

SSB 5187 - H AMD 557

By Representative Kagi

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

17 (2) The provision of notice must be documented by the facilities
18 required to give notice under subsection (1) of this section and must
19 be accompanied by a signed acknowledgment of receipt by the parent or
20 guardian. The notice must contain the following information:

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

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

25 (3) The department shall produce, and make available, the written
26 notification that must include, at a minimum, the information contained
27 in subsection (2) of this section. The department must revise the
28 written notification as necessary to reflect changes in the law.

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

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

12 **Sec. 3.** RCW 70.41.130 and 1991 c 3 s 335 are each amended to read
13 as follows:

14 The department is authorized to deny, suspend, revoke, or modify a
15 license or provisional license in any case in which it finds that there
16 has been a failure or refusal to comply with the requirements of this
17 chapter or the standards or rules adopted under this chapter or the
18 requirements of RCW 71.34.375. RCW 43.70.115 governs notice of a
19 license denial, revocation, suspension, or modification and provides
20 the right to an adjudicative proceeding.

21 **Sec. 4.** RCW 71.12.590 and 1983 c 3 s 180 are each amended to read
22 as follows:

23 Failure to comply with any of the provisions of RCW 71.12.550
24 through 71.12.570 or the requirements of RCW 71.34.375 shall constitute
25 grounds for revocation of license: PROVIDED, HOWEVER, That nothing in
26 this chapter or the rules and regulations adopted pursuant thereto
27 shall be construed as authorizing the supervision, regulation, or
28 control of the remedial care or treatment of residents or patients in
29 any establishment, as defined in this chapter conducted in accordance
30 with the practice and principles of the body known as Church of Christ,
31 Scientist.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.34 RCW
33 to read as follows:

34 (1) By December 1, 2011, facilities licensed under chapter 70.41,

1 71.12, or 72.23 RCW are required to adopt policies and protocols
2 regarding the notice requirements described in RCW 71.34.375; and

3 (2) By December 1, 2012, the department, in collaboration with the
4 department of health, shall provide a detailed report to the
5 legislature regarding the facilities' compliance with RCW 71.34.375 and
6 subsection (1) of this section."

7 Correct the title.

EFFECT: (1) Clarifies that the notice requirements of the available treatment options apply to (a) evaluation and treatment facilities, (b) hospital emergency rooms, (c) public and private inpatient facilities for the mentally ill, and (d) inpatient facilities licensed under the chapters governing public, private, or municipal hospitals operating inpatient psychiatric beds for minors; the requirement must be given to a parent or guardian who brings his or her minor child to the facility for mental health treatment or evaluation.

(2) Requires the Department of Social and Health Services (DSHS) to revise the written notification as necessary to reflect changes.

(3) Authorizes the Department of Health (DOH) to deny, suspend, revoke, or modify a hospital license or provisional license where it finds that there has been a failure to comply with the notice requirements.

(4) Clarifies that all facilities licensed as hospitals or as a public or private facility for the mentally ill must adopt policies and protocols regarding notice requirements.

(5) Requires the DSHS to collaborate with the DOH regarding its report to the Legislature on the rate of compliance with the adoption of notice policies and protocols.

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