

SENATE BILL REPORT

SHB 1058

As Reported By Senate Committee On:
Human Services & Corrections, March 31, 2005

Title: An act relating to mental health treatment for minors.

Brief Description: Revising provisions relating to mental health treatment for minors.

Sponsors: House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Hinkle, Moeller, Kenney and Darneille).

Brief History: Passed House: 3/03/05, 96-0.

Committee Activity: Human Services & Corrections: 3/22/05, 3/31/05 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Fara Daun (786-7459)

Background: Current law permits a parent to admit his or her minor child to outpatient mental health treatment and to inpatient evaluation and treatment facilities without the consent of the minor. Current law also permits a minor who is at least thirteen years old to consent independently to mental health treatment. This process for parent-initiated admission to inpatient evaluation and treatment facilities includes a review by the Department of Social and Health Services (DSHS) and a subsequent ability for the child to petition the court for release from inpatient treatment.

Despite the statutory provisions for parent-initiated treatment, there has been testimony that inpatient treatment facilities could be held liable if they admit a minor over the age of twelve on the parent's consent if the minor has not also consented.

Summary of Amended Bill: When a parent brings his or her minor child to an evaluation and treatment facility or an inpatient facility to determine whether the child has a mental disorder and is in need of treatment, the treatment provider may not refuse to treat the minor based solely on the minor's lack of consent.

A minor who is admitted to treatment under the parent-initiated treatment provisions may not sue the facility or treatment provider based solely on the minor's lack of consent.

Statutory references to social workers certified under previously repealed law are removed.

Amended Bill Compared to Original Bill: Amendment adds inpatient facilities, prohibits facilities from refusing to treat the minor based solely on the minor's lack of consent, and clarifies that a minor cannot sue because he or she was admitted under the parent admit

process and did not consent. The amendment does not include any changes to the statutory procedural time frames.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This subject has been worked on for several years and started with the work on the age of consent issue where it became apparent that the mental health parent-initiated provision was not being utilized because facilities were concerned about being sued. This was not the legislative intent and the parent-initiated provisions are important. The intent is that the provision apply to all inpatient facilities. There is also a need for parent-initiated outpatient treatment. There is concern that the existing subsection (4) language provides a way that facilities don't have to do what the law intends. The expansion of the limitation of liability to providers is important.

Testimony Against: None.

Who Testified: PRO: Representative Dickerson, prime sponsor; Hyeok Kim, Children's Alliance; Nick Federici, National Association of Social Workers; Patty King, parent.