

ESHB 1340 - H AMD 812

By Representative Cody

ADOPTED 02/13/2018

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

3 "Sec. 1. RCW 18.205.010 and 1998 c 243 s 1 are each amended to
4 read as follows:

5 The legislature recognizes ~~((chemical dependency))~~ substance use
6 disorder professionals as discrete health professionals. ~~((Chemical~~
7 ~~dependency))~~ Substance use disorder professional certification serves
8 the public interest.

9 Sec. 2. RCW 18.205.020 and 2008 c 135 s 15 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Certification" means a voluntary process recognizing an
14 individual who qualifies by examination and meets established
15 educational prerequisites, and which protects the title of practice.

16 (2) ~~(("Certified chemical dependency professional" means an~~
17 ~~individual certified in chemical dependency counseling, under this~~
18 ~~chapter.~~

19 ~~(3) "Certified chemical dependency professional trainee" means an~~
20 ~~individual working toward the education and experience requirements~~
21 ~~for certification as a chemical dependency professional.~~

22 ~~(4) "Chemical dependency counseling" means employing the core~~
23 ~~competencies of chemical dependency counseling to assist or attempt~~
24 ~~to assist an alcohol or drug addicted person to develop and maintain~~
25 ~~abstinence from alcohol and other mood-altering drugs.~~

26 ~~(5))~~ "Committee" means the ~~((chemical dependency))~~ substance use
27 disorder professional certification advisory committee established
28 under this chapter.

29 ~~((+6))~~ (3) "Core competencies of ~~((chemical dependency))~~
30 substance use disorder counseling" means competency in the nationally
31 recognized knowledge, skills, and attitudes of professional practice,
32 including assessment and diagnosis of ~~((chemical dependency))~~

1 substance use disorders, (~~(chemical dependency)~~) substance use
2 disorder treatment planning and referral, patient and family
3 education in the disease of (~~(chemical dependency)~~) substance use
4 disorders, individual and group counseling (~~(with alcoholic and drug~~
5 ~~addicted individuals)~~), relapse prevention counseling, and case
6 management(~~(, all oriented to assist alcoholic and drug addicted~~
7 ~~patients to achieve and maintain abstinence from mood altering~~
8 ~~substances and develop independent support systems)~~).

9 ((+7)) (4) "Department" means the department of health.

10 ((+8)) (5) "Health profession" means a profession providing
11 health services regulated under the laws of this state.

12 ((+9)) (6) "Secretary" means the secretary of health or the
13 secretary's designee.

14 (7) "Substance use disorder counseling" means employing the core
15 competencies of substance use disorder counseling to assist or
16 attempt to assist individuals who are using or dependent on alcohol
17 or other drugs.

18 (8) "Substance use disorder professional" means an individual
19 certified in substance use disorder counseling under this chapter.

20 (9) "Substance use disorder professional trainee" means an
21 individual working toward the education and experience requirements
22 for certification as a substance use disorder professional.

23 **Sec. 3.** RCW 18.205.030 and 2008 c 135 s 16 are each amended to
24 read as follows:

25 No person may represent oneself as a certified (~~(chemical~~
26 ~~dependency)~~) substance use disorder professional or certified
27 (~~(chemical dependency)~~) substance use disorder professional trainee
28 or use any title or description of services of a certified (~~(chemical~~
29 ~~dependency)~~) substance use disorder professional or certified
30 (~~(chemical dependency)~~) substance use disorder professional trainee
31 without applying for certification, meeting the required
32 qualifications, and being certified by the department of health,
33 unless otherwise exempted by this chapter.

34 **Sec. 4.** RCW 18.205.080 and 1998 c 243 s 8 are each amended to
35 read as follows:

36 (1) The secretary shall appoint a (~~(chemical dependency)~~)
37 substance use disorder certification advisory committee to further
38 the purposes of this chapter. The committee shall be composed of

1 seven members, one member initially appointed for a term of one year,
2 three for a term of two years, and three for a term of three years.
3 Subsequent appointments shall be for terms of three years. No person
4 may serve as a member of the committee for more than two consecutive
5 terms. Members of the committee shall be residents of this state. The
6 committee shall be composed of four certified (~~chemical dependency~~)
7 substance use disorder professionals; one (~~chemical dependency~~)
8 substance use disorder treatment program director; one physician
9 licensed under chapter 18.71 or 18.57 RCW who is certified in
10 addiction medicine or a licensed or certified mental health
11 practitioner; and one member of the public who has received
12 (~~chemical dependency~~) substance use disorder counseling.

13 (2) The secretary may remove any member of the committee for
14 cause as specified by rule. In the case of a vacancy, the secretary
15 shall appoint a person to serve for the remainder of the unexpired
16 term.

17 (3) The committee shall meet at the times and places designated
18 by the secretary and shall hold meetings during the year as necessary
19 to provide advice to the director. The committee may elect a chair
20 and a vice chair. A majority of the members currently serving shall
21 constitute a quorum.

22 (4) Each member of the committee shall be reimbursed for travel
23 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
24 members of the committee shall be compensated in accordance with RCW
25 43.03.240 when engaged in the authorized business of the committee.

26 (5) The director of the department of social and health services
27 (~~division of alcohol and substance abuse~~) behavioral health
28 administration, or the director's designee, shall serve as an ex
29 officio member of the committee.

30 (6) The secretary, members of the committee, or individuals
31 acting on their behalf are immune from suit in any action, civil or
32 criminal, based on any certification or disciplinary proceedings or
33 other official acts performed in the course of their duties.

34 **Sec. 5.** RCW 18.205.090 and 2001 c 251 s 30 are each amended to
35 read as follows:

36 (1) The secretary shall issue a certificate to any applicant who
37 demonstrates to the secretary's satisfaction that the following
38 requirements have been met:

1 (a) Completion of an educational program approved by the
2 secretary or successful completion of alternate training that meets
3 established criteria;

4 (b) Successful completion of an approved examination, based on
5 core competencies of (~~chemical dependency~~) substance use disorder
6 counseling; and

7 (c) Successful completion of an experience requirement that
8 establishes fewer hours of experience for applicants with higher
9 levels of relevant education. In meeting any experience requirement
10 established under this subsection, the secretary may not require more
11 than one thousand five hundred hours of experience in (~~chemical~~
12 ~~dependency~~) substance use disorder counseling for applicants who are
13 licensed under chapter 18.83 RCW or under chapter 18.79 RCW as
14 advanced registered nurse practitioners.

15 (2) The secretary shall establish by rule what constitutes
16 adequate proof of meeting the criteria.

17 (3) Applicants are subject to the grounds for denial of a
18 certificate or issuance of a conditional certificate under chapter
19 18.130 RCW.

20 (4) Certified (~~chemical dependency~~) substance use disorder
21 professionals shall not be required to be registered under chapter
22 18.19 RCW or licensed under chapter 18.225 RCW.

23 **Sec. 6.** RCW 18.205.095 and 2008 c 135 s 18 are each amended to
24 read as follows:

25 (1) The secretary shall issue a trainee certificate to any
26 applicant who demonstrates to the satisfaction of the secretary that
27 he or she is working toward the education and experience requirements
28 in RCW 18.205.090.

29 (2) A trainee certified under this section shall submit to the
30 secretary for approval a declaration, in accordance with rules
31 adopted by the department, that he or she is enrolled in an approved
32 education program and actively pursuing the experience requirements
33 in RCW 18.205.090. This declaration must be updated with the
34 trainee's annual renewal.

35 (3) A trainee certified under this section may practice only
36 under the supervision of a certified (~~chemical dependency~~)
37 substance use disorder professional. The first fifty hours of any
38 face-to-face client contact must be under direct observation. All

1 remaining experience must be under supervision in accordance with
2 rules adopted by the department.

3 (4) A certified (~~(chemical dependency)~~) substance use disorder
4 professional trainee provides (~~(chemical dependency)~~) substance use
5 disorder assessments, counseling, and case management with a state
6 regulated agency and can provide clinical services to patients
7 consistent with his or her education, training, and experience as
8 approved by his or her supervisor.

9 (5) A trainee certification may only be renewed four times.

10 (6) Applicants are subject to denial of a certificate or issuance
11 of a conditional certificate for the reasons set forth in chapter
12 18.130 RCW.

13 **Sec. 7.** RCW 10.77.079 and 2015 1st sp.s. c 7 s 9 are each
14 amended to read as follows:

15 (1) If the issue of competency to stand trial is raised by the
16 court or a party under RCW 10.77.060, the prosecutor may continue
17 with the competency process or dismiss the charges without prejudice
18 and refer the defendant for assessment by a mental health
19 professional, (~~(chemical dependency)~~) substance use disorder
20 professional, or developmental disabilities professional to determine
21 the appropriate service needs for the defendant.

22 (2) This section does not apply to defendants with a current
23 charge or prior conviction for a violent offense or sex offense as
24 defined in RCW 9.94A.030, or a violation of RCW 9A.36.031(1) (d),
25 (f), or (h).

26 **Sec. 8.** RCW 13.40.020 and 2016 c 136 s 2 and 2016 c 106 s 1 are
27 each reenacted and amended to read as follows:

28 For the purposes of this chapter:

29 (1) "Assessment" means an individualized examination of a child
30 to determine the child's psychosocial needs and problems, including
31 the type and extent of any mental health, substance abuse, or co-
32 occurring mental health and substance abuse disorders, and
33 recommendations for treatment. "Assessment" includes, but is not
34 limited to, drug and alcohol evaluations, psychological and
35 psychiatric evaluations, records review, clinical interview, and
36 administration of a formal test or instrument;

37 (2) "Community-based rehabilitation" means one or more of the
38 following: Employment; attendance of information classes; literacy

1 classes; counseling, outpatient substance abuse treatment programs,
2 outpatient mental health programs, anger management classes,
3 education or outpatient treatment programs to prevent animal cruelty,
4 or other services including, when appropriate, restorative justice
5 programs; or attendance at school or other educational programs
6 appropriate for the juvenile as determined by the school district.
7 Placement in community-based rehabilitation programs is subject to
8 available funds;

9 (3) "Community-based sanctions" may include one or more of the
10 following:

- 11 (a) A fine, not to exceed five hundred dollars;
- 12 (b) Community restitution not to exceed one hundred fifty hours
13 of community restitution;

14 (4) "Community restitution" means compulsory service, without
15 compensation, performed for the benefit of the community by the
16 offender as punishment for committing an offense. Community
17 restitution may be performed through public or private organizations
18 or through work crews;

19 (5) "Community supervision" means an order of disposition by the
20 court of an adjudicated youth not committed to the department or an
21 order granting a deferred disposition. A community supervision order
22 for a single offense may be for a period of up to two years for a sex
23 offense as defined by RCW 9.94A.030 and up to one year for other
24 offenses. As a mandatory condition of any term of community
25 supervision, the court shall order the juvenile to refrain from
26 committing new offenses. As a mandatory condition of community
27 supervision, the court shall order the juvenile to comply with the
28 mandatory school attendance provisions of chapter 28A.225 RCW and to
29 inform the school of the existence of this requirement. Community
30 supervision is an individualized program comprised of one or more of
31 the following:

- 32 (a) Community-based sanctions;
- 33 (b) Community-based rehabilitation;
- 34 (c) Monitoring and reporting requirements;
- 35 (d) Posting of a probation bond;
- 36 (e) Residential treatment, where substance abuse, mental health,
37 and/or co-occurring disorders have been identified in an assessment
38 by a qualified mental health professional, psychologist,
39 psychiatrist, or (~~chemical dependency~~) substance use disorder
40 professional and a funded bed is available. If a child agrees to

1 voluntary placement in a state-funded long-term evaluation and
2 treatment facility, the case must follow the existing placement
3 procedure including consideration of less restrictive treatment
4 options and medical necessity.

5 (i) A court may order residential treatment after consideration
6 and findings regarding whether:

7 (A) The referral is necessary to rehabilitate the child;

8 (B) The referral is necessary to protect the public or the child;

9 (C) The referral is in the child's best interest;

10 (D) The child has been given the opportunity to engage in less
11 restrictive treatment and has been unable or unwilling to comply; and

12 (E) Inpatient treatment is the least restrictive action
13 consistent with the child's needs and circumstances.

14 (ii) In any case where a court orders a child to inpatient
15 treatment under this section, the court must hold a review hearing no
16 later than sixty days after the youth begins inpatient treatment, and
17 every thirty days thereafter, as long as the youth is in inpatient
18 treatment;

19 (6) "Confinement" means physical custody by the department of
20 social and health services in a facility operated by or pursuant to a
21 contract with the state, or physical custody in a detention facility
22 operated by or pursuant to a contract with any county. The county may
23 operate or contract with vendors to operate county detention
24 facilities. The department may operate or contract to operate
25 detention facilities for juveniles committed to the department.
26 Pretrial confinement or confinement of less than thirty-one days
27 imposed as part of a disposition or modification order may be served
28 consecutively or intermittently, in the discretion of the court;

29 (7) "Court," when used without further qualification, means the
30 juvenile court judge(s) or commissioner(s);

31 (8) "Criminal history" includes all criminal complaints against
32 the respondent for which, prior to the commission of a current
33 offense:

34 (a) The allegations were found correct by a court. If a
35 respondent is convicted of two or more charges arising out of the
36 same course of conduct, only the highest charge from among these
37 shall count as an offense for the purposes of this chapter; or

38 (b) The criminal complaint was diverted by a prosecutor pursuant
39 to the provisions of this chapter on agreement of the respondent and
40 after an advisement to the respondent that the criminal complaint

1 would be considered as part of the respondent's criminal history. A
2 successfully completed deferred adjudication that was entered before
3 July 1, 1998, or a deferred disposition shall not be considered part
4 of the respondent's criminal history;

5 (9) "Department" means the department of social and health
6 services;

7 (10) "Detention facility" means a county facility, paid for by
8 the county, for the physical confinement of a juvenile alleged to
9 have committed an offense or an adjudicated offender subject to a
10 disposition or modification order. "Detention facility" includes
11 county group homes, inpatient substance abuse programs, juvenile
12 basic training camps, and electronic monitoring;

13 (11) "Diversion unit" means any probation counselor who enters
14 into a diversion agreement with an alleged youthful offender, or any
15 other person, community accountability board, youth court under the
16 supervision of the juvenile court, or other entity except a law
17 enforcement official or entity, with whom the juvenile court
18 administrator has contracted to arrange and supervise such agreements
19 pursuant to RCW 13.40.080, or any person, community accountability
20 board, or other entity specially funded by the legislature to arrange
21 and supervise diversion agreements in accordance with the
22 requirements of this chapter. For purposes of this subsection,
23 "community accountability board" means a board comprised of members
24 of the local community in which the juvenile offender resides. The
25 superior court shall appoint the members. The boards shall consist of
26 at least three and not more than seven members. If possible, the
27 board should include a variety of representatives from the community,
28 such as a law enforcement officer, teacher or school administrator,
29 high school student, parent, and business owner, and should represent
30 the cultural diversity of the local community;

31 (12) "Foster care" means temporary physical care in a foster
32 family home or group care facility as defined in RCW 74.15.020 and
33 licensed by the department, or other legally authorized care;

34 (13) "Institution" means a juvenile facility established pursuant
35 to chapters 72.05 and 72.16 through 72.20 RCW;

36 (14) "Intensive supervision program" means a parole program that
37 requires intensive supervision and monitoring, offers an array of
38 individualized treatment and transitional services, and emphasizes
39 community involvement and support in order to reduce the likelihood a
40 juvenile offender will commit further offenses;

1 (15) "Juvenile," "youth," and "child" mean any individual who is
2 under the chronological age of eighteen years and who has not been
3 previously transferred to adult court pursuant to RCW 13.40.110,
4 unless the individual was convicted of a lesser charge or acquitted
5 of the charge for which he or she was previously transferred pursuant
6 to RCW 13.40.110 or who is not otherwise under adult court
7 jurisdiction;

8 (16) "Juvenile offender" means any juvenile who has been found by
9 the juvenile court to have committed an offense, including a person
10 eighteen years of age or older over whom jurisdiction has been
11 extended under RCW 13.40.300;

12 (17) "Labor" means the period of time before a birth during which
13 contractions are of sufficient frequency, intensity, and duration to
14 bring about effacement and progressive dilation of the cervix;

15 (18) "Local sanctions" means one or more of the following: (a)
16 0-30 days of confinement; (b) 0-12 months of community supervision;
17 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

18 (19) "Manifest injustice" means a disposition that would either
19 impose an excessive penalty on the juvenile or would impose a
20 serious, and clear danger to society in light of the purposes of this
21 chapter;

22 (20) "Monitoring and reporting requirements" means one or more of
23 the following: Curfews; requirements to remain at home, school, work,
24 or court-ordered treatment programs during specified hours;
25 restrictions from leaving or entering specified geographical areas;
26 requirements to report to the probation officer as directed and to
27 remain under the probation officer's supervision; and other
28 conditions or limitations as the court may require which may not
29 include confinement;

30 (21) "Offense" means an act designated a violation or a crime if
31 committed by an adult under the law of this state, under any
32 ordinance of any city or county of this state, under any federal law,
33 or under the law of another state if the act occurred in that state;

34 (22) "Physical restraint" means the use of any bodily force or
35 physical intervention to control a juvenile offender or limit a
36 juvenile offender's freedom of movement in a way that does not
37 involve a mechanical restraint. Physical restraint does not include
38 momentary periods of minimal physical restriction by direct person-
39 to-person contact, without the aid of mechanical restraint,
40 accomplished with limited force and designed to:

1 (a) Prevent a juvenile offender from completing an act that would
2 result in potential bodily harm to self or others or damage property;

3 (b) Remove a disruptive juvenile offender who is unwilling to
4 leave the area voluntarily; or

5 (c) Guide a juvenile offender from one location to another;

6 (23) "Postpartum recovery" means (a) the entire period a woman or
7 youth is in the hospital, birthing center, or clinic after giving
8 birth and (b) an additional time period, if any, a treating physician
9 determines is necessary for healing after the youth leaves the
10 hospital, birthing center, or clinic;

11 (24) "Probation bond" means a bond, posted with sufficient
12 security by a surety justified and approved by the court, to secure
13 the offender's appearance at required court proceedings and
14 compliance with court-ordered community supervision or conditions of
15 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
16 a deposit of cash or posting of other collateral in lieu of a bond if
17 approved by the court;

18 (25) "Respondent" means a juvenile who is alleged or proven to
19 have committed an offense;

20 (26) "Restitution" means financial reimbursement by the offender
21 to the victim, and shall be limited to easily ascertainable damages
22 for injury to or loss of property, actual expenses incurred for
23 medical treatment for physical injury to persons, lost wages
24 resulting from physical injury, and costs of the victim's counseling
25 reasonably related to the offense. Restitution shall not include
26 reimbursement for damages for mental anguish, pain and suffering, or
27 other intangible losses. Nothing in this chapter shall limit or
28 replace civil remedies or defenses available to the victim or
29 offender;

30 (27) "Restorative justice" means practices, policies, and
31 programs informed by and sensitive to the needs of crime victims that
32 are designed to encourage offenders to accept responsibility for
33 repairing the harm caused by their offense by providing safe and
34 supportive opportunities for voluntary participation and
35 communication between the victim, the offender, their families, and
36 relevant community members;

37 (28) "Restraints" means anything used to control the movement of
38 a person's body or limbs and includes:

39 (a) Physical restraint; or

1 (b) Mechanical device including but not limited to: Metal
2 handcuffs, plastic ties, ankle restraints, leather cuffs, other
3 hospital-type restraints, tasers, or batons;

4 (29) "Screening" means a process that is designed to identify a
5 child who is at risk of having mental health, substance abuse, or co-
6 occurring mental health and substance abuse disorders that warrant
7 immediate attention, intervention, or more comprehensive assessment.
8 A screening may be undertaken with or without the administration of a
9 formal instrument;

10 (30) "Secretary" means the secretary of the department of social
11 and health services. "Assistant secretary" means the assistant
12 secretary for juvenile rehabilitation for the department;

13 (31) "Services" means services which provide alternatives to
14 incarceration for those juveniles who have pleaded or been
15 adjudicated guilty of an offense or have signed a diversion agreement
16 pursuant to this chapter;

17 (32) "Sex offense" means an offense defined as a sex offense in
18 RCW 9.94A.030;

19 (33) "Sexual motivation" means that one of the purposes for which
20 the respondent committed the offense was for the purpose of his or
21 her sexual gratification;

22 (34) "Surety" means an entity licensed under state insurance laws
23 or by the state department of licensing, to write corporate,
24 property, or probation bonds within the state, and justified and
25 approved by the superior court of the county having jurisdiction of
26 the case;

27 (35) "Transportation" means the conveying, by any means, of an
28 incarcerated pregnant youth from the institution or detention
29 facility to another location from the moment she leaves the
30 institution or detention facility to the time of arrival at the other
31 location, and includes the escorting of the pregnant incarcerated
32 youth from the institution or detention facility to a transport
33 vehicle and from the vehicle to the other location;

34 (36) "Violation" means an act or omission, which if committed by
35 an adult, must be proven beyond a reasonable doubt, and is punishable
36 by sanctions which do not include incarceration;

37 (37) "Violent offense" means a violent offense as defined in RCW
38 9.94A.030;

39 (38) "Youth court" means a diversion unit under the supervision
40 of the juvenile court.

1 **Sec. 9.** RCW 13.40.020 and 2017 3rd sp.s. c 6 s 605 are each
2 amended to read as follows:

3 For the purposes of this chapter:

4 (1) "Assessment" means an individualized examination of a child
5 to determine the child's psychosocial needs and problems, including
6 the type and extent of any mental health, substance abuse, or co-
7 occurring mental health and substance abuse disorders, and
8 recommendations for treatment. "Assessment" includes, but is not
9 limited to, drug and alcohol evaluations, psychological and
10 psychiatric evaluations, records review, clinical interview, and
11 administration of a formal test or instrument;

12 (2) "Community-based rehabilitation" means one or more of the
13 following: Employment; attendance of information classes; literacy
14 classes; counseling, outpatient substance abuse treatment programs,
15 outpatient mental health programs, anger management classes,
16 education or outpatient treatment programs to prevent animal cruelty,
17 or other services including, when appropriate, restorative justice
18 programs; or attendance at school or other educational programs
19 appropriate for the juvenile as determined by the school district.
20 Placement in community-based rehabilitation programs is subject to
21 available funds;

22 (3) "Community-based sanctions" may include one or more of the
23 following:

24 (a) A fine, not to exceed five hundred dollars;

25 (b) Community restitution not to exceed one hundred fifty hours
26 of community restitution;

27 (4) "Community restitution" means compulsory service, without
28 compensation, performed for the benefit of the community by the
29 offender as punishment for committing an offense. Community
30 restitution may be performed through public or private organizations
31 or through work crews;

32 (5) "Community supervision" means an order of disposition by the
33 court of an adjudicated youth not committed to the department or an
34 order granting a deferred disposition. A community supervision order
35 for a single offense may be for a period of up to two years for a sex
36 offense as defined by RCW 9.94A.030 and up to one year for other
37 offenses. As a mandatory condition of any term of community
38 supervision, the court shall order the juvenile to refrain from
39 committing new offenses. As a mandatory condition of community
40 supervision, the court shall order the juvenile to comply with the

1 mandatory school attendance provisions of chapter 28A.225 RCW and to
2 inform the school of the existence of this requirement. Community
3 supervision is an individualized program comprised of one or more of
4 the following:

- 5 (a) Community-based sanctions;
- 6 (b) Community-based rehabilitation;
- 7 (c) Monitoring and reporting requirements;
- 8 (d) Posting of a probation bond;

9 (e) Residential treatment, where substance abuse, mental health,
10 and/or co-occurring disorders have been identified in an assessment
11 by a qualified mental health professional, psychologist,
12 psychiatrist, or ~~((chemical dependency))~~ substance use disorder
13 professional and a funded bed is available. If a child agrees to
14 voluntary placement in a state-funded long-term evaluation and
15 treatment facility, the case must follow the existing placement
16 procedure including consideration of less restrictive treatment
17 options and medical necessity.

18 (i) A court may order residential treatment after consideration
19 and findings regarding whether:

- 20 (A) The referral is necessary to rehabilitate the child;
- 21 (B) The referral is necessary to protect the public or the child;
- 22 (C) The referral is in the child's best interest;

23 (D) The child has been given the opportunity to engage in less
24 restrictive treatment and has been unable or unwilling to comply; and

25 (E) Inpatient treatment is the least restrictive action
26 consistent with the child's needs and circumstances.

27 (ii) In any case where a court orders a child to inpatient
28 treatment under this section, the court must hold a review hearing no
29 later than sixty days after the youth begins inpatient treatment, and
30 every thirty days thereafter, as long as the youth is in inpatient
31 treatment;

32 (6) "Confinement" means physical custody by the department of
33 children, youth, and families in a facility operated by or pursuant
34 to a contract with the state, or physical custody in a detention
35 facility operated by or pursuant to a contract with any county. The
36 county may operate or contract with vendors to operate county
37 detention facilities. The department may operate or contract to
38 operate detention facilities for juveniles committed to the
39 department. Pretrial confinement or confinement of less than thirty-
40 one days imposed as part of a disposition or modification order may

1 be served consecutively or intermittently, in the discretion of the
2 court;

3 (7) "Court," when used without further qualification, means the
4 juvenile court judge(s) or commissioner(s);

5 (8) "Criminal history" includes all criminal complaints against
6 the respondent for which, prior to the commission of a current
7 offense:

8 (a) The allegations were found correct by a court. If a
9 respondent is convicted of two or more charges arising out of the
10 same course of conduct, only the highest charge from among these
11 shall count as an offense for the purposes of this chapter; or

12 (b) The criminal complaint was diverted by a prosecutor pursuant
13 to the provisions of this chapter on agreement of the respondent and
14 after an advisement to the respondent that the criminal complaint
15 would be considered as part of the respondent's criminal history. A
16 successfully completed deferred adjudication that was entered before
17 July 1, 1998, or a deferred disposition shall not be considered part
18 of the respondent's criminal history;

19 (9) "Department" means the department of children, youth, and
20 families;

21 (10) "Detention facility" means a county facility, paid for by
22 the county, for the physical confinement of a juvenile alleged to
23 have committed an offense or an adjudicated offender subject to a
24 disposition or modification order. "Detention facility" includes
25 county group homes, inpatient substance abuse programs, juvenile
26 basic training camps, and electronic monitoring;

27 (11) "Diversion unit" means any probation counselor who enters
28 into a diversion agreement with an alleged youthful offender, or any
29 other person, community accountability board, youth court under the
30 supervision of the juvenile court, or other entity except a law
31 enforcement official or entity, with whom the juvenile court
32 administrator has contracted to arrange and supervise such agreements
33 pursuant to RCW 13.40.080, or any person, community accountability
34 board, or other entity specially funded by the legislature to arrange
35 and supervise diversion agreements in accordance with the
36 requirements of this chapter. For purposes of this subsection,
37 "community accountability board" means a board comprised of members
38 of the local community in which the juvenile offender resides. The
39 superior court shall appoint the members. The boards shall consist of
40 at least three and not more than seven members. If possible, the

1 board should include a variety of representatives from the community,
2 such as a law enforcement officer, teacher or school administrator,
3 high school student, parent, and business owner, and should represent
4 the cultural diversity of the local community;

5 (12) "Foster care" means temporary physical care in a foster
6 family home or group care facility as defined in RCW 74.15.020 and
7 licensed by the department, or other legally authorized care;

8 (13) "Institution" means a juvenile facility established pursuant
9 to chapters 72.05 and 72.16 through 72.20 RCW;

10 (14) "Intensive supervision program" means a parole program that
11 requires intensive supervision and monitoring, offers an array of
12 individualized treatment and transitional services, and emphasizes
13 community involvement and support in order to reduce the likelihood a
14 juvenile offender will commit further offenses;

15 (15) "Juvenile," "youth," and "child" mean any individual who is
16 under the chronological age of eighteen years and who has not been
17 previously transferred to adult court pursuant to RCW 13.40.110,
18 unless the individual was convicted of a lesser charge or acquitted
19 of the charge for which he or she was previously transferred pursuant
20 to RCW 13.40.110 or who is not otherwise under adult court
21 jurisdiction;

22 (16) "Juvenile offender" means any juvenile who has been found by
23 the juvenile court to have committed an offense, including a person
24 eighteen years of age or older over whom jurisdiction has been
25 extended under RCW 13.40.300;

26 (17) "Labor" means the period of time before a birth during which
27 contractions are of sufficient frequency, intensity, and duration to
28 bring about effacement and progressive dilation of the cervix;

29 (18) "Local sanctions" means one or more of the following: (a)
30 0-30 days of confinement; (b) 0-12 months of community supervision;
31 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

32 (19) "Manifest injustice" means a disposition that would either
33 impose an excessive penalty on the juvenile or would impose a
34 serious, and clear danger to society in light of the purposes of this
35 chapter;

36 (20) "Monitoring and reporting requirements" means one or more of
37 the following: Curfews; requirements to remain at home, school, work,
38 or court-ordered treatment programs during specified hours;
39 restrictions from leaving or entering specified geographical areas;
40 requirements to report to the probation officer as directed and to

1 remain under the probation officer's supervision; and other
2 conditions or limitations as the court may require which may not
3 include confinement;

4 (21) "Offense" means an act designated a violation or a crime if
5 committed by an adult under the law of this state, under any
6 ordinance of any city or county of this state, under any federal law,
7 or under the law of another state if the act occurred in that state;

8 (22) "Physical restraint" means the use of any bodily force or
9 physical intervention to control a juvenile offender or limit a
10 juvenile offender's freedom of movement in a way that does not
11 involve a mechanical restraint. Physical restraint does not include
12 momentary periods of minimal physical restriction by direct person-
13 to-person contact, without the aid of mechanical restraint,
14 accomplished with limited force and designed to:

15 (a) Prevent a juvenile offender from completing an act that would
16 result in potential bodily harm to self or others or damage property;

17 (b) Remove a disruptive juvenile offender who is unwilling to
18 leave the area voluntarily; or

19 (c) Guide a juvenile offender from one location to another;

20 (23) "Postpartum recovery" means (a) the entire period a woman or
21 youth is in the hospital, birthing center, or clinic after giving
22 birth and (b) an additional time period, if any, a treating physician
23 determines is necessary for healing after the youth leaves the
24 hospital, birthing center, or clinic;

25 (24) "Probation bond" means a bond, posted with sufficient
26 security by a surety justified and approved by the court, to secure
27 the offender's appearance at required court proceedings and
28 compliance with court-ordered community supervision or conditions of
29 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
30 a deposit of cash or posting of other collateral in lieu of a bond if
31 approved by the court;

32 (25) "Respondent" means a juvenile who is alleged or proven to
33 have committed an offense;

34 (26) "Restitution" means financial reimbursement by the offender
35 to the victim, and shall be limited to easily ascertainable damages
36 for injury to or loss of property, actual expenses incurred for
37 medical treatment for physical injury to persons, lost wages
38 resulting from physical injury, and costs of the victim's counseling
39 reasonably related to the offense. Restitution shall not include
40 reimbursement for damages for mental anguish, pain and suffering, or

1 other intangible losses. Nothing in this chapter shall limit or
2 replace civil remedies or defenses available to the victim or
3 offender;

4 (27) "Restorative justice" means practices, policies, and
5 programs informed by and sensitive to the needs of crime victims that
6 are designed to encourage offenders to accept responsibility for
7 repairing the harm caused by their offense by providing safe and
8 supportive opportunities for voluntary participation and
9 communication between the victim, the offender, their families, and
10 relevant community members;

11 (28) "Restraints" means anything used to control the movement of
12 a person's body or limbs and includes:

- 13 (a) Physical restraint; or
- 14 (b) Mechanical device including but not limited to: Metal
15 handcuffs, plastic ties, ankle restraints, leather cuffs, other
16 hospital-type restraints, tasers, or batons;

17 (29) "Screening" means a process that is designed to identify a
18 child who is at risk of having mental health, substance abuse, or co-
19 occurring mental health and substance abuse disorders that warrant
20 immediate attention, intervention, or more comprehensive assessment.
21 A screening may be undertaken with or without the administration of a
22 formal instrument;

23 (30) "Secretary" means the secretary of the department;

24 (31) "Services" means services which provide alternatives to
25 incarceration for those juveniles who have pleaded or been
26 adjudicated guilty of an offense or have signed a diversion agreement
27 pursuant to this chapter;

28 (32) "Sex offense" means an offense defined as a sex offense in
29 RCW 9.94A.030;

30 (33) "Sexual motivation" means that one of the purposes for which
31 the respondent committed the offense was for the purpose of his or
32 her sexual gratification;

33 (34) "Surety" means an entity licensed under state insurance laws
34 or by the state department of licensing, to write corporate,
35 property, or probation bonds within the state, and justified and
36 approved by the superior court of the county having jurisdiction of
37 the case;

38 (35) "Transportation" means the conveying, by any means, of an
39 incarcerated pregnant youth from the institution or detention
40 facility to another location from the moment she leaves the

1 institution or detention facility to the time of arrival at the other
2 location, and includes the escorting of the pregnant incarcerated
3 youth from the institution or detention facility to a transport
4 vehicle and from the vehicle to the other location;

5 (36) "Violation" means an act or omission, which if committed by
6 an adult, must be proven beyond a reasonable doubt, and is punishable
7 by sanctions which do not include incarceration;

8 (37) "Violent offense" means a violent offense as defined in RCW
9 9.94A.030;

10 (38) "Youth court" means a diversion unit under the supervision
11 of the juvenile court.

12 **Sec. 10.** RCW 13.40.042 and 2014 c 128 s 4 are each amended to
13 read as follows:

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

23 (a) An evaluation and treatment facility as defined in RCW
24 71.34.020 if the juvenile suffers from a mental disorder and the
25 facility has been identified as an alternative location by agreement
26 of the prosecutor, law enforcement, and the mental health provider;

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

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

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

35 (3) If a juvenile is taken to any location described in
36 subsection (1)(a) or (b) of this section, the juvenile may be held
37 for up to twelve hours and must be examined by a mental health or
38 (~~chemical dependency~~) substance use disorder professional within
39 three hours of arrival.

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

3 **Sec. 11.** RCW 18.130.040 and 2017 c 336 s 18 are each amended to
4 read as follows:

5 (1) This chapter applies only to the secretary and the boards and
6 commissions having jurisdiction in relation to the professions
7 licensed under the chapters specified in this section. This chapter
8 does not apply to any business or profession not licensed under the
9 chapters specified in this section.

10 (2)(a) The secretary has authority under this chapter in relation
11 to the following professions:

12 (i) Dispensing opticians licensed and designated apprentices
13 under chapter 18.34 RCW;

14 (ii) Midwives licensed under chapter 18.50 RCW;

15 (iii) Ocularists licensed under chapter 18.55 RCW;

16 (iv) Massage therapists and businesses licensed under chapter
17 18.108 RCW;

18 (v) Dental hygienists licensed under chapter 18.29 RCW;

19 (vi) East Asian medicine practitioners licensed under chapter
20 18.06 RCW;

21 (vii) Radiologic technologists certified and X-ray technicians
22 registered under chapter 18.84 RCW;

23 (viii) Respiratory care practitioners licensed under chapter
24 18.89 RCW;

25 (ix) Hypnotherapists and agency affiliated counselors registered
26 and advisors and counselors certified under chapter 18.19 RCW;

27 (x) Persons licensed as mental health counselors, mental health
28 counselor associates, marriage and family therapists, marriage and
29 family therapist associates, social workers, social work associates—
30 advanced, and social work associates—independent clinical under
31 chapter 18.225 RCW;

32 (xi) Persons registered as nursing pool operators under chapter
33 18.52C RCW;

34 (xii) Nursing assistants registered or certified or medication
35 assistants endorsed under chapter 18.88A RCW;

36 (xiii) Dietitians and nutritionists certified under chapter
37 18.138 RCW;

- 1 (xiv) (~~Chemical dependency~~) Substance use disorder
2 professionals and (~~chemical dependency~~) substance use disorder
3 professional trainees certified under chapter 18.205 RCW;
- 4 (xv) Sex offender treatment providers and certified affiliate sex
5 offender treatment providers certified under chapter 18.155 RCW;
- 6 (xvi) Persons licensed and certified under chapter 18.73 RCW or
7 RCW 18.71.205;
- 8 (xvii) Orthotists and prosthetists licensed under chapter 18.200
9 RCW;
- 10 (xviii) Surgical technologists registered under chapter 18.215
11 RCW;
- 12 (xix) Recreational therapists under chapter 18.230 RCW;
- 13 (xx) Animal massage therapists certified under chapter 18.240
14 RCW;
- 15 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 16 (xxii) Home care aides certified under chapter 18.88B RCW;
- 17 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
- 18 (xxiv) Reflexologists certified under chapter 18.108 RCW;
- 19 (xxv) Medical assistants-certified, medical assistants-
20 hemodialysis technician, medical assistants-phlebotomist, forensic
21 phlebotomist, and medical assistants-registered certified and
22 registered under chapter 18.360 RCW; and
- 23 (xxvi) Behavior analysts, assistant behavior analysts, and
24 behavior technicians under chapter 18.380 RCW.
- 25 (b) The boards and commissions having authority under this
26 chapter are as follows:
- 27 (i) The podiatric medical board as established in chapter 18.22
28 RCW;
- 29 (ii) The chiropractic quality assurance commission as established
30 in chapter 18.25 RCW;
- 31 (iii) The dental quality assurance commission as established in
32 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
33 licenses and registrations issued under chapter 18.260 RCW, and
34 certifications issued under chapter 18.350 RCW;
- 35 (iv) The board of hearing and speech as established in chapter
36 18.35 RCW;
- 37 (v) The board of examiners for nursing home administrators as
38 established in chapter 18.52 RCW;
- 39 (vi) The optometry board as established in chapter 18.54 RCW
40 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as
2 established in chapter 18.57 RCW governing licenses issued under
3 chapters 18.57 and 18.57A RCW;

4 (viii) The pharmacy quality assurance commission as established
5 in chapter 18.64 RCW governing licenses issued under chapters 18.64
6 and 18.64A RCW;

7 (ix) The medical quality assurance commission as established in
8 chapter 18.71 RCW governing licenses and registrations issued under
9 chapters 18.71 and 18.71A RCW;

10 (x) The board of physical therapy as established in chapter 18.74
11 RCW;

12 (xi) The board of occupational therapy practice as established in
13 chapter 18.59 RCW;

14 (xii) The nursing care quality assurance commission as
15 established in chapter 18.79 RCW governing licenses and registrations
16 issued under that chapter;

17 (xiii) The examining board of psychology and its disciplinary
18 committee as established in chapter 18.83 RCW;

19 (xiv) The veterinary board of governors as established in chapter
20 18.92 RCW;

21 (xv) The board of naturopathy established in chapter 18.36A RCW;
22 and

23 (xvi) The board of denturists established in chapter 18.30 RCW.

24 (3) In addition to the authority to discipline license holders,
25 the disciplining authority has the authority to grant or deny
26 licenses. The disciplining authority may also grant a license subject
27 to conditions.

28 (4) All disciplining authorities shall adopt procedures to ensure
29 substantially consistent application of this chapter, the uniform
30 disciplinary act, among the disciplining authorities listed in
31 subsection (2) of this section.

32 **Sec. 12.** RCW 43.70.442 and 2016 c 90 s 5 are each amended to
33 read as follows:

34 (1)(a) Each of the following professionals certified or licensed
35 under Title 18 RCW shall, at least once every six years, complete
36 training in suicide assessment, treatment, and management that is
37 approved, in rule, by the relevant disciplining authority:

38 (i) An adviser or counselor certified under chapter 18.19 RCW;

1 (ii) A (~~chemical—dependency~~) substance use disorder
2 professional licensed under chapter 18.205 RCW;

3 (iii) A marriage and family therapist licensed under chapter
4 18.225 RCW;

5 (iv) A mental health counselor licensed under chapter 18.225 RCW;

6 (v) An occupational therapy practitioner licensed under chapter
7 18.59 RCW;

8 (vi) A psychologist licensed under chapter 18.83 RCW;

9 (vii) An advanced social worker or independent clinical social
10 worker licensed under chapter 18.225 RCW; and

11 (viii) A social worker associate—advanced or social worker
12 associate—~~independent clinical~~ licensed under chapter 18.225 RCW.

13 (b) The requirements in (a) of this subsection apply to a person
14 holding a retired active license for one of the professions in (a) of
15 this subsection.

16 (c) The training required by this subsection must be at least six
17 hours in length, unless a disciplining authority has determined,
18 under subsection (10)(b) of this section, that training that includes
19 only screening and referral elements is appropriate for the
20 profession in question, in which case the training must be at least
21 three hours in length.

22 (d) Beginning July 1, 2017, the training required by this
23 subsection must be on the model list developed under subsection (6)
24 of this section. Nothing in this subsection (1)(d) affects the
25 validity of training completed prior to July 1, 2017.

26 (2)(a) Except as provided in (b) of this subsection, a
27 professional listed in subsection (1)(a) of this section must
28 complete the first training required by this section by the end of
29 the first full continuing education reporting period after January 1,
30 2014, or during the first full continuing education reporting period
31 after initial licensure or certification, whichever occurs later.

32 (b) A professional listed in subsection (1)(a) of this section
33 applying for initial licensure may delay completion of the first
34 training required by this section for six years after initial
35 licensure if he or she can demonstrate successful completion of the
36 training required in subsection (1) of this section no more than six
37 years prior to the application for initial licensure.

38 (3) The hours spent completing training in suicide assessment,
39 treatment, and management under this section count toward meeting any

1 applicable continuing education or continuing competency requirements
2 for each profession.

3 (4)(a) A disciplining authority may, by rule, specify minimum
4 training and experience that is sufficient to exempt an individual
5 professional from the training requirements in subsections (1) and
6 (5) of this section. Nothing in this subsection (4)(a) allows a
7 disciplining authority to provide blanket exemptions to broad
8 categories or specialties within a profession.

9 (b) A disciplining authority may exempt a professional from the
10 training requirements of subsections (1) and (5) of this section if
11 the professional has only brief or limited patient contact.

12 (5)(a) Each of the following professionals credentialed under
13 Title 18 RCW shall complete a one-time training in suicide
14 assessment, treatment, and management that is approved by the
15 relevant disciplining authority:

16 (i) A chiropractor licensed under chapter 18.25 RCW;

17 (ii) A naturopath licensed under chapter 18.36A RCW;

18 (iii) A licensed practical nurse, registered nurse, or advanced
19 registered nurse practitioner, other than a certified registered
20 nurse anesthetist, licensed under chapter 18.79 RCW;

21 (iv) An osteopathic physician and surgeon licensed under chapter
22 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
23 and surgery license issued under RCW 18.57.035;

24 (v) An osteopathic physician assistant licensed under chapter
25 18.57A RCW;

26 (vi) A physical therapist or physical therapist assistant
27 licensed under chapter 18.74 RCW;

28 (vii) A physician licensed under chapter 18.71 RCW, other than a
29 resident holding a limited license issued under RCW 18.71.095(3);

30 (viii) A physician assistant licensed under chapter 18.71A RCW;

31 (ix) A pharmacist licensed under chapter 18.64 RCW; and

32 (x) A person holding a retired active license for one of the
33 professions listed in (a)(i) through (ix) of this subsection.

34 (b)(i) A professional listed in (a)(i) through (viii) of this
35 subsection or a person holding a retired active license for one of
36 the professions listed in (a)(i) through (viii) of this subsection
37 must complete the one-time training by the end of the first full
38 continuing education reporting period after January 1, 2016, or
39 during the first full continuing education reporting period after
40 initial licensure, whichever is later. Training completed between

1 June 12, 2014, and January 1, 2016, that meets the requirements of
2 this section, other than the timing requirements of this subsection
3 (5)(b), must be accepted by the disciplining authority as meeting the
4 one-time training requirement of this subsection (5).

5 (ii) A licensed pharmacist or a person holding a retired active
6 pharmacist license must complete the one-time training by the end of
7 the first full continuing education reporting period after January 1,
8 2017, or during the first full continuing education reporting period
9 after initial licensure, whichever is later.

10 (c) The training required by this subsection must be at least six
11 hours in length, unless a disciplining authority has determined,
12 under subsection (10)(b) of this section, that training that includes
13 only screening and referral elements is appropriate for the
14 profession in question, in which case the training must be at least
15 three hours in length.

16 (d) Beginning July 1, 2017, the training required by this
17 subsection must be on the model list developed under subsection (6)
18 of this section. Nothing in this subsection (5)(d) affects the
19 validity of training completed prior to July 1, 2017.

20 (6)(a) The secretary and the disciplining authorities shall work
21 collaboratively to develop a model list of training programs in
22 suicide assessment, treatment, and management.

23 (b) The secretary and the disciplining authorities shall update
24 the list at least once every two years.

25 (c) By June 30, 2016, the department shall adopt rules
26 establishing minimum standards for the training programs included on
27 the model list. The minimum standards must require that six-hour
28 trainings include content specific to veterans and the assessment of
29 issues related to imminent harm via lethal means or self-injurious
30 behaviors and that three-hour trainings for pharmacists include
31 content related to the assessment of issues related to imminent harm
32 via lethal means. When adopting the rules required under this
33 subsection (6)(c), the department shall:

34 (i) Consult with the affected disciplining authorities, public
35 and private institutions of higher education, educators, experts in
36 suicide assessment, treatment, and management, the Washington
37 department of veterans affairs, and affected professional
38 associations; and

1 (ii) Consider standards related to the best practices registry of
2 the American foundation for suicide prevention and the suicide
3 prevention resource center.

4 (d) Beginning January 1, 2017:

5 (i) The model list must include only trainings that meet the
6 minimum standards established in the rules adopted under (c) of this
7 subsection and any three-hour trainings that met the requirements of
8 this section on or before July 24, 2015;

9 (ii) The model list must include six-hour trainings in suicide
10 assessment, treatment, and management, and three-hour trainings that
11 include only screening and referral elements; and

12 (iii) A person or entity providing the training required in this
13 section may petition the department for inclusion on the model list.
14 The department shall add the training to the list only if the
15 department determines that the training meets the minimum standards
16 established in the rules adopted under (c) of this subsection.

17 (7) The department shall provide the health profession training
18 standards created in this section to the professional educator
19 standards board as a model in meeting the requirements of RCW
20 28A.410.226 and provide technical assistance, as requested, in the
21 review and evaluation of educator training programs. The educator
22 training programs approved by the professional educator standards
23 board may be included in the department's model list.

24 (8) Nothing in this section may be interpreted to expand or limit
25 the scope of practice of any profession regulated under chapter
26 18.130 RCW.

27 (9) The secretary and the disciplining authorities affected by
28 this section shall adopt any rules necessary to implement this
29 section.

30 (10) For purposes of this section:

31 (a) "Disciplining authority" has the same meaning as in RCW
32 18.130.020.

33 (b) "Training in suicide assessment, treatment, and management"
34 means empirically supported training approved by the appropriate
35 disciplining authority that contains the following elements: Suicide
36 assessment, including screening and referral, suicide treatment, and
37 suicide management. However, the disciplining authority may approve
38 training that includes only screening and referral elements if
39 appropriate for the profession in question based on the profession's
40 scope of practice. The board of occupational therapy may also approve

1 training that includes only screening and referral elements if
2 appropriate for occupational therapy practitioners based on practice
3 setting.

4 (11) A state or local government employee is exempt from the
5 requirements of this section if he or she receives a total of at
6 least six hours of training in suicide assessment, treatment, and
7 management from his or her employer every six years. For purposes of
8 this subsection, the training may be provided in one six-hour block
9 or may be spread among shorter training sessions at the employer's
10 discretion.

11 (12) An employee of a community mental health agency licensed
12 under chapter 71.24 RCW or a chemical dependency program certified
13 under chapter 70.96A RCW is exempt from the requirements of this
14 section if he or she receives a total of at least six hours of
15 training in suicide assessment, treatment, and management from his or
16 her employer every six years. For purposes of this subsection, the
17 training may be provided in one six-hour block or may be spread among
18 shorter training sessions at the employer's discretion.

19 **Sec. 13.** RCW 43.70.442 and 2017 c 262 s 4 are each amended to
20 read as follows:

21 (1)(a) Each of the following professionals certified or licensed
22 under Title 18 RCW shall, at least once every six years, complete
23 training in suicide assessment, treatment, and management that is
24 approved, in rule, by the relevant disciplining authority:

25 (i) An adviser or counselor certified under chapter 18.19 RCW;

26 (ii) A (~~chemical—dependency~~) substance use disorder
27 professional licensed under chapter 18.205 RCW;

28 (iii) A marriage and family therapist licensed under chapter
29 18.225 RCW;

30 (iv) A mental health counselor licensed under chapter 18.225 RCW;

31 (v) An occupational therapy practitioner licensed under chapter
32 18.59 RCW;

33 (vi) A psychologist licensed under chapter 18.83 RCW;

34 (vii) An advanced social worker or independent clinical social
35 worker licensed under chapter 18.225 RCW; and

36 (viii) A social worker associate—advanced or social worker
37 associate—independent clinical licensed under chapter 18.225 RCW.

1 (b) The requirements in (a) of this subsection apply to a person
2 holding a retired active license for one of the professions in (a) of
3 this subsection.

4 (c) The training required by this subsection must be at least six
5 hours in length, unless a disciplining authority has determined,
6 under subsection (10)(b) of this section, that training that includes
7 only screening and referral elements is appropriate for the
8 profession in question, in which case the training must be at least
9 three hours in length.

10 (d) Beginning July 1, 2017, the training required by this
11 subsection must be on the model list developed under subsection (6)
12 of this section. Nothing in this subsection (1)(d) affects the
13 validity of training completed prior to July 1, 2017.

14 (2)(a) Except as provided in (b) of this subsection, a
15 professional listed in subsection (1)(a) of this section must
16 complete the first training required by this section by the end of
17 the first full continuing education reporting period after January 1,
18 2014, or during the first full continuing education reporting period
19 after initial licensure or certification, whichever occurs later.

20 (b) A professional listed in subsection (1)(a) of this section
21 applying for initial licensure may delay completion of the first
22 training required by this section for six years after initial
23 licensure if he or she can demonstrate successful completion of the
24 training required in subsection (1) of this section no more than six
25 years prior to the application for initial licensure.

26 (3) The hours spent completing training in suicide assessment,
27 treatment, and management under this section count toward meeting any
28 applicable continuing education or continuing competency requirements
29 for each profession.

30 (4)(a) A disciplining authority may, by rule, specify minimum
31 training and experience that is sufficient to exempt an individual
32 professional from the training requirements in subsections (1) and
33 (5) of this section. Nothing in this subsection (4)(a) allows a
34 disciplining authority to provide blanket exemptions to broad
35 categories or specialties within a profession.

36 (b) A disciplining authority may exempt a professional from the
37 training requirements of subsections (1) and (5) of this section if
38 the professional has only brief or limited patient contact.

39 (5)(a) Each of the following professionals credentialed under
40 Title 18 RCW shall complete a one-time training in suicide

1 assessment, treatment, and management that is approved by the
2 relevant disciplining authority:

3 (i) A chiropractor licensed under chapter 18.25 RCW;

4 (ii) A naturopath licensed under chapter 18.36A RCW;

5 (iii) A licensed practical nurse, registered nurse, or advanced
6 registered nurse practitioner, other than a certified registered
7 nurse anesthetist, licensed under chapter 18.79 RCW;

8 (iv) An osteopathic physician and surgeon licensed under chapter
9 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
10 and surgery license issued under RCW 18.57.035;

11 (v) An osteopathic physician assistant licensed under chapter
12 18.57A RCW;

13 (vi) A physical therapist or physical therapist assistant
14 licensed under chapter 18.74 RCW;

15 (vii) A physician licensed under chapter 18.71 RCW, other than a
16 resident holding a limited license issued under RCW 18.71.095(3);

17 (viii) A physician assistant licensed under chapter 18.71A RCW;

18 (ix) A pharmacist licensed under chapter 18.64 RCW;

19 (x) A dentist licensed under chapter 18.32 RCW;

20 (xi) A dental hygienist licensed under chapter 18.29 RCW; and

21 (xii) A person holding a retired active license for one of the
22 professions listed in (a)(i) through (xi) of this subsection.

23 (b)(i) A professional listed in (a)(i) through (viii) of this
24 subsection or a person holding a retired active license for one of
25 the professions listed in (a)(i) through (viii) of this subsection
26 must complete the one-time training by the end of the first full
27 continuing education reporting period after January 1, 2016, or
28 during the first full continuing education reporting period after
29 initial licensure, whichever is later. Training completed between
30 June 12, 2014, and January 1, 2016, that meets the requirements of
31 this section, other than the timing requirements of this subsection
32 (5)(b), must be accepted by the disciplining authority as meeting the
33 one-time training requirement of this subsection (5).

34 (ii) A licensed pharmacist or a person holding a retired active
35 pharmacist license must complete the one-time training by the end of
36 the first full continuing education reporting period after January 1,
37 2017, or during the first full continuing education reporting period
38 after initial licensure, whichever is later.

39 (iii) A licensed dentist, a licensed dental hygienist, or a
40 person holding a retired active license as a dentist shall complete

1 the one-time training by the end of the full continuing education
2 reporting period after August 1, 2020, or during the first full
3 continuing education reporting period after initial licensure,
4 whichever is later. Training completed between July 23, 2017, and
5 August 1, 2020, that meets the requirements of this section, other
6 than the timing requirements of this subsection (5)(b)(iii), must be
7 accepted by the disciplining authority as meeting the one-time
8 training requirement of this subsection (5).

9 (c) The training required by this subsection must be at least six
10 hours in length, unless a disciplining authority has determined,
11 under subsection (10)(b) of this section, that training that includes
12 only screening and referral elements is appropriate for the
13 profession in question, in which case the training must be at least
14 three hours in length.

15 (d) Beginning July 1, 2017, the training required by this
16 subsection must be on the model list developed under subsection (6)
17 of this section. Nothing in this subsection (5)(d) affects the
18 validity of training completed prior to July 1, 2017.

19 (6)(a) The secretary and the disciplining authorities shall work
20 collaboratively to develop a model list of training programs in
21 suicide assessment, treatment, and management.

22 (b) The secretary and the disciplining authorities shall update
23 the list at least once every two years.

24 (c) By June 30, 2016, the department shall adopt rules
25 establishing minimum standards for the training programs included on
26 the model list. The minimum standards must require that six-hour
27 trainings include content specific to veterans and the assessment of
28 issues related to imminent harm via lethal means or self-injurious
29 behaviors and that three-hour trainings for pharmacists or dentists
30 include content related to the assessment of issues related to
31 imminent harm via lethal means. When adopting the rules required
32 under this subsection (6)(c), the department shall:

33 (i) Consult with the affected disciplining authorities, public
34 and private institutions of higher education, educators, experts in
35 suicide assessment, treatment, and management, the Washington
36 department of veterans affairs, and affected professional
37 associations; and

38 (ii) Consider standards related to the best practices registry of
39 the American foundation for suicide prevention and the suicide
40 prevention resource center.

1 (d) Beginning January 1, 2017:

2 (i) The model list must include only trainings that meet the
3 minimum standards established in the rules adopted under (c) of this
4 subsection and any three-hour trainings that met the requirements of
5 this section on or before July 24, 2015;

6 (ii) The model list must include six-hour trainings in suicide
7 assessment, treatment, and management, and three-hour trainings that
8 include only screening and referral elements; and

9 (iii) A person or entity providing the training required in this
10 section may petition the department for inclusion on the model list.
11 The department shall add the training to the list only if the
12 department determines that the training meets the minimum standards
13 established in the rules adopted under (c) of this subsection.

14 (7) The department shall provide the health profession training
15 standards created in this section to the professional educator
16 standards board as a model in meeting the requirements of RCW
17 28A.410.226 and provide technical assistance, as requested, in the
18 review and evaluation of educator training programs. The educator
19 training programs approved by the professional educator standards
20 board may be included in the department's model list.

21 (8) Nothing in this section may be interpreted to expand or limit
22 the scope of practice of any profession regulated under chapter
23 18.130 RCW.

24 (9) The secretary and the disciplining authorities affected by
25 this section shall adopt any rules necessary to implement this
26 section.

27 (10) For purposes of this section:

28 (a) "Disciplining authority" has the same meaning as in RCW
29 18.130.020.

30 (b) "Training in suicide assessment, treatment, and management"
31 means empirically supported training approved by the appropriate
32 disciplining authority that contains the following elements: Suicide
33 assessment, including screening and referral, suicide treatment, and
34 suicide management. However, the disciplining authority may approve
35 training that includes only screening and referral elements if
36 appropriate for the profession in question based on the profession's
37 scope of practice. The board of occupational therapy may also approve
38 training that includes only screening and referral elements if
39 appropriate for occupational therapy practitioners based on practice
40 setting.

1 (11) A state or local government employee is exempt from the
2 requirements of this section if he or she receives a total of at
3 least six hours of training in suicide assessment, treatment, and
4 management from his or her employer every six years. For purposes of
5 this subsection, the training may be provided in one six-hour block
6 or may be spread among shorter training sessions at the employer's
7 discretion.

8 (12) An employee of a community mental health agency licensed
9 under chapter 71.24 RCW or a chemical dependency program certified
10 under chapter 70.96A RCW is exempt from the requirements of this
11 section if he or she receives a total of at least six hours of
12 training in suicide assessment, treatment, and management from his or
13 her employer every six years. For purposes of this subsection, the
14 training may be provided in one six-hour block or may be spread among
15 shorter training sessions at the employer's discretion.

16 **Sec. 14.** RCW 70.97.010 and 2016 sp.s. c 29 s 419 are each
17 amended to read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (1) "Antipsychotic medications" means that class of drugs
21 primarily used to treat serious manifestations of mental illness
22 associated with thought disorders, which includes but is not limited
23 to atypical antipsychotic medications.

24 (2) "Attending staff" means any person on the staff of a public
25 or private agency having responsibility for the care and treatment of
26 a patient.

27 (3) "Chemical dependency" means alcoholism, drug addiction, or
28 dependence on alcohol and one or more other psychoactive chemicals,
29 as the context requires and as those terms are defined in chapter
30 71.05 RCW.

31 ~~(4) ("Chemical dependency professional" means a person certified~~
32 ~~as a chemical dependency professional by the department of health~~
33 ~~under chapter 18.205 RCW.~~

34 ~~(5))~~ "Commitment" means the determination by a court that an
35 individual should be detained for a period of either evaluation or
36 treatment, or both, in an inpatient or a less restrictive setting.

37 ~~((6))~~ (5) "Conditional release" means a modification of a
38 commitment that may be revoked upon violation of any of its terms.

1 ~~((7))~~ (6) "Custody" means involuntary detention under chapter
2 71.05 RCW, uninterrupted by any period of unconditional release from
3 commitment from a facility providing involuntary care and treatment.

4 ~~((8))~~ (7) "Department" means the department of social and
5 health services.

6 ~~((9))~~ (8) "Designated crisis responder" has the same meaning as
7 in chapter 71.05 RCW.

8 ~~((10))~~ (9) "Detention" or "detain" means the lawful confinement
9 of an individual under chapter 71.05 RCW.

10 ~~((11))~~ (10) "Discharge" means the termination of facility
11 authority. The commitment may remain in place, be terminated, or be
12 amended by court order.

13 ~~((12))~~ (11) "Enhanced services facility" means a facility that
14 provides treatment and services to persons for whom acute inpatient
15 treatment is not medically necessary and who have been determined by
16 the department to be inappropriate for placement in other licensed
17 facilities due to the complex needs that result in behavioral and
18 security issues.

19 ~~((13))~~ (12) "Expanded community services program" means a
20 nonsecure program of enhanced behavioral and residential support
21 provided to long-term and residential care providers serving
22 specifically eligible clients who would otherwise be at risk for
23 hospitalization at state hospital geriatric units.

24 ~~((14))~~ (13) "Facility" means an enhanced services facility.

25 ~~((15))~~ (14) "Gravely disabled" means a condition in which an
26 individual, as a result of a mental disorder, as a result of the use
27 of alcohol or other psychoactive chemicals, or both:

28 (a) Is in danger of serious physical harm resulting from a
29 failure to provide for his or her essential human needs of health or
30 safety; or

31 (b) Manifests severe deterioration in routine functioning
32 evidenced by repeated and escalating loss of cognitive or volitional
33 control over his or her actions and is not receiving such care as is
34 essential for his or her health or safety.

35 ~~((16))~~ (15) "History of one or more violent acts" refers to the
36 period of time ten years before the filing of a petition under this
37 chapter or chapter 71.05 RCW, excluding any time spent, but not any
38 violent acts committed, in a mental health facility or a long-term
39 alcoholism or drug treatment facility, or in confinement as a result
40 of a criminal conviction.

1 (~~(17)~~) (16) "Licensed physician" means a person licensed to
2 practice medicine or osteopathic medicine and surgery in the state of
3 Washington.

4 (~~(18)~~) (17) "Likelihood of serious harm" means:

5 (a) A substantial risk that:

6 (i) Physical harm will be inflicted by an individual upon his or
7 her own person, as evidenced by threats or attempts to commit suicide
8 or inflict physical harm on oneself;

9 (ii) Physical harm will be inflicted by an individual upon
10 another, as evidenced by behavior that has caused such harm or that
11 places another person or persons in reasonable fear of sustaining
12 such harm; or

13 (iii) Physical harm will be inflicted by an individual upon the
14 property of others, as evidenced by behavior that has caused
15 substantial loss or damage to the property of others; or

16 (b) The individual has threatened the physical safety of another
17 and has a history of one or more violent acts.

18 (~~(19)~~) (18) "Mental disorder" means any organic, mental, or
19 emotional impairment that has substantial adverse effects on an
20 individual's cognitive or volitional functions.

21 (~~(20)~~) (19) "Mental health professional" means a psychiatrist,
22 psychologist, psychiatric nurse, or social worker, and such other
23 mental health professionals as may be defined by rules adopted by the
24 secretary under the authority of chapter 71.05 RCW.

25 (~~(21)~~) (20) "Professional person" means a mental health
26 professional and also means a physician, registered nurse, and such
27 others as may be defined in rules adopted by the secretary pursuant
28 to the provisions of this chapter.

29 (~~(22)~~) (21) "Psychiatrist" means a person having a license as a
30 physician and surgeon in this state who has in addition completed
31 three years of graduate training in psychiatry in a program approved
32 by the American medical association or the American osteopathic
33 association and is certified or eligible to be certified by the
34 American board of psychiatry and neurology.

35 (~~(23)~~) (22) "Psychologist" means a person who has been licensed
36 as a psychologist under chapter 18.83 RCW.

37 (~~(24)~~) (23) "Registration records" include all the records of
38 the department, behavioral health organizations, treatment
39 facilities, and other persons providing services to the department,
40 county departments, or facilities which identify individuals who are

1 receiving or who at any time have received services for mental
2 illness.

3 ~~((25))~~ (24) "Release" means legal termination of the commitment
4 under chapter 71.05 RCW.

5 ~~((26))~~ (25) "Resident" means a person admitted to an enhanced
6 services facility.

7 ~~((27))~~ (26) "Secretary" means the secretary of the department
8 or the secretary's designee.

9 ~~((28))~~ (27) "Significant change" means:

10 (a) A deterioration in a resident's physical, mental, or
11 psychosocial condition that has caused or is likely to cause clinical
12 complications or life-threatening conditions; or

13 (b) An improvement in the resident's physical, mental, or
14 psychosocial condition that may make the resident eligible for
15 release or for treatment in a less intensive or less secure setting.

16 ~~((29))~~ (28) "Social worker" means a person with a master's or
17 further advanced degree from a social work educational program
18 accredited and approved as provided in RCW 18.320.010.

19 (29) "Substance use disorder professional" means a person
20 certified as a substance use disorder professional by the department
21 of health under chapter 18.205 RCW.

22 (30) "Treatment" means the broad range of emergency,
23 detoxification, residential, inpatient, and outpatient services and
24 care, including diagnostic evaluation, mental health or chemical
25 dependency education and counseling, medical, psychiatric,
26 psychological, and social service care, vocational rehabilitation,
27 and career counseling, which may be extended to persons with mental
28 disorders, chemical dependency disorders, or both, and their
29 families.

30 (31) "Treatment records" include registration and all other
31 records concerning individuals who are receiving or who at any time
32 have received services for mental illness, which are maintained by
33 the department, by behavioral health organizations and their staffs,
34 and by treatment facilities. "Treatment records" do not include notes
35 or records maintained for personal use by an individual providing
36 treatment services for the department, behavioral health
37 organizations, or a treatment facility if the notes or records are
38 not available to others.

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

4 **Sec. 15.** RCW 70.97.030 and 2005 c 504 s 405 are each amended to
5 read as follows:

6 A person, eighteen years old or older, may be admitted to an
7 enhanced services facility if he or she meets the criteria in
8 subsections (1) through (3) of this section:

9 (1) The person requires: (a) Daily care by or under the
10 supervision of a mental health professional, (~~chemical dependency~~)
11 substance use disorder professional, or nurse; or (b) assistance with
12 three or more activities of daily living; and

13 (2) The person has: (a) A mental disorder, chemical dependency
14 disorder, or both; (b) an organic or traumatic brain injury; or (c) a
15 cognitive impairment that results in symptoms or behaviors requiring
16 supervision and facility services; (~~and~~) and

17 (3) The person has two or more of the following:

18 (a) Self-endangering behaviors that are frequent or difficult to
19 manage;

20 (b) Aggressive, threatening, or assaultive behaviors that create
21 a risk to the health or safety of other residents or staff, or a
22 significant risk to property and these behaviors are frequent or
23 difficult to manage;

24 (c) Intrusive behaviors that put residents or staff at risk;

25 (d) Complex medication needs and those needs include psychotropic
26 medications;

27 (e) A history of or likelihood of unsuccessful placements in
28 either a licensed facility or other state facility or a history of
29 rejected applications for admission to other licensed facilities
30 based on the person's behaviors, history, or security needs;

31 (f) A history of frequent or protracted mental health
32 hospitalizations;

33 (g) A history of offenses against a person or felony offenses
34 that created substantial damage to property.

35 **Sec. 16.** RCW 71.05.020 and 2017 3rd sp.s. c 14 s 14 are each
36 amended to read as follows:

37 The definitions in this section apply throughout this chapter
38 unless the context clearly requires otherwise.

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

5 (2) "Alcoholism" means a disease, characterized by a dependency
6 on alcoholic beverages, loss of control over the amount and
7 circumstances of use, symptoms of tolerance, physiological or
8 psychological withdrawal, or both, if use is reduced or discontinued,
9 and impairment of health or disruption of social or economic
10 functioning;

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

15 (4) "Approved substance use disorder treatment program" means a
16 program for persons with a substance use disorder provided by a
17 treatment program certified by the department as meeting standards
18 adopted under chapter 71.24 RCW;

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

22 (6) "Chemical dependency" means:

23 (a) Alcoholism;

24 (b) Drug addiction; or

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

27 ~~((7)) ("Chemical dependency professional" means a person certified
28 as a chemical dependency professional by the department of health
29 under chapter 18.205 RCW;~~

30 ~~((8))~~) "Commitment" means the determination by a court that a
31 person should be detained for a period of either evaluation or
32 treatment, or both, in an inpatient or a less restrictive setting;

33 ~~((9))~~) (8) "Conditional release" means a revocable modification
34 of a commitment, which may be revoked upon violation of any of its
35 terms;

36 ~~((10))~~) (9) "Crisis stabilization unit" means a short-term
37 facility or a portion of a facility licensed by the department of
38 health and certified by the department of social and health services
39 under RCW 71.24.035, such as an evaluation and treatment facility or
40 a hospital, which has been designed to assess, diagnose, and treat

1 individuals experiencing an acute crisis without the use of long-term
2 hospitalization;

3 ~~((11))~~ (10) "Custody" means involuntary detention under the
4 provisions of this chapter or chapter 10.77 RCW, uninterrupted by any
5 period of unconditional release from commitment from a facility
6 providing involuntary care and treatment;

7 ~~((12))~~ (11) "Department" means the department of social and
8 health services;

9 ~~((13))~~ (12) "Designated crisis responder" means a mental health
10 professional appointed by the behavioral health organization to
11 perform the duties specified in this chapter;

12 ~~((14))~~ (13) "Detention" or "detain" means the lawful
13 confinement of a person, under the provisions of this chapter;

14 ~~((15))~~ (14) "Developmental disabilities professional" means a
15 person who has specialized training and three years of experience in
16 directly treating or working with persons with developmental
17 disabilities and is a psychiatrist, physician assistant working with
18 a supervising psychiatrist, psychologist, psychiatric advanced
19 registered nurse practitioner, or social worker, and such other
20 developmental disabilities professionals as may be defined by rules
21 adopted by the secretary;

22 ~~((16))~~ (15) "Developmental disability" means that condition
23 defined in RCW 71A.10.020(5);

24 ~~((17))~~ (16) "Discharge" means the termination of hospital
25 medical authority. The commitment may remain in place, be terminated,
26 or be amended by court order;

27 ~~((18))~~ (17) "Drug addiction" means a disease, characterized by
28 a dependency on psychoactive chemicals, loss of control over the
29 amount and circumstances of use, symptoms of tolerance, physiological
30 or psychological withdrawal, or both, if use is reduced or
31 discontinued, and impairment of health or disruption of social or
32 economic functioning;

33 ~~((19))~~ (18) "Evaluation and treatment facility" means any
34 facility which can provide directly, or by direct arrangement with
35 other public or private agencies, emergency evaluation and treatment,
36 outpatient care, and timely and appropriate inpatient care to persons
37 suffering from a mental disorder, and which is certified as such by
38 the department. The department may certify single beds as temporary
39 evaluation and treatment beds under RCW 71.05.745. A physically
40 separate and separately operated portion of a state hospital may be

1 designated as an evaluation and treatment facility. A facility which
2 is part of, or operated by, the department or any federal agency will
3 not require certification. No correctional institution or facility,
4 or jail, shall be an evaluation and treatment facility within the
5 meaning of this chapter;

6 ~~((+20+))~~ (19) "Gravely disabled" means a condition in which a
7 person, as a result of a mental disorder, or as a result of the use
8 of alcohol or other psychoactive chemicals: (a) Is in danger of
9 serious physical harm resulting from a failure to provide for his or
10 her essential human needs of health or safety; or (b) manifests
11 severe deterioration in routine functioning evidenced by repeated and
12 escalating loss of cognitive or volitional control over his or her
13 actions and is not receiving such care as is essential for his or her
14 health or safety;

15 ~~((+21+))~~ (20) "Habilitative services" means those services
16 provided by program personnel to assist persons in acquiring and
17 maintaining life skills and in raising their levels of physical,
18 mental, social, and vocational functioning. Habilitative services
19 include education, training for employment, and therapy. The
20 habilitative process shall be undertaken with recognition of the risk
21 to the public safety presented by the person being assisted as
22 manifested by prior charged criminal conduct;

23 ~~((+22+))~~ (21) "History of one or more violent acts" refers to the
24 period of time ten years prior to the filing of a petition under this
25 chapter, excluding any time spent, but not any violent acts
26 committed, in a mental health facility, a long-term alcoholism or
27 drug treatment facility, or in confinement as a result of a criminal
28 conviction;

29 ~~((+23+))~~ (22) "Imminent" means the state or condition of being
30 likely to occur at any moment or near at hand, rather than distant or
31 remote;

32 ~~((+24+))~~ (23) "Individualized service plan" means a plan prepared
33 by a developmental disabilities professional with other professionals
34 as a team, for a person with developmental disabilities, which shall
35 state:

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

38 (b) The conditions and strategies necessary to achieve the
39 purposes of habilitation;

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

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

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

6 (f) Where relevant in light of past criminal behavior and due
7 consideration for public safety, the criteria for proposed movement
8 to less-restrictive settings, criteria for proposed eventual
9 discharge or release, and a projected possible date for discharge or
10 release; and

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

13 ~~((+25+))~~ (24) "Information related to mental health services"
14 means all information and records compiled, obtained, or maintained
15 in the course of providing services to either voluntary or
16 involuntary recipients of services by a mental health service
17 provider. This may include documents of legal proceedings under this
18 chapter or chapter 71.34 or 10.77 RCW, or somatic health care
19 information;

20 ~~((+26+))~~ (25) "Intoxicated person" means a person whose mental or
21 physical functioning is substantially impaired as a result of the use
22 of alcohol or other psychoactive chemicals;

23 ~~((+27+))~~ (26) "In need of assisted outpatient mental health
24 treatment" means that a person, as a result of a mental disorder: (a)
25 Has been committed by a court to detention for involuntary mental
26 health treatment at least twice during the preceding thirty-six
27 months, or, if the person is currently committed for involuntary
28 mental health treatment, the person has been committed to detention
29 for involuntary mental health treatment at least once during the
30 thirty-six months preceding the date of initial detention of the
31 current commitment cycle; (b) is unlikely to voluntarily participate
32 in outpatient treatment without an order for less restrictive
33 alternative treatment, in view of the person's treatment history or
34 current behavior; (c) is unlikely to survive safely in the community
35 without supervision; (d) is likely to benefit from less restrictive
36 alternative treatment; and (e) requires less restrictive alternative
37 treatment to prevent a relapse, decompensation, or deterioration that
38 is likely to result in the person presenting a likelihood of serious
39 harm or the person becoming gravely disabled within a reasonably
40 short period of time. For purposes of (a) of this subsection, time

1 spent in a mental health facility or in confinement as a result of a
2 criminal conviction is excluded from the thirty-six month
3 calculation;

4 ~~((+28+))~~ (27) "Judicial commitment" means a commitment by a court
5 pursuant to the provisions of this chapter;

6 ~~((+29+))~~ (28) "Legal counsel" means attorneys and staff employed
7 by county prosecutor offices or the state attorney general acting in
8 their capacity as legal representatives of public mental health and
9 substance use disorder service providers under RCW 71.05.130;

10 ~~((+30+))~~ (29) "Less restrictive alternative treatment" means a
11 program of individualized treatment in a less restrictive setting
12 than inpatient treatment that includes the services described in RCW
13 71.05.585;

14 ~~((+31+))~~ (30) "Licensed physician" means a person licensed to
15 practice medicine or osteopathic medicine and surgery in the state of
16 Washington;

17 ~~((+32+))~~ (31) "Likelihood of serious harm" means:

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

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

29 ~~((+33+))~~ (32) "Medical clearance" means a physician or other
30 health care provider has determined that a person is medically stable
31 and ready for referral to the designated crisis responder;

32 ~~((+34+))~~ (33) "Mental disorder" means any organic, mental, or
33 emotional impairment which has substantial adverse effects on a
34 person's cognitive or volitional functions;

35 ~~((+35+))~~ (34) "Mental health professional" means a psychiatrist,
36 psychologist, physician assistant working with a supervising
37 psychiatrist, psychiatric advanced registered nurse practitioner,
38 psychiatric nurse, or social worker, and such other mental health
39 professionals as may be defined by rules adopted by the secretary
40 pursuant to the provisions of this chapter;

1 ~~((36))~~ (35) "Mental health service provider" means a public or
2 private agency that provides mental health services to persons with
3 mental disorders or substance use disorders as defined under this
4 section and receives funding from public sources. This includes, but
5 is not limited to, hospitals licensed under chapter 70.41 RCW,
6 evaluation and treatment facilities as defined in this section,
7 community mental health service delivery systems or behavioral health
8 programs as defined in RCW 71.24.025, facilities conducting
9 competency evaluations and restoration under chapter 10.77 RCW,
10 approved substance use disorder treatment programs as defined in this
11 section, secure detoxification facilities as defined in this section,
12 and correctional facilities operated by state and local governments;

13 ~~((37))~~ (36) "Peace officer" means a law enforcement official of
14 a public agency or governmental unit, and includes persons
15 specifically given peace officer powers by any state law, local
16 ordinance, or judicial order of appointment;

17 ~~((38))~~ (37) "Physician assistant" means a person licensed as a
18 physician assistant under chapter 18.57A or 18.71A RCW;

19 ~~((39))~~ (38) "Private agency" means any person, partnership,
20 corporation, or association that is not a public agency, whether or
21 not financed in whole or in part by public funds, which constitutes
22 an evaluation and treatment facility or private institution, or
23 hospital, or approved substance use disorder treatment program, which
24 is conducted for, or includes a department or ward conducted for, the
25 care and treatment of persons with mental illness, substance use
26 disorders, or both mental illness and substance use disorders;

27 ~~((40))~~ (39) "Professional person" means a mental health
28 professional, ~~((chemical—dependency))~~ substance use disorder
29 professional, or designated crisis responder and shall also mean a
30 physician, physician assistant, psychiatric advanced registered nurse
31 practitioner, registered nurse, and such others as may be defined by
32 rules adopted by the secretary pursuant to the provisions of this
33 chapter;

34 ~~((41))~~ (40) "Psychiatric advanced registered nurse
35 practitioner" means a person who is licensed as an advanced
36 registered nurse practitioner pursuant to chapter 18.79 RCW; and who
37 is board certified in advanced practice psychiatric and mental health
38 nursing;

39 ~~((42))~~ (41) "Psychiatrist" means a person having a license as a
40 physician and surgeon in this state who has in addition completed

1 three years of graduate training in psychiatry in a program approved
2 by the American medical association or the American osteopathic
3 association and is certified or eligible to be certified by the
4 American board of psychiatry and neurology;

5 ~~((43))~~ (42) "Psychologist" means a person who has been licensed
6 as a psychologist pursuant to chapter 18.83 RCW;

7 ~~((44))~~ (43) "Public agency" means any evaluation and treatment
8 facility or institution, secure detoxification facility, approved
9 substance use disorder treatment program, or hospital which is
10 conducted for, or includes a department or ward conducted for, the
11 care and treatment of persons with mental illness, substance use
12 disorders, or both mental illness and substance use disorders, if the
13 agency is operated directly by federal, state, county, or municipal
14 government, or a combination of such governments;

15 ~~((45))~~ (44) "Registration records" include all the records of
16 the department, behavioral health organizations, treatment
17 facilities, and other persons providing services to the department,
18 county departments, or facilities which identify persons who are
19 receiving or who at any time have received services for mental
20 illness or substance use disorders;

21 ~~((46))~~ (45) "Release" means legal termination of the commitment
22 under the provisions of this chapter;

23 ~~((47))~~ (46) "Resource management services" has the meaning
24 given in chapter 71.24 RCW;

25 ~~((48))~~ (47) "Secretary" means the secretary of the department
26 of social and health services, or his or her designee;

27 ~~((49))~~ (48) "Secure detoxification facility" means a facility
28 operated by either a public or private agency or by the program of an
29 agency that:

30 (a) Provides for intoxicated persons:

31 (i) Evaluation and assessment, provided by certified ~~((chemical
32 dependency))~~ substance use disorder professionals;

33 (ii) Acute or subacute detoxification services; and

34 (iii) Discharge assistance provided by certified ~~((chemical
35 dependency))~~ substance use disorder professionals, including
36 facilitating transitions to appropriate voluntary or involuntary
37 inpatient services or to less restrictive alternatives as appropriate
38 for the individual;

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

1 (c) Is certified as such by the department;
2 ((+50+)) (49) "Serious violent offense" has the same meaning as
3 provided in RCW 9.94A.030;
4 ((+51+)) (50) "Social worker" means a person with a master's or
5 further advanced degree from a social work educational program
6 accredited and approved as provided in RCW 18.320.010;
7 ((+52+)) (51) "Substance use disorder" means a cluster of
8 cognitive, behavioral, and physiological symptoms indicating that an
9 individual continues using the substance despite significant
10 substance-related problems. The diagnosis of a substance use disorder
11 is based on a pathological pattern of behaviors related to the use of
12 the substances;
13 (52) "Substance use disorder professional" means a person
14 certified as a substance use disorder professional by the department
15 of health under chapter 18.205 RCW;
16 (53) "Therapeutic court personnel" means the staff of a mental
17 health court or other therapeutic court which has jurisdiction over
18 defendants who are dually diagnosed with mental disorders, including
19 court personnel, probation officers, a court monitor, prosecuting
20 attorney, or defense counsel acting within the scope of therapeutic
21 court duties;
22 (54) "Treatment records" include registration and all other
23 records concerning persons who are receiving or who at any time have
24 received services for mental illness, which are maintained by the
25 department, by behavioral health organizations and their staffs, and
26 by treatment facilities. Treatment records include mental health
27 information contained in a medical bill including but not limited to
28 mental health drugs, a mental health diagnosis, provider name, and
29 dates of service stemming from a medical service. Treatment records
30 do not include notes or records maintained for personal use by a
31 person providing treatment services for the department, behavioral
32 health organizations, or a treatment facility if the notes or records
33 are not available to others;
34 (55) "Triage facility" means a short-term facility or a portion
35 of a facility licensed by the department of health and certified by
36 the department of social and health services under RCW 71.24.035,
37 which is designed as a facility to assess and stabilize an individual
38 or determine the need for involuntary commitment of an individual,
39 and must meet department of health residential treatment facility

1 standards. A triage facility may be structured as a voluntary or
2 involuntary placement facility;

3 (56) "Violent act" means behavior that resulted in homicide,
4 attempted suicide, nonfatal injuries, or substantial damage to
5 property.

6 **Sec. 17.** RCW 71.34.020 and 2016 sp.s. c 29 s 254 and 2016 c 155
7 s 17 are each reenacted and amended to read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Alcoholism" means a disease, characterized by a dependency
11 on alcoholic beverages, loss of control over the amount and
12 circumstances of use, symptoms of tolerance, physiological or
13 psychological withdrawal, or both, if use is reduced or discontinued,
14 and impairment of health or disruption of social or economic
15 functioning.

16 (2) "Approved substance use disorder treatment program" means a
17 program for minors with substance use disorders provided by a
18 treatment program certified by the department as meeting standards
19 adopted under chapter 71.24 RCW.

20 (3) "Chemical dependency" means:

21 (a) Alcoholism;

22 (b) Drug addiction; or

23 (c) Dependence on alcohol and one or more other psychoactive
24 chemicals, as the context requires.

25 ~~(4) ("Chemical dependency professional" means a person certified~~
26 ~~as a chemical dependency professional by the department of health~~
27 ~~under chapter 18.205 RCW.~~

28 ~~(5))~~ "Child psychiatrist" means a person having a license as a
29 physician and surgeon in this state, who has had graduate training in
30 child psychiatry in a program approved by the American Medical
31 Association or the American Osteopathic Association, and who is board
32 eligible or board certified in child psychiatry.

33 ~~((6))~~ (5) "Children's mental health specialist" means:

34 (a) A mental health professional who has completed a minimum of
35 one hundred actual hours, not quarter or semester hours, of
36 specialized training devoted to the study of child development and
37 the treatment of children; and

1 (b) A mental health professional who has the equivalent of one
2 year of full-time experience in the treatment of children under the
3 supervision of a children's mental health specialist.

4 ~~((7))~~ (6) "Commitment" means a determination by a judge or
5 court commissioner, made after a commitment hearing, that the minor
6 is in need of inpatient diagnosis, evaluation, or treatment or that
7 the minor is in need of less restrictive alternative treatment.

8 ~~((8))~~ (7) "Department" means the department of social and
9 health services.

10 ~~((9))~~ (8) "Designated crisis responder" means a person
11 designated by a behavioral health organization to perform the duties
12 specified in this chapter.

13 ~~((10))~~ (9) "Drug addiction" means a disease, characterized by a
14 dependency on psychoactive chemicals, loss of control over the amount
15 and circumstances of use, symptoms of tolerance, physiological or
16 psychological withdrawal, or both, if use is reduced or discontinued,
17 and impairment of health or disruption of social or economic
18 functioning.

19 ~~((11))~~ (10) "Evaluation and treatment facility" means a public
20 or private facility or unit that is certified by the department to
21 provide emergency, inpatient, residential, or outpatient mental
22 health evaluation and treatment services for minors. A physically
23 separate and separately-operated portion of a state hospital may be
24 designated as an evaluation and treatment facility for minors. A
25 facility which is part of or operated by the department or federal
26 agency does not require certification. No correctional institution or
27 facility, juvenile court detention facility, or jail may be an
28 evaluation and treatment facility within the meaning of this chapter.

29 ~~((12))~~ (11) "Evaluation and treatment program" means the total
30 system of services and facilities coordinated and approved by a
31 county or combination of counties for the evaluation and treatment of
32 minors under this chapter.

33 ~~((13))~~ (12) "Gravely disabled minor" means a minor who, as a
34 result of a mental disorder, or as a result of the use of alcohol or
35 other psychoactive chemicals, is in danger of serious physical harm
36 resulting from a failure to provide for his or her essential human
37 needs of health or safety, or manifests severe deterioration in
38 routine functioning evidenced by repeated and escalating loss of
39 cognitive or volitional control over his or her actions and is not
40 receiving such care as is essential for his or her health or safety.

1 (~~(14)~~) (13) "Inpatient treatment" means twenty-four-hour-per-
2 day mental health care provided within a general hospital,
3 psychiatric hospital, residential treatment facility certified by the
4 department as an evaluation and treatment facility for minors, secure
5 detoxification facility for minors, or approved substance use
6 disorder treatment program for minors.

7 (~~(15)~~) (14) "Intoxicated minor" means a minor whose mental or
8 physical functioning is substantially impaired as a result of the use
9 of alcohol or other psychoactive chemicals.

10 (~~(16)~~) (15) "Less restrictive alternative" or "less restrictive
11 setting" means outpatient treatment provided to a minor who is not
12 residing in a facility providing inpatient treatment as defined in
13 this chapter.

14 (~~(17)~~) (16) "Likelihood of serious harm" means either: (a) A
15 substantial risk that physical harm will be inflicted by an
16 individual upon his or her own person, as evidenced by threats or
17 attempts to commit suicide or inflict physical harm on oneself; (b) a
18 substantial risk that physical harm will be inflicted by an
19 individual upon another, as evidenced by behavior which has caused
20 such harm or which places another person or persons in reasonable
21 fear of sustaining such harm; or (c) a substantial risk that physical
22 harm will be inflicted by an individual upon the property of others,
23 as evidenced by behavior which has caused substantial loss or damage
24 to the property of others.

25 (~~(18)~~) (17) "Medical necessity" for inpatient care means a
26 requested service which is reasonably calculated to: (a) Diagnose,
27 correct, cure, or alleviate a mental disorder or substance use
28 disorder; or (b) prevent the progression of a substance use disorder
29 that endangers life or causes suffering and pain, or results in
30 illness or infirmity or threatens to cause or aggravate a handicap,
31 or causes physical deformity or malfunction, and there is no adequate
32 less restrictive alternative available.

33 (~~(19)~~) (18) "Mental disorder" means any organic, mental, or
34 emotional impairment that has substantial adverse effects on an
35 individual's cognitive or volitional functions. The presence of
36 alcohol abuse, drug abuse, juvenile criminal history, antisocial
37 behavior, or intellectual disabilities alone is insufficient to
38 justify a finding of "mental disorder" within the meaning of this
39 section.

1 ~~((+20+))~~ (19) "Mental health professional" means a psychiatrist,
2 physician assistant working with a supervising psychiatrist,
3 psychologist, psychiatric nurse, or social worker, and such other
4 mental health professionals as may be defined by rules adopted by the
5 secretary under this chapter.

6 ~~((+21+))~~ (20) "Minor" means any person under the age of eighteen
7 years.

8 ~~((+22+))~~ (21) "Outpatient treatment" means any of the
9 nonresidential services mandated under chapter 71.24 RCW and provided
10 by licensed service providers as identified by RCW 71.24.025.

11 ~~((+23+))~~ (22) "Parent" means:

12 (a) A biological or adoptive parent who has legal custody of the
13 child, including either parent if custody is shared under a joint
14 custody agreement; or

15 (b) A person or agency judicially appointed as legal guardian or
16 custodian of the child.

17 ~~((+24+))~~ (23) "Private agency" means any person, partnership,
18 corporation, or association that is not a public agency, whether or
19 not financed in whole or in part by public funds, that constitutes an
20 evaluation and treatment facility or private institution, or
21 hospital, or approved substance use disorder treatment program, that
22 is conducted for, or includes a department or ward conducted for, the
23 care and treatment of persons with mental illness, substance use
24 disorders, or both mental illness and substance use disorders.

25 ~~((+25+))~~ (24) "Physician assistant" means a person licensed as a
26 physician assistant under chapter 18.57A or 18.71A RCW.

27 ~~((+26+))~~ (25) "Professional person in charge" or "professional
28 person" means a physician, other mental health professional, or other
29 person empowered by an evaluation and treatment facility, secure
30 detoxification facility, or approved substance use disorder treatment
31 program with authority to make admission and discharge decisions on
32 behalf of that facility.

33 ~~((+27+))~~ (26) "Psychiatric nurse" means a registered nurse who
34 has a bachelor's degree from an accredited college or university, and
35 who has had, in addition, at least two years' experience in the
36 direct treatment of persons who have a mental illness or who are
37 emotionally disturbed, such experience gained under the supervision
38 of a mental health professional. "Psychiatric nurse" shall also mean
39 any other registered nurse who has three years of such experience.

1 ~~((28))~~ (27) "Psychiatrist" means a person having a license as a
2 physician in this state who has completed residency training in
3 psychiatry in a program approved by the American Medical Association
4 or the American Osteopathic Association, and is board eligible or
5 board certified in psychiatry.

6 ~~((29))~~ (28) "Psychologist" means a person licensed as a
7 psychologist under chapter 18.83 RCW.

8 ~~((30))~~ (29) "Public agency" means any evaluation and treatment
9 facility or institution, or hospital, or approved substance use
10 disorder treatment program that is conducted for, or includes a
11 department or ward conducted for, the care and treatment of persons
12 with mental illness, substance use disorders, or both mental illness
13 and substance use disorders if the agency is operated directly by
14 federal, state, county, or municipal government, or a combination of
15 such governments.

16 ~~((31))~~ (30) "Responsible other" means the minor, the minor's
17 parent or estate, or any other person legally responsible for support
18 of the minor.

19 ~~((32))~~ (31) "Secretary" means the secretary of the department
20 or secretary's designee.

21 ~~((33))~~ (32) "Secure detoxification facility" means a facility
22 operated by either a public or private agency or by the program of an
23 agency that:

24 (a) Provides for intoxicated minors:

25 (i) Evaluation and assessment, provided by certified ~~((chemical
26 dependency))~~ substance use disorder professionals;

27 (ii) Acute or subacute detoxification services; and

28 (iii) Discharge assistance provided by certified ~~((chemical
29 dependency))~~ substance use disorder professionals, including
30 facilitating transitions to appropriate voluntary or involuntary
31 inpatient services or to less restrictive alternatives as appropriate
32 for the minor;

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

35 (c) Is certified as such by the department.

36 ~~((34))~~ (33) "Social worker" means a person with a master's or
37 further advanced degree from a social work educational program
38 accredited and approved as provided in RCW 18.320.010.

39 ~~((35))~~ (34) "Start of initial detention" means the time of
40 arrival of the minor at the first evaluation and treatment facility,

1 secure detoxification facility, or approved substance use disorder
2 treatment program offering inpatient treatment if the minor is being
3 involuntarily detained at the time. With regard to voluntary
4 patients, "start of initial detention" means the time at which the
5 minor gives notice of intent to leave under the provisions of this
6 chapter.

7 ~~((+36+))~~ (35) "Substance use disorder" means a cluster of
8 cognitive, behavioral, and physiological symptoms indicating that an
9 individual continues using the substance despite significant
10 substance-related problems. The diagnosis of a substance use disorder
11 is based on a pathological pattern of behaviors related to the use of
12 the substances.

13 (36) "Substance use disorder professional" means a person
14 certified as a substance use disorder professional by the department
15 of health under chapter 18.205 RCW.

16 **Sec. 18.** RCW 71.34.720 and 2016 sp.s. c 29 s 271 and 2016 c 155
17 s 19 are each reenacted and amended to read as follows:

18 (1) Each minor approved by the facility for inpatient admission
19 shall be examined and evaluated by a children's mental health
20 specialist, for minors admitted as a result of a mental disorder, or
21 by a ~~((chemical dependency))~~ substance use disorder professional, for
22 minors admitted as a result of a substance use disorder, as to the
23 child's mental condition and by a physician, physician assistant, or
24 psychiatric advanced registered nurse practitioner as to the child's
25 physical condition within twenty-four hours of admission. Reasonable
26 measures shall be taken to ensure medical treatment is provided for
27 any condition requiring immediate medical attention.

28 (2) If, after examination and evaluation, the children's mental
29 health specialist or substance use disorder specialist and the
30 physician, physician assistant, or psychiatric advanced registered
31 nurse practitioner determine that the initial needs of the minor, if
32 detained to an evaluation and treatment facility, would be better
33 served by placement in a substance use disorder treatment
34 ~~((facility))~~ program or, if detained to a secure detoxification
35 facility or approved substance use disorder treatment program, would
36 be better served in an evaluation and treatment facility, then the
37 minor shall be referred to the more appropriate placement; however a
38 minor may only be referred to a secure detoxification facility or
39 approved substance use disorder treatment program if there is a

1 secure detoxification facility or approved substance use disorder
2 treatment program available and that has adequate space for the
3 minor.

4 (3) The admitting facility shall take reasonable steps to notify
5 immediately the minor's parent of the admission.

6 (4) During the initial seventy-two hour treatment period, the
7 minor has a right to associate or receive communications from parents
8 or others unless the professional person in charge determines that
9 such communication would be seriously detrimental to the minor's
10 condition or treatment and so indicates in the minor's clinical
11 record, and notifies the minor's parents of this determination. In no
12 event may the minor be denied the opportunity to consult an attorney.

13 (5) If the evaluation and treatment facility, secure
14 detoxification facility, or approved substance use disorder treatment
15 program admits the minor, it may detain the minor for evaluation and
16 treatment for a period not to exceed seventy-two hours from the time
17 of provisional acceptance. The computation of such seventy-two hour
18 period shall exclude Saturdays, Sundays, and holidays. This initial
19 treatment period shall not exceed seventy-two hours except when an
20 application for voluntary inpatient treatment is received or a
21 petition for fourteen-day commitment is filed.

22 (6) Within twelve hours of the admission, the facility shall
23 advise the minor of his or her rights as set forth in this chapter.

24 **Sec. 19.** RCW 71.34.720 and 2016 sp.s. c 29 s 272 are each
25 amended to read as follows:

26 (1) Each minor approved by the facility for inpatient admission
27 shall be examined and evaluated by a children's mental health
28 specialist, for minors admitted as a result of a mental disorder, or
29 by a (~~chemical dependency~~) substance use disorder professional, for
30 minors admitted as a result of a substance use disorder, as to the
31 child's mental condition and by a physician, physician assistant, or
32 psychiatric advanced registered nurse practitioner as to the child's
33 physical condition within twenty-four hours of admission. Reasonable
34 measures shall be taken to ensure medical treatment is provided for
35 any condition requiring immediate medical attention.

36 (2) If, after examination and evaluation, the children's mental
37 health specialist or substance use disorder specialist and the
38 physician, physician assistant, or psychiatric advanced registered
39 nurse practitioner determine that the initial needs of the minor, if

1 detained to an evaluation and treatment facility, would be better
2 served by placement in a substance use disorder treatment
3 (~~facility~~) program or, if detained to a secure detoxification
4 facility or approved substance use disorder treatment program, would
5 be better served in an evaluation and treatment facility, then the
6 minor shall be referred to the more appropriate placement.

7 (3) The admitting facility shall take reasonable steps to notify
8 immediately the minor's parent of the admission.

9 (4) During the initial seventy-two hour treatment period, the
10 minor has a right to associate or receive communications from parents
11 or others unless the professional person in charge determines that
12 such communication would be seriously detrimental to the minor's
13 condition or treatment and so indicates in the minor's clinical
14 record, and notifies the minor's parents of this determination. In no
15 event may the minor be denied the opportunity to consult an attorney.

16 (5) If the evaluation and treatment facility, secure
17 detoxification facility, or approved substance use disorder treatment
18 program admits the minor, it may detain the minor for evaluation and
19 treatment for a period not to exceed seventy-two hours from the time
20 of provisional acceptance. The computation of such seventy-two hour
21 period shall exclude Saturdays, Sundays, and holidays. This initial
22 treatment period shall not exceed seventy-two hours except when an
23 application for voluntary inpatient treatment is received or a
24 petition for fourteen-day commitment is filed.

25 (6) Within twelve hours of the admission, the facility shall
26 advise the minor of his or her rights as set forth in this chapter.

27 **Sec. 20.** RCW 71.34.760 and 2016 sp.s. c 29 s 278 are each
28 amended to read as follows:

29 (1) If a minor is committed for one hundred eighty-day inpatient
30 treatment and is to be placed in a state-supported program, the
31 secretary shall accept immediately and place the minor in a state-
32 funded long-term evaluation and treatment facility or state-funded
33 approved substance use disorder treatment program.

34 (2) The secretary's placement authority shall be exercised
35 through a designated placement committee appointed by the secretary
36 and composed of children's mental health specialists and (~~chemical~~
37 ~~dependency~~) substance use disorder professionals, including at least
38 one child psychiatrist who represents the state-funded, long-term,
39 evaluation and treatment facility for minors and one (~~chemical~~

1 ~~dependency~~) substance use disorder professional who represents the
2 state-funded approved substance use disorder treatment program. The
3 responsibility of the placement committee will be to:

4 (a) Make the long-term placement of the minor in the most
5 appropriate, available state-funded evaluation and treatment facility
6 or approved substance use disorder treatment program, having
7 carefully considered factors including the treatment needs of the
8 minor, the most appropriate facility able to respond to the minor's
9 identified treatment needs, the geographic proximity of the facility
10 to the minor's family, the immediate availability of bed space, and
11 the probable impact of the placement on other residents of the
12 facility;

13 (b) Approve or deny requests from treatment facilities for
14 transfer of a minor to another facility;

15 (c) Receive and monitor reports required under this section;

16 (d) Receive and monitor reports of all discharges.

17 (3) The secretary may authorize transfer of minors among
18 treatment facilities if the transfer is in the best interests of the
19 minor or due to treatment priorities.

20 (4) The responsible state-funded evaluation and treatment
21 facility or approved substance use disorder treatment program shall
22 submit a report to the department's designated placement committee
23 within ninety days of admission and no less than every one hundred
24 eighty days thereafter, setting forth such facts as the department
25 requires, including the minor's individual treatment plan and
26 progress, recommendations for future treatment, and possible less
27 restrictive treatment.

28 **Sec. 21.** RCW 18.205.080 and 1998 c 243 s 8 are each amended to
29 read as follows:

30 (1) The secretary shall appoint a (~~chemical—dependency~~)
31 substance use disorder certification advisory committee to further
32 the purposes of this chapter. The committee shall be composed of
33 seven members, one member initially appointed for a term of one year,
34 three for a term of two years, and three for a term of three years.
35 Subsequent appointments shall be for terms of three years. No person
36 may serve as a member of the committee for more than two consecutive
37 terms. Members of the committee shall be residents of this state. The
38 committee shall be composed of four certified (~~chemical—dependency~~)
39 substance use disorder professionals; one (~~chemical—dependency~~)

1 substance use disorder treatment program director; one physician
2 licensed under chapter 18.71 or 18.57 RCW who is certified in
3 addiction medicine or a licensed or certified mental health
4 practitioner; and one member of the public who has received
5 (~~chemical dependency~~) substance use disorder counseling.

6 (2) The secretary may remove any member of the committee for
7 cause as specified by rule. In the case of a vacancy, the secretary
8 shall appoint a person to serve for the remainder of the unexpired
9 term.

10 (3) The committee shall meet at the times and places designated
11 by the secretary and shall hold meetings during the year as necessary
12 to provide advice to the director. The committee may elect a chair
13 and a vice chair. A majority of the members currently serving shall
14 constitute a quorum.

15 (4) Each member of the committee shall be reimbursed for travel
16 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
17 members of the committee shall be compensated in accordance with RCW
18 43.03.240 when engaged in the authorized business of the committee.

19 (5) The director of the (~~department of social and health~~
20 ~~services division of alcohol and substance abuse or the director's~~)
21 health care authority, or his or her designee, shall serve as an ex
22 officio member of the committee.

23 (6) The secretary, members of the committee, or individuals
24 acting on their behalf are immune from suit in any action, civil or
25 criminal, based on any certification or disciplinary proceedings or
26 other official acts performed in the course of their duties.

27 NEW SECTION. Sec. 22. Section 4 of this act takes effect only
28 if neither Substitute House Bill No. 1388 (including any later
29 amendments or substitutes) nor Substitute Senate Bill No. 5259
30 (including any later amendments or substitutes) is signed into law by
31 the governor by the effective date of this section.

32 NEW SECTION. Sec. 23. Section 21 of this act takes effect only
33 if Substitute House Bill No. 1388 (including any later amendments or
34 substitutes) or Substitute Senate Bill No. 5259 (including any later
35 amendments or substitutes) is signed into law by the governor by the
36 effective date of this section.

1 NEW SECTION. **Sec. 24.** (1) Section 9 of this act takes effect
2 July 1, 2019.

3 (2) Section 13 of this act takes effect August 1, 2020.

4 (3) Section 19 of this act takes effect July 1, 2026.

5 NEW SECTION. **Sec. 25.** (1) Section 8 of this act expires July 1,
6 2019.

7 (2) Section 12 of this act expires August 1, 2020.

8 (3) Section 18 of this act expires July 1, 2026."

9 Correct the title.

EFFECT: Updates underlying statutes to account for legislation passed in the 2017 legislative session. Removes sections that expire on April 1, 2018.

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