standards as to (1) inability to pay in whole or in part, (2) a
22 definition of substantial hardship, and (3) appropriate payment
23 schedules. Financial responsibility with respect to services and
24 facilities of the department of (~~social and health services~~)
25 behavioral health facilities shall continue to be as provided in RCW
26 43.20B.320 through 43.20B.360 and 43.20B.370.

27 **Sec. 11.** RCW 71.05.320 and 2018 c 201 s 3012 are each amended to
28 read as follows:

29 (1)(a) Subject to (b) of this subsection, if the court or jury
30 finds that grounds set forth in RCW 71.05.280 have been proven and
31 that the best interests of the person or others will not be served by
32 a less restrictive treatment which is an alternative to detention,
33 the court shall remand him or her to the custody of the department of
34 (~~social and health services~~) behavioral health facilities or to a
35 facility certified for ninety day treatment by the department for a
36 further period of intensive treatment not to exceed ninety days from
37 the date of judgment.

1 (b) If the order for inpatient treatment is based on a substance
2 use disorder, treatment must take place at an approved substance use
3 disorder treatment program. The court may only enter an order for
4 commitment based on a substance use disorder if there is an available
5 approved substance use disorder treatment program with adequate space
6 for the person.

7 (c) If the grounds set forth in RCW 71.05.280(3) are the basis of
8 commitment, then the period of treatment may be up to but not exceed
9 one hundred eighty days from the date of judgment to the custody of
10 the department of (~~social and health services~~) behavioral health
11 facilities or to a facility certified for one hundred eighty day
12 treatment by the department.

13 (2) If the court or jury finds that grounds set forth in RCW
14 71.05.280 have been proven, but finds that treatment less restrictive
15 than detention will be in the best interest of the person or others,
16 then the court shall remand him or her to the custody of the
17 department of (~~social and health services~~) behavioral health
18 facilities or to a facility certified for ninety day treatment by the
19 department or to a less restrictive alternative for a further period
20 of less restrictive treatment not to exceed ninety days from the date
21 of judgment. If the order for less restrictive treatment is based on
22 a substance use disorder, treatment must be provided by an approved
23 substance use disorder treatment program. If the grounds set forth in
24 RCW 71.05.280(3) are the basis of commitment, then the period of
25 treatment may be up to but not exceed one hundred eighty days from
26 the date of judgment. If the court or jury finds that the grounds set
27 forth in RCW 71.05.280(5) have been proven, and provide the only
28 basis for commitment, the court must enter an order for less
29 restrictive alternative treatment for up to ninety days from the date
30 of judgment and may not order inpatient treatment.

31 (3) An order for less restrictive alternative treatment entered
32 under subsection (2) of this section must name the mental health
33 service provider responsible for identifying the services the person
34 will receive in accordance with RCW 71.05.585, and must include a
35 requirement that the person cooperate with the services planned by
36 the mental health service provider.

37 (4) The person shall be released from involuntary treatment at
38 the expiration of the period of commitment imposed under subsection
39 (1) or (2) of this section unless the superintendent or professional
40 person in charge of the facility in which he or she is confined, or

1 in the event of a less restrictive alternative, the designated crisis
2 responder, files a new petition for involuntary treatment on the
3 grounds that the committed person:

4 (a) During the current period of court ordered treatment: (i) Has
5 threatened, attempted, or inflicted physical harm upon the person of
6 another, or substantial damage upon the property of another, and (ii)
7 as a result of a mental disorder, substance use disorder, or
8 developmental disability presents a likelihood of serious harm; or

9 (b) Was taken into custody as a result of conduct in which he or
10 she attempted or inflicted serious physical harm upon the person of
11 another, and continues to present, as a result of mental disorder,
12 substance use disorder, or developmental disability a likelihood of
13 serious harm; or

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

19 (ii) In cases under this subsection where the court has made an
20 affirmative special finding under RCW 71.05.280(3)(b), the commitment
21 shall continue for up to an additional one hundred eighty day period
22 whenever the petition presents prima facie evidence that the person
23 continues to suffer from a mental disorder or developmental
24 disability that results in a substantial likelihood of committing
25 acts similar to the charged criminal behavior, unless the person
26 presents proof through an admissible expert opinion that the person's
27 condition has so changed such that the mental disorder or
28 developmental disability no longer presents a substantial likelihood
29 of the person committing acts similar to the charged criminal
30 behavior. The initial or additional commitment period may include
31 transfer to a specialized program of intensive support and treatment,
32 which may be initiated prior to or after discharge from the state
33 hospital; or

34 (d) Continues to be gravely disabled; or

35 (e) Is in need of assisted outpatient mental health treatment.

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

1 If less restrictive alternative treatment is sought, the petition
2 shall set forth any recommendations for less restrictive alternative
3 treatment services.

4 (5) A new petition for involuntary treatment filed under
5 subsection (4) of this section shall be filed and heard in the
6 superior court of the county of the facility which is filing the new
7 petition for involuntary treatment unless good cause is shown for a
8 change of venue. The cost of the proceedings shall be borne by the
9 state.

10 (6) (a) The hearing shall be held as provided in RCW 71.05.310,
11 and if the court or jury finds that the grounds for additional
12 confinement as set forth in this section are present, subject to
13 subsection (1) (b) of this section, the court may order the committed
14 person returned for an additional period of treatment not to exceed
15 one hundred eighty days from the date of judgment, except as provided
16 in subsection (7) of this section. If the court's order is based
17 solely on the grounds identified in subsection (4) (e) of this
18 section, the court may enter an order for less restrictive
19 alternative treatment not to exceed one hundred eighty days from the
20 date of judgment, and may not enter an order for inpatient treatment.
21 An order for less restrictive alternative treatment must name the
22 mental health service provider responsible for identifying the
23 services the person will receive in accordance with RCW 71.05.585,
24 and must include a requirement that the person cooperate with the
25 services planned by the mental health service provider.

26 (b) At the end of the one hundred eighty day period of
27 commitment, or one-year period of commitment if subsection (7) of
28 this section applies, the committed person shall be released unless a
29 petition for an additional one hundred eighty day period of continued
30 treatment is filed and heard in the same manner as provided in this
31 section. Successive one hundred eighty day commitments are
32 permissible on the same grounds and pursuant to the same procedures
33 as the original one hundred eighty day commitment.

34 (7) An order for less restrictive treatment entered under
35 subsection (6) of this section may be for up to one year when the
36 person's previous commitment term was for intensive inpatient
37 treatment in a state hospital.

38 (8) No person committed as provided in this section may be
39 detained unless a valid order of commitment is in effect. No order of

1 commitment can exceed one hundred eighty days in length except as
2 provided in subsection (7) of this section.

3 **Sec. 12.** RCW 71.05.320 and 2018 c 201 s 3013 are each amended to
4 read as follows:

5 (1) If the court or jury finds that grounds set forth in RCW
6 71.05.280 have been proven and that the best interests of the person
7 or others will not be served by a less restrictive treatment which is
8 an alternative to detention, the court shall remand him or her to the
9 custody of the department of (~~social and health services~~)
10 behavioral health facilities or to a facility certified for ninety
11 day treatment by the department for a further period of intensive
12 treatment not to exceed ninety days from the date of judgment.

13 If the order for inpatient treatment is based on a substance use
14 disorder, treatment must take place at an approved substance use
15 disorder treatment program. If the grounds set forth in RCW
16 71.05.280(3) are the basis of commitment, then the period of
17 treatment may be up to but not exceed one hundred eighty days from
18 the date of judgment to the custody of the department of (~~social and~~
19 ~~health services~~) behavioral health facilities or to a facility
20 certified for one hundred eighty day treatment by the department.

21 (2) If the court or jury finds that grounds set forth in RCW
22 71.05.280 have been proven, but finds that treatment less restrictive
23 than detention will be in the best interest of the person or others,
24 then the court shall remand him or her to the custody of the
25 department of (~~social and health services~~) behavioral health
26 facilities or to a facility certified for ninety day treatment by the
27 department or to a less restrictive alternative for a further period
28 of less restrictive treatment not to exceed ninety days from the date
29 of judgment. If the order for less restrictive treatment is based on
30 a substance use disorder, treatment must be provided by an approved
31 substance use disorder treatment program. If the grounds set forth in
32 RCW 71.05.280(3) are the basis of commitment, then the period of
33 treatment may be up to but not exceed one hundred eighty days from
34 the date of judgment. If the court or jury finds that the grounds set
35 forth in RCW 71.05.280(5) have been proven, and provide the only
36 basis for commitment, the court must enter an order for less
37 restrictive alternative treatment for up to ninety days from the date
38 of judgment and may not order inpatient treatment.

1 (3) An order for less restrictive alternative treatment entered
2 under subsection (2) of this section must name the mental health
3 service provider responsible for identifying the services the person
4 will receive in accordance with RCW 71.05.585, and must include a
5 requirement that the person cooperate with the services planned by
6 the mental health service provider.

7 (4) 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 crisis
12 responder, files a new petition for involuntary treatment on the
13 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 a mental disorder, substance use disorder, or
18 developmental disability presents a 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,
22 substance use disorder, or developmental disability a likelihood of
23 serious harm; or

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

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

1 transfer to a specialized program of intensive support and treatment,
2 which may be initiated prior to or after discharge from the state
3 hospital; or

4 (d) Continues to be gravely disabled; or

5 (e) Is in need of assisted outpatient mental health treatment.

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

9 If less restrictive alternative treatment is sought, the petition
10 shall set forth any recommendations for less restrictive alternative
11 treatment services.

12 (5) A new petition for involuntary treatment filed under
13 subsection (4) of this section shall be filed and heard in the
14 superior court of the county of the facility which is filing the new
15 petition for involuntary treatment unless good cause is shown for a
16 change of venue. The cost of the proceedings shall be borne by the
17 state.

18 (6) (a) The hearing shall be held as provided in RCW 71.05.310,
19 and if the court or jury finds that the grounds for additional
20 confinement as set forth in this section are present, the court may
21 order the committed person returned for an additional period of
22 treatment not to exceed one hundred eighty days from the date of
23 judgment, except as provided in subsection (7) of this section. If
24 the court's order is based solely on the grounds identified in
25 subsection (4) (e) of this section, the court may enter an order for
26 less restrictive alternative treatment not to exceed one hundred
27 eighty days from the date of judgment, and may not enter an order for
28 inpatient treatment. An order for less restrictive alternative
29 treatment must name the mental health service provider responsible
30 for identifying the services the person will receive in accordance
31 with RCW 71.05.585, and must include a requirement that the person
32 cooperate with the services planned by the mental health service
33 provider.

34 (b) At the end of the one hundred eighty day period of
35 commitment, or one-year period of commitment if subsection (7) of
36 this section applies, the committed person shall be released unless a
37 petition for an additional one hundred eighty day period of continued
38 treatment is filed and heard in the same manner as provided in this
39 section. Successive one hundred eighty day commitments are

1 permissible on the same grounds and pursuant to the same procedures
2 as the original one hundred eighty day commitment.

3 (7) An order for less restrictive treatment entered under
4 subsection (6) of this section may be for up to one year when the
5 person's previous commitment term was for intensive inpatient
6 treatment in a state hospital.

7 (8) No person committed as provided in this section may be
8 detained unless a valid order of commitment is in effect. No order of
9 commitment can exceed one hundred eighty days in length except as
10 provided in subsection (7) of this section.

11 **Sec. 13.** RCW 71.05.340 and 2018 c 201 s 3017 are each amended to
12 read as follows:

13 (1)(a) When, in the opinion of the superintendent or the
14 professional person in charge of the hospital or facility providing
15 involuntary treatment, the committed person can be appropriately
16 served by outpatient treatment prior to or at the expiration of the
17 period of commitment, then such outpatient care may be required as a
18 term of conditional release for a period which, when added to the
19 inpatient treatment period, shall not exceed the period of
20 commitment. If the facility or agency designated to provide
21 outpatient treatment is other than the facility providing involuntary
22 treatment, the outpatient facility so designated must agree in
23 writing to assume such responsibility. A copy of the terms of
24 conditional release shall be given to the patient, the designated
25 crisis responder in the county in which the patient is to receive
26 outpatient treatment, and to the court of original commitment.

27 (b) Before a person committed under grounds set forth in RCW
28 71.05.280(3) or 71.05.320(4)(c) is conditionally released under (a)
29 of this subsection, the superintendent or professional person in
30 charge of the hospital or facility providing involuntary treatment
31 shall in writing notify the prosecuting attorney of the county in
32 which the criminal charges against the committed person were
33 dismissed, of the decision to conditionally release the person.
34 Notice and a copy of the terms of conditional release shall be
35 provided at least thirty days before the person is released from
36 inpatient care. Within twenty days after receiving notice, the
37 prosecuting attorney may petition the court in the county that issued
38 the commitment order to hold a hearing to determine whether the
39 person may be conditionally released and the terms of the conditional

1 release. The prosecuting attorney shall provide a copy of the
2 petition to the superintendent or professional person in charge of
3 the hospital or facility providing involuntary treatment, the
4 attorney, if any, and guardian or conservator of the committed
5 person, and the court of original commitment. If the county in which
6 the committed person is to receive outpatient treatment is the same
7 county in which the criminal charges against the committed person
8 were dismissed, then the court shall, upon the motion of the
9 prosecuting attorney, transfer the proceeding to the court in that
10 county. The court shall conduct a hearing on the petition within ten
11 days of the filing of the petition. The committed person shall have
12 the same rights with respect to notice, hearing, and counsel as for
13 an involuntary treatment proceeding, except as set forth in this
14 subsection and except that there shall be no right to jury trial. The
15 issue to be determined at the hearing is whether or not the person
16 may be conditionally released without substantial danger to other
17 persons, or substantial likelihood of committing criminal acts
18 jeopardizing public safety or security. If the court disapproves of
19 the conditional release, it may do so only on the basis of
20 substantial evidence. Pursuant to the determination of the court upon
21 the hearing, the conditional release of the person shall be approved
22 by the court on the same or modified conditions or the person shall
23 be returned for involuntary treatment on an inpatient basis subject
24 to release at the end of the period for which he or she was
25 committed, or otherwise in accordance with the provisions of this
26 chapter.

27 (2) The facility or agency designated to provide outpatient care
28 or the secretary of the department of (~~social and health services~~)
29 behavioral health facilities may modify the conditions for continued
30 release when such modification is in the best interest of the person.
31 Notification of such changes shall be sent to all persons receiving a
32 copy of the original conditions. Enforcement or revocation
33 proceedings related to a conditional release order may occur as
34 provided under RCW 71.05.590.

35 **Sec. 14.** RCW 71.05.425 and 2018 c 201 s 3019 are each amended to
36 read as follows:

37 (1)(a) Except as provided in subsection (2) of this section, at
38 the earliest possible date, and in no event later than thirty days
39 before conditional release, final release, authorized leave under RCW

1 71.05.325(2), or transfer to a facility other than a state mental
2 hospital, the superintendent shall send written notice of conditional
3 release, release, authorized leave, or transfer of a person committed
4 under RCW 71.05.280(3) or 71.05.320(4)(c) following dismissal of a
5 sex, violent, or felony harassment offense pursuant to RCW
6 10.77.086(4) to the following:

7 (i) The chief of police of the city, if any, in which the person
8 will reside;

9 (ii) The sheriff of the county in which the person will reside;
10 and

11 (iii) The prosecuting attorney of the county in which the
12 criminal charges against the committed person were dismissed.

13 (b) The same notice as required by (a) of this subsection shall
14 be sent to the following, if such notice has been requested in
15 writing about a specific person committed under RCW 71.05.280(3) or
16 71.05.320(4)(c) following dismissal of a sex, violent, or felony
17 harassment offense pursuant to RCW 10.77.086(4):

18 (i) The victim of the sex, violent, or felony harassment offense
19 that was dismissed pursuant to RCW 10.77.086(4) preceding commitment
20 under RCW 71.05.280(3) or 71.05.320(4)(c) or the victim's next of kin
21 if the crime was a homicide;

22 (ii) Any witnesses who testified against the person in any court
23 proceedings;

24 (iii) Any person specified in writing by the prosecuting
25 attorney. Information regarding victims, next of kin, or witnesses
26 requesting the notice, information regarding any other person
27 specified in writing by the prosecuting attorney to receive the
28 notice, and the notice are confidential and shall not be available to
29 the person committed under this chapter; and

30 (iv) The chief of police of the city, if any, and the sheriff of
31 the county, if any, which had jurisdiction of the person on the date
32 of the applicable offense.

33 (c) The thirty-day notice requirements contained in this
34 subsection shall not apply to emergency medical transfers.

35 (d) The existence of the notice requirements in this subsection
36 will not require any extension of the release date in the event the
37 release plan changes after notification.

38 (2) If a person committed under RCW 71.05.280(3) or
39 71.05.320(4)(c) following dismissal of a sex, violent, or felony
40 harassment offense pursuant to RCW 10.77.086(4) escapes, the

1 superintendent shall immediately notify, by the most reasonable and
2 expedient means available, the chief of police of the city and the
3 sheriff of the county in which the person escaped and in which the
4 person resided immediately before the person's arrest and the
5 prosecuting attorney of the county in which the criminal charges
6 against the committed person were dismissed. If previously requested,
7 the superintendent shall also notify the witnesses and the victim of
8 the sex, violent, or felony harassment offense that was dismissed
9 pursuant to RCW 10.77.086(4) preceding commitment under RCW
10 71.05.280(3) or 71.05.320(4) or the victim's next of kin if the crime
11 was a homicide. In addition, the secretary of the department of
12 behavioral health facilities shall also notify appropriate parties
13 pursuant to RCW 70.02.230(2)(n). If the person is recaptured, the
14 superintendent shall send notice to the persons designated in this
15 subsection as soon as possible but in no event later than two working
16 days after the department of ((social and health services))
17 behavioral health facilities learns of such recapture.

18 (3) If the victim, the victim's next of kin, or any witness is
19 under the age of sixteen, the notice required by this section shall
20 be sent to the parent or legal guardian of the child.

21 (4) The superintendent shall send the notices required by this
22 chapter to the last address provided to the department of ((social
23 and health services)) behavioral health facilities by the requesting
24 party. The requesting party shall furnish the department of ((social
25 and health services)) behavioral health facilities with a current
26 address.

27 (5) For purposes of this section the following terms have the
28 following meanings:

29 (a) "Violent offense" means a violent offense under RCW
30 9.94A.030;

31 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

32 (c) "Next of kin" means a person's spouse, state registered
33 domestic partner, parents, siblings, and children;

34 (d) "Felony harassment offense" means a crime of harassment as
35 defined in RCW 9A.46.060 that is a felony.

36 **Sec. 15.** RCW 71.05.520 and 2018 c 201 s 3023 are each amended to
37 read as follows:

38 The authority as the state's behavioral health authority, the
39 department of ((social and health services)) behavioral health

1 facilities in its operation of the state hospitals, and the
2 department of health in exercising its function of licensing and
3 certification of behavioral health providers and facilities shall
4 have the responsibility to determine whether all rights of
5 individuals recognized and guaranteed by the provisions of this
6 chapter and the Constitutions of the state of Washington and the
7 United States are in fact protected and effectively secured. To this
8 end, each agency shall assign appropriate staff who shall from time
9 to time as may be necessary have authority to examine records,
10 inspect facilities, attend proceedings, and do whatever is necessary
11 to monitor, evaluate, and assure adherence to such rights. Such
12 persons shall also recommend such additional safeguards or procedures
13 as may be appropriate to secure individual rights set forth in this
14 chapter and as guaranteed by the state and federal Constitutions.

15 **Sec. 16.** RCW 71.05.560 and 2018 c 201 s 3025 are each amended to
16 read as follows:

17 The department, the department of (~~social and health services~~)
18 behavioral health facilities, and the authority shall adopt such
19 rules as may be necessary to effectuate the intent and purposes of
20 this chapter, which shall include but not be limited to evaluation of
21 the quality of the program and facilities operating pursuant to this
22 chapter, evaluation of the effectiveness and cost effectiveness of
23 such programs and facilities, and procedures and standards for
24 licensing or certification and other action relevant to evaluation
25 and treatment facilities, secure detoxification facilities, and
26 approved substance use disorder treatment programs.

27 **Sec. 17.** RCW 71.05.620 and 2018 c 201 s 3028 are each amended to
28 read as follows:

29 (1) The files and records of court proceedings under this chapter
30 and chapter 71.34 RCW shall be closed but shall be accessible to:

- 31 (a) The department;
32 (b) The department of social and health services;
33 (c) The authority;
34 (d) The department of behavioral health facilities;
35 (e) The state hospitals as defined in RCW 72.23.010;
36 (~~(e)~~) (f) Any person who is the subject of a petition;
37 (~~(f)~~) (g) The attorney or guardian of the person;
38 (~~(g)~~) (h) Resource management services for that person; and

1 ~~((h))~~ (i) Service providers authorized to receive such
2 information by resource management services.

3 (2) The authority shall adopt rules to implement this section.

4 **Sec. 18.** RCW 71.05.801 and 2018 c 201 s 3036 are each amended to
5 read as follows:

6 When appropriate and subject to available funds, the treatment
7 and training of a person with a developmental disability who is
8 committed to the custody of the department of ~~((social and health
9 services))~~ behavioral health facilities or to a facility licensed or
10 certified for ninety day treatment by the department for a further
11 period of intensive treatment under RCW 71.05.320 must be provided in
12 a program specifically reserved for the treatment and training of
13 persons with developmental disabilities. A person so committed shall
14 receive habilitation services pursuant to an individualized service
15 plan specifically developed to treat the behavior which was the
16 subject of the criminal proceedings. The treatment program shall be
17 administered by developmental disabilities professionals and others
18 trained specifically in the needs of persons with developmental
19 disabilities. The department of ~~((social and health services))~~
20 behavioral health facilities may limit admissions to this specialized
21 program in order to ensure that expenditures for services do not
22 exceed amounts appropriated by the legislature and allocated by the
23 department of ~~((social and health services))~~ behavioral health
24 facilities for such services. The department of ~~((social and health
25 services))~~ behavioral health facilities may establish admission
26 priorities in the event that the number of eligible persons exceeds
27 the limits set by the department of ~~((social and health services))~~
28 behavioral health facilities.

29 **Sec. 19.** RCW 71.34.380 and 2018 c 201 s 5006 are each amended to
30 read as follows:

31 (1) The department, the department of health, the department of
32 behavioral health facilities, and the authority shall adopt such
33 rules pursuant to chapter 34.05 RCW as may be necessary to effectuate
34 the intent and purposes of this chapter.

35 (2) The authority shall evaluate the quality, effectiveness,
36 efficiency, and use of services, procedures and standards for
37 commitment, and establish criteria and procedures for placement and
38 transfer of committed minors.

1 (3) The department of health shall regulate the evaluation and
2 treatment facilities and programs.

3 (4) The department of behavioral health facilities shall operate
4 and maintain the child study and treatment center.

5 **Sec. 20.** RCW 71A.10.020 and 2014 c 139 s 2 are each reenacted
6 and amended to read as follows:

7 As used in this title, the following terms have the meanings
8 indicated unless the context clearly requires otherwise.

9 (1) "Assessment" means an evaluation is provided by the
10 department to determine:

11 (a) If the individual meets functional and financial criteria for
12 medicaid services; and

13 (b) The individual's support needs for service determination.

14 (2) "Community residential support services," or "community
15 support services," and "in-home services" means one or more of the
16 services listed in RCW 71A.12.040.

17 (3) "Crisis stabilization services" means services provided to
18 persons with developmental disabilities who are experiencing
19 behaviors that jeopardize the safety and stability of their current
20 living situation. Crisis stabilization services include:

21 (a) Temporary intensive services and supports, typically not to
22 exceed sixty days, to prevent psychiatric hospitalization,
23 institutional placement, or other out-of-home placement; and

24 (b) Services designed to stabilize the person and strengthen
25 their current living situation so the person may continue to safely
26 reside in the community during and beyond the crisis period.

27 (4) "Department" means the department of social and health
28 services, except as provided in chapter 71A.20 RCW.

29 (5) "Developmental disability" means a disability attributable to
30 intellectual disability, cerebral palsy, epilepsy, autism, or another
31 neurological or other condition of an individual found by the
32 secretary to be closely related to an intellectual disability or to
33 require treatment similar to that required for individuals with
34 intellectual disabilities, which disability originates before the
35 individual attains age eighteen, which has continued or can be
36 expected to continue indefinitely, and which constitutes a
37 substantial limitation to the individual. By January 1, 1989, the
38 department shall promulgate rules which define neurological or other
39 conditions in a way that is not limited to intelligence quotient

1 scores as the sole determinant of these conditions, and notify the
2 legislature of this action.

3 (6) "Eligible person" means a person who has been found by the
4 secretary under RCW 71A.16.040 to be eligible for services.

5 (7) "Habilitative services" means those services provided by
6 program personnel to assist persons in acquiring and maintaining life
7 skills and to raise their levels of physical, mental, social, and
8 vocational functioning. Habilitative services include education,
9 training for employment, and therapy.

10 (8) "Legal representative" means a parent of a person who is
11 under eighteen years of age, a person's legal guardian, a person's
12 limited guardian when the subject matter is within the scope of the
13 limited guardianship, a person's attorney-at-law, a person's
14 attorney-in-fact, or any other person who is authorized by law to act
15 for another person.

16 (9) "Notice" or "notification" of an action of the secretary
17 means notice in compliance with RCW 71A.10.060.

18 (10) "Residential habilitation center" means a state-operated
19 facility for persons with developmental disabilities governed by
20 chapter 71A.20 RCW.

21 (11) "Respite services" means relief for families and other
22 caregivers of people with disabilities, typically not to exceed
23 ninety days, to include both in-home and out-of-home respite care on
24 an hourly and daily basis, including twenty-four hour care for
25 several consecutive days. Respite care workers provide supervision,
26 companionship, and personal care services temporarily replacing those
27 provided by the primary caregiver of the person with disabilities.
28 Respite care may include other services needed by the client,
29 including medical care which must be provided by a licensed health
30 care practitioner.

31 (12) "Secretary" means the secretary of social and health
32 services or the secretary's designee, except as provided in chapter
33 71A.20 RCW.

34 (13) "Service" or "services" means services provided by state or
35 local government to carry out this title.

36 (14) "Service request list" means a list of eligible persons who
37 have received an assessment for service determination and their
38 assessment shows that they meet the eligibility requirements for the
39 requested service but were denied access due to funding limits.

1 (15) "State-operated living alternative" means programs for
2 community residential services which may include assistance with
3 activities of daily living, behavioral, habilitative, interpersonal,
4 protective, medical, nursing, and mobility supports to individuals
5 who have been assessed by the department as meeting state and federal
6 requirements for eligibility in home and community-based waiver
7 programs for individuals with developmental disabilities. State-
8 operated living alternatives are operated and staffed with state
9 employees.

10 (16) "Supported living" means community residential services and
11 housing which may include assistance with activities of daily living,
12 behavioral, habilitative, interpersonal, protective, medical,
13 nursing, and mobility supports provided to individuals with
14 disabilities who have been assessed by the department as meeting
15 state and federal requirements for eligibility in home and community-
16 based waiver programs for individuals with developmental
17 disabilities. Supported living services are provided under contracts
18 with private agencies or with individuals who are not state
19 employees.

20 (17) "Vacancy" means an opening at a residential habilitation
21 center, which when filled, would not require the center to exceed its
22 biennially budgeted capacity.

23 NEW SECTION. **Sec. 21.** A new section is added to chapter 71A.20
24 RCW to read as follows:

25 The definitions in this section apply throughout this chapter
26 unless the context clearly requires otherwise.

27 (1) "Department" means the department of behavioral health
28 facilities.

29 (2) "Secretary" means the secretary of the department of
30 behavioral health facilities.

31 NEW SECTION. **Sec. 22.** Sections 1 through 5 of this act
32 constitute a new chapter in Title 43 RCW.

33 NEW SECTION. **Sec. 23.** Section 11 of this act expires July 1,
34 2026.

35 NEW SECTION. **Sec. 24.** Section 12 of this act takes effect July
36 1, 2026.

1 NEW SECTION. **Sec. 25.** Except as provided in section 24 of this
2 act, this act takes effect July 1, 2020.

--- **END** ---