

SSB 5187 - H COMM AMD

By Committee on Health & Human Services Appropriations & Oversight

ADOPTED 04/09/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 71.34.375 and 2003 c 107 s 1 are each amended to read  
4 as follows:

5 (1) ~~((The))~~ An evaluation and treatment facility or an inpatient  
6 facility licensed under chapter 70.41, 71.12, or 72.23 RCW is required  
7 to promptly provide written and verbal notice of all statutorily  
8 available treatment options contained in this chapter to every parent  
9 or guardian of a minor child when the parent or guardian ~~((seeks to~~  
10 have)) is seeking mental health treatment for his or her minor child  
11 ~~((treated at an evaluation and treatment facility)).~~ The notice need  
12 not be given more than once if written and verbal notice has already  
13 been provided and documented by the facility.

14 (2) The notice must contain the following information and the  
15 provision of notice must be documented by the evaluation and treatment  
16 facility or the inpatient facility licensed under chapter 70.41, 71.12,  
17 or 72.23 RCW and accompanied by a signed acknowledgment of receipt by  
18 the parent or guardian:

19 (a) All current statutorily available treatment options including  
20 but not limited to those provided in this chapter; and

21 (b) The procedures to be followed to utilize the treatment options  
22 described in this chapter.

23 (3) The department shall produce, and make available, the written  
24 notification that must include, at a minimum, the information contained  
25 in subsection (2) of this section.

26 (4) Pursuant to the provisions of RCW 71.34.700, if a minor is  
27 brought to an evaluation and treatment facility or an emergency room  
28 for immediate mental health services and is unwilling to consent to  
29 voluntary admission, the parent or guardian, if present, must be

1 notified, as described in this section, of the statutorily available  
2 treatment options contained in this chapter.

3 NEW SECTION. Sec. 2. A new section is added to chapter 71.34 RCW  
4 to read as follows:

5 An evaluation and treatment facility that fails to comply with the  
6 requirement to provide verbal and written notice to a parent or  
7 guardian of a child under RCW 71.34.375 is subject to a civil penalty  
8 of one thousand dollars for each failure to provide adequate notice,  
9 unless the evaluation and treatment facility is a hospital licensed  
10 under chapter 70.41 RCW or a psychiatric hospital licensed under  
11 chapter 71.12 RCW in which case the department of health may enforce  
12 the notice requirements using its existing enforcement authority  
13 provided in chapters 70.41 and 71.12 RCW.

14 NEW SECTION. Sec. 3. A new section is added to chapter 71.34 RCW  
15 to read as follows:

16 (1) By December 1, 2011, inpatient facilities licensed under  
17 chapter 70.41, 71.12, or 72.23 RCW are required to adopt policies and  
18 protocols regarding the notice requirements described in RCW 71.34.375;  
19 and

20 (2) By December 1, 2012, the department shall provide a detailed  
21 report to the legislature regarding the facilities' compliance with RCW  
22 71.34.375 and subsection (1) of this section."

23 Correct the title.

EFFECT: (1) Requires evaluation and treatment facilities and  
inpatient facilities licensed under the chapters governing hospitals,  
private treatment facilities, and public and private facilities for the  
mentally ill to provide written and verbal notice of statutorily  
available treatment options to parents who bring a minor child to the  
facility seeking treatment.

(2) Clarifies that notice is required when a parent or guardian is  
seeking mental health treatment for his or her minor child.

(3) Removes the provision that required the "professional person in  
charge" to give notice of treatment options when a minor is brought to  
an evaluation and treatment facility or an emergency room.

(4) Removes the provision which provided that a failure to give notice is considered unprofessional conduct for the professional person in charge of the facility.

(5) Provides that only evaluation and treatment facilities are subject to a civil penalty of \$1000 for failure to provide notice under the act.

(6) Adds a provision which requires, by December 1, 2011, inpatient facilities covered under the act to adopt policies and protocols regarding the notice requirements.

(7) Requires the Department of Social and Health Services to provide a report to the Legislature by December 1, 2012 regarding the facilities' compliance with the adoption of policies and protocols regarding notice.

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