

ESHB 1340 - S COMM AMD
By Committee on Health Care

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 ~~((("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,

1 including assessment and diagnosis of ~~((chemical dependency))~~
2 substance use disorders, ~~((chemical dependency))~~ substance use
3 disorder treatment planning and referral, patient and family
4 education in the disease of ~~((chemical dependency))~~ substance use
5 disorders, individual and group counseling ~~((with alcoholic and drug~~
6 ~~addicted individuals))~~, relapse prevention counseling, and case
7 management~~((, all oriented to assist alcoholic and drug addicted~~
8 ~~patients to achieve and maintain abstinence from mood altering~~
9 ~~substances and develop independent support systems))~~. Abstinence is a
10 goal of substance use disorder counseling and this goal does not
11 prohibit the use of lawfully prescribed medication for the treatment
12 of substance use disorders.

13 ~~((+7))~~ (4) "Department" means the department of health.

14 ~~((+8))~~ (5) "Health profession" means a profession providing
15 health services regulated under the laws of this state.

16 ~~((+9))~~ (6) "Secretary" means the secretary of health or the
17 secretary's designee.

18 (7) "Substance use disorder counseling" means employing the core
19 competencies of substance use disorder counseling to assist or
20 attempt to assist individuals who are using or dependent on alcohol
21 or other drugs.

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

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

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

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

1 **Sec. 4.** RCW 18.205.040 and 2014 c 225 s 108 are each amended to
2 read as follows:

3 (1) ~~((Except as provided in subsection (2) of this section,~~
4 ~~nothing in this chapter shall be construed to authorize the use of~~
5 ~~the title "certified chemical dependency professional" or "certified~~
6 ~~chemical dependency professional trainee" when treating patients in~~
7 ~~settings other than programs approved under chapter 70.96A RCW.~~

8 ~~(2))~~ A person who holds a credential as a "certified ~~((chemical~~
9 ~~dependency))~~ substance use disorder professional" or a "certified
10 ~~((chemical dependency))~~ substance use disorder professional trainee"
11 may use such title when treating patients in settings other than
12 programs approved under chapter ~~((70.96A RCW if the person also holds~~
13 ~~a license as: An advanced registered nurse practitioner under chapter~~
14 ~~18.79 RCW; a marriage and family therapist, mental health counselor,~~
15 ~~advanced social worker, or independent clinical social health worker~~
16 ~~under chapter 18.225 RCW; a psychologist under chapter 18.83 RCW; an~~
17 ~~osteopathic physician under chapter 18.57 RCW; an osteopathic~~
18 ~~physician assistant under chapter 18.57A RCW; a physician under~~
19 ~~chapter 18.71 RCW; or a physician assistant under chapter 18.71A))~~
20 71.24 RCW.

21 (2) As of the effective date of this section, a person licensed
22 under this chapter holding the title of "chemical dependency
23 professional" or "chemical dependency professional trainee" is
24 considered to hold the title of "substance use disorder professional"
25 or "substance use disorder professional trainee," respectively, until
26 such time as the person's present certification expires or is
27 renewed.

28 **Sec. 5.** 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 services
20 (~~division of alcohol and substance abuse~~) behavioral health
21 administration, or the director's 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 **Sec. 6.** RCW 18.205.090 and 2001 c 251 s 30 are each amended to
28 read as follows:

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

32 (a) Completion of an educational program approved by the
33 secretary or successful completion of alternate training that meets
34 established criteria;

35 (b) Successful completion of an approved examination, based on
36 core competencies of (~~chemical dependency~~) substance use disorder
37 counseling; and

38 (c) Successful completion of an experience requirement that
39 establishes fewer hours of experience for applicants with higher

1 levels of relevant education. In meeting any experience requirement
2 established under this subsection, the secretary may not require more
3 than one thousand five hundred hours of experience in ((~~chemical~~
4 ~~dependency~~)) substance use disorder counseling for applicants who are
5 licensed under chapter 18.83 RCW or under chapter 18.79 RCW as
6 advanced registered nurse practitioners.

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

9 (3) Applicants are subject to the grounds for denial of a
10 certificate or issuance of a conditional certificate under chapter
11 18.130 RCW.

12 (4) Certified ((~~chemical—dependency~~)) substance use disorder
13 professionals shall not be required to be registered under chapter
14 18.19 RCW or licensed under chapter 18.225 RCW.

15 **Sec. 7.** RCW 18.205.095 and 2008 c 135 s 18 are each amended to
16 read as follows:

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

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

27 (3) A trainee certified under this section may practice only
28 under the supervision of a certified ((~~chemical—dependency~~))
29 substance use disorder professional. The first fifty hours of any
30 face-to-face client contact must be under direct observation. All
31 remaining experience must be under supervision in accordance with
32 rules adopted by the department.

33 (4) A certified ((~~chemical—dependency~~)) substance use disorder
34 professional trainee provides ((~~chemical—dependency~~)) substance use
35 disorder assessments, counseling, and case management with a state
36 regulated agency and can provide clinical services to patients
37 consistent with his or her education, training, and experience as
38 approved by his or her supervisor.

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

1 (6) Applicants are subject to denial of a certificate or issuance
2 of a conditional certificate for the reasons set forth in chapter
3 18.130 RCW.

4 **Sec. 8.** RCW 10.77.079 and 2015 1st sp.s. c 7 s 9 are each
5 amended to read as follows:

6 (1) If the issue of competency to stand trial is raised by the
7 court or a party under RCW 10.77.060, the prosecutor may continue
8 with the competency process or dismiss the charges without prejudice
9 and refer the defendant for assessment by a mental health
10 professional, (~~chemical dependency~~) substance use disorder
11 professional, or developmental disabilities professional to determine
12 the appropriate service needs for the defendant.

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

17 **Sec. 9.** RCW 13.40.020 and 2016 c 136 s 2 and 2016 c 106 s 1 are
18 each reenacted and amended to read as follows:

19 For the purposes of this chapter:

20 (1) "Assessment" means an individualized examination of a child
21 to determine the child's psychosocial needs and problems, including
22 the type and extent of any mental health, substance abuse, or co-
23 occurring mental health and substance abuse disorders, and
24 recommendations for treatment. "Assessment" includes, but is not
25 limited to, drug and alcohol evaluations, psychological and
26 psychiatric evaluations, records review, clinical interview, and
27 administration of a formal test or instrument;

28 (2) "Community-based rehabilitation" means one or more of the
29 following: Employment; attendance of information classes; literacy
30 classes; counseling, outpatient substance abuse treatment programs,
31 outpatient mental health programs, anger management classes,
32 education or outpatient treatment programs to prevent animal cruelty,
33 or other services including, when appropriate, restorative justice
34 programs; or attendance at school or other educational programs
35 appropriate for the juvenile as determined by the school district.
36 Placement in community-based rehabilitation programs is subject to
37 available funds;

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

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

4 (b) Community restitution not to exceed one hundred fifty hours
5 of community restitution;

6 (4) "Community restitution" means compulsory service, without
7 compensation, performed for the benefit of the community by the
8 offender as punishment for committing an offense. Community
9 restitution may be performed through public or private organizations
10 or through work crews;

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

24 (a) Community-based sanctions;

25 (b) Community-based rehabilitation;

26 (c) Monitoring and reporting requirements;

27 (d) Posting of a probation bond;

28 (e) Residential treatment, where substance abuse, mental health,
29 and/or co-occurring disorders have been identified in an assessment
30 by a qualified mental health professional, psychologist,
31 psychiatrist, or ~~((chemical dependency))~~ substance use disorder
32 professional and a funded bed is available. If a child agrees to
33 voluntary placement in a state-funded long-term evaluation and
34 treatment facility, the case must follow the existing placement
35 procedure including consideration of less restrictive treatment
36 options and medical necessity.

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

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

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

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

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

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

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

11 (6) "Confinement" means physical custody by the department of
12 social and health services in a facility operated by or pursuant to a
13 contract with the state, or physical custody in a detention facility
14 operated by or pursuant to a contract with any county. The county may
15 operate or contract with vendors to operate county detention
16 facilities. The department may operate or contract to operate
17 detention facilities for juveniles committed to the department.
18 Pretrial confinement or confinement of less than thirty-one days
19 imposed as part of a disposition or modification order may be served
20 consecutively or intermittently, in the discretion of the court;

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

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

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

30 (b) The criminal complaint was diverted by a prosecutor pursuant
31 to the provisions of this chapter on agreement of the respondent and
32 after an advisement to the respondent that the criminal complaint
33 would be considered as part of the respondent's criminal history. A
34 successfully completed deferred adjudication that was entered before
35 July 1, 1998, or a deferred disposition shall not be considered part
36 of the respondent's criminal history;

37 (9) "Department" means the department of social and health
38 services;

39 (10) "Detention facility" means a county facility, paid for by
40 the county, for the physical confinement of a juvenile alleged to

1 have committed an offense or an adjudicated offender subject to a
2 disposition or modification order. "Detention facility" includes
3 county group homes, inpatient substance abuse programs, juvenile
4 basic training camps, and electronic monitoring;

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

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

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

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

33 (15) "Juvenile," "youth," and "child" mean any individual who is
34 under the chronological age of eighteen years and who has not been
35 previously transferred to adult court pursuant to RCW 13.40.110,
36 unless the individual was convicted of a lesser charge or acquitted
37 of the charge for which he or she was previously transferred pursuant
38 to RCW 13.40.110 or who is not otherwise under adult court
39 jurisdiction;

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

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

8 (18) "Local sanctions" means one or more of the following: (a)
9 0-30 days of confinement; (b) 0-12 months of community supervision;
10 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

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

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

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

27 (22) "Physical restraint" means the use of any bodily force or
28 physical intervention to control a juvenile offender or limit a
29 juvenile offender's freedom of movement in a way that does not
30 involve a mechanical restraint. Physical restraint does not include
31 momentary periods of minimal physical restriction by direct person-
32 to-person contact, without the aid of mechanical restraint,
33 accomplished with limited force and designed to:

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

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

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

39 (23) "Postpartum recovery" means (a) the entire period a woman or
40 youth is in the hospital, birthing center, or clinic after giving

1 birth and (b) an additional time period, if any, a treating physician
2 determines is necessary for healing after the youth leaves the
3 hospital, birthing center, or clinic;

4 (24) "Probation bond" means a bond, posted with sufficient
5 security by a surety justified and approved by the court, to secure
6 the offender's appearance at required court proceedings and
7 compliance with court-ordered community supervision or conditions of
8 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
9 a deposit of cash or posting of other collateral in lieu of a bond if
10 approved by the court;

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

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

23 (27) "Restorative justice" means practices, policies, and
24 programs informed by and sensitive to the needs of crime victims that
25 are designed to encourage offenders to accept responsibility for
26 repairing the harm caused by their offense by providing safe and
27 supportive opportunities for voluntary participation and
28 communication between the victim, the offender, their families, and
29 relevant community members;

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

32 (a) Physical restraint; or

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

36 (29) "Screening" means a process that is designed to identify a
37 child who is at risk of having mental health, substance abuse, or co-
38 occurring mental health and substance abuse disorders that warrant
39 immediate attention, intervention, or more comprehensive assessment.

1 A screening may be undertaken with or without the administration of a
2 formal instrument;

3 (30) "Secretary" means the secretary of the department of social
4 and health services. "Assistant secretary" means the assistant
5 secretary for juvenile rehabilitation for the department;

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

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

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

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

20 (35) "Transportation" means the conveying, by any means, of an
21 incarcerated pregnant youth from the institution or detention
22 facility to another location from the moment she leaves the
23 institution or detention facility to the time of arrival at the other
24 location, and includes the escorting of the pregnant incarcerated
25 youth from the institution or detention facility to a transport
26 vehicle and from the vehicle to the other location;

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

30 (37) "Violent offense" means a violent offense as defined in RCW
31 9.94A.030;

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

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

36 (1) When a police officer has reasonable cause to believe that a
37 juvenile has committed acts constituting a nonfelony crime that is
38 not a serious offense as identified in RCW 10.77.092, and the officer
39 believes that the juvenile suffers from a mental disorder, and the

1 local prosecutor has entered into an agreement with law enforcement
2 regarding the detention of juveniles who may have a mental disorder
3 or may be suffering from chemical dependency, the arresting officer,
4 instead of taking the juvenile to the local juvenile detention
5 facility, may take the juvenile to:

6 (a) An evaluation and treatment facility as defined in RCW
7 71.34.020 if the juvenile suffers from a mental disorder and the
8 facility has been identified as an alternative location by agreement
9 of the prosecutor, law enforcement, and the mental health provider;

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

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

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

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

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

25 **Sec. 11.** RCW 18.130.040 and 2016 c 41 s 18 are each amended to
26 read as follows:

27 (1) This chapter applies only to the secretary and the boards and
28 commissions having jurisdiction in relation to the professions
29 licensed under the chapters specified in this section. This chapter
30 does not apply to any business or profession not licensed under the
31 chapters specified in this section.

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

34 (i) Dispensing opticians licensed and designated apprentices
35 under chapter 18.34 RCW;

36 (ii) Midwives licensed under chapter 18.50 RCW;

37 (iii) Ocularists licensed under chapter 18.55 RCW;

38 (iv) Massage therapists and businesses licensed under chapter
39 18.108 RCW;

- 1 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 2 (vi) East Asian medicine practitioners licensed under chapter
3 18.06 RCW;
- 4 (vii) Radiologic technologists certified and X-ray technicians
5 registered under chapter 18.84 RCW;
- 6 (viii) Respiratory care practitioners licensed under chapter
7 18.89 RCW;
- 8 (ix) Hypnotherapists and agency affiliated counselors registered
9 and advisors and counselors certified under chapter 18.19 RCW;
- 10 (x) Persons licensed as mental health counselors, mental health
11 counselor associates, marriage and family therapists, marriage and
12 family therapist associates, social workers, social work associates—
13 advanced, and social work associates—independent clinical under
14 chapter 18.225 RCW;
- 15 (xi) Persons registered as nursing pool operators under chapter
16 18.52C RCW;
- 17 (xii) Nursing assistants registered or certified or medication
18 assistants endorsed under chapter 18.88A RCW;
- 19 (xiii) Dietitians and nutritionists certified under chapter
20 18.138 RCW;
- 21 (xiv) (~~(Chemical—dependency)~~) Substance use disorder
22 professionals and (~~(chemical—dependency)~~) substance use disorder
23 professional trainees certified under chapter 18.205 RCW;
- 24 (xv) Sex offender treatment providers and certified affiliate sex
25 offender treatment providers certified under chapter 18.155 RCW;
- 26 (xvi) Persons licensed and certified under chapter 18.73 RCW or
27 RCW 18.71.205;
- 28 (xvii) Orthotists and prosthetists licensed under chapter 18.200
29 RCW;
- 30 (xviii) Surgical technologists registered under chapter 18.215
31 RCW;
- 32 (xix) Recreational therapists under chapter 18.230 RCW;
- 33 (xx) Animal massage therapists certified under chapter 18.240
34 RCW;
- 35 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 36 (xxii) Home care aides certified under chapter 18.88B RCW;
- 37 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
- 38 (xxiv) Reflexologists certified under chapter 18.108 RCW;
- 39 (xxv) Medical assistants-certified, medical assistants-
40 hemodialysis technician, medical assistants-phlebotomist, and medical

1 assistants-registered certified and registered under chapter 18.360
2 RCW; and

3 (xxvi) Behavior analysts, assistant behavior analysts, and
4 behavior technicians under chapter 18.380 RCW.

5 (b) The boards and commissions having authority under this
6 chapter are as follows:

7 (i) The podiatric medical board as established in chapter 18.22
8 RCW;

9 (ii) The chiropractic quality assurance commission as established
10 in chapter 18.25 RCW;

11 (iii) The dental quality assurance commission as established in
12 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
13 licenses and registrations issued under chapter 18.260 RCW, and
14 certifications issued under chapter 18.350 RCW;

15 (iv) The board of hearing and speech as established in chapter
16 18.35 RCW;

17 (v) The board of examiners for nursing home administrators as
18 established in chapter 18.52 RCW;

19 (vi) The optometry board as established in chapter 18.54 RCW
20 governing licenses issued under chapter 18.53 RCW;

21 (vii) The board of osteopathic medicine and surgery as
22 established in chapter 18.57 RCW governing licenses issued under
23 chapters 18.57 and 18.57A RCW;

24 (viii) The pharmacy quality assurance commission as established
25 in chapter 18.64 RCW governing licenses issued under chapters 18.64
26 and 18.64A RCW;

27 (ix) The medical quality assurance commission as established in
28 chapter 18.71 RCW governing licenses and registrations issued under
29 chapters 18.71 and 18.71A RCW;

30 (x) The board of physical therapy as established in chapter 18.74
31 RCW;

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

34 (xii) The nursing care quality assurance commission as
35 established in chapter 18.79 RCW governing licenses and registrations
36 issued under that chapter;

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

39 (xiv) The veterinary board of governors as established in chapter
40 18.92 RCW;

1 (xv) The board of naturopathy established in chapter 18.36A RCW;
2 and

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

4 (3) In addition to the authority to discipline license holders,
5 the disciplining authority has the authority to grant or deny
6 licenses. The disciplining authority may also grant a license subject
7 to conditions.

8 (4) All disciplining authorities shall adopt procedures to ensure
9 substantially consistent application of this chapter, the uniform
10 disciplinary act, among the disciplining authorities listed in
11 subsection (2) of this section.

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

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

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

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

21 (iii) A marriage and family therapist licensed under chapter
22 18.225 RCW;

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

24 (v) An occupational therapy practitioner licensed under chapter
25 18.59 RCW;

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

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

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

31 (b) The requirements in (a) of this subsection apply to a person
32 holding a retired active license for one of the professions in (a) of
33 this subsection.

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

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

5 (2)(a) Except as provided in (b) of this subsection, a
6 professional listed in subsection (1)(a) of this section must
7 complete the first training required by this section by the end of
8 the first full continuing education reporting period after January 1,
9 2014, or during the first full continuing education reporting period
10 after initial licensure or certification, whichever occurs later.

11 (b) A professional listed in subsection (1)(a) of this section
12 applying for initial licensure may delay completion of the first
13 training required by this section for six years after initial
14 licensure if he or she can demonstrate successful completion of the
15 training required in subsection (1) of this section no more than six
16 years prior to the application for initial licensure.

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

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

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

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

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

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

36 (iii) A licensed practical nurse, registered nurse, or advanced
37 registered nurse practitioner, other than a certified registered
38 nurse anesthetist, licensed under chapter 18.79 RCW;

1 (iv) An osteopathic physician and surgeon licensed under chapter
2 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
3 and surgery license issued under RCW 18.57.035;

4 (v) An osteopathic physician assistant licensed under chapter
5 18.57A RCW;

6 (vi) A physical therapist or physical therapist assistant
7 licensed under chapter 18.74 RCW;

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

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

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

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

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

25 (ii) A licensed pharmacist or a person holding a retired active
26 pharmacist license must complete the one-time training by the end of
27 the first full continuing education reporting period after January 1,
28 2017, or during the first full continuing education reporting period
29 after initial licensure, whichever is later.

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

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

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

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

6 (c) By June 30, 2016, the department shall adopt rules
7 establishing minimum standards for the training programs included on
8 the model list. The minimum standards must require that six-hour
9 trainings include content specific to veterans and the assessment of
10 issues related to imminent harm via lethal means or self-injurious
11 behaviors and that three-hour trainings for pharmacists include
12 content related to the assessment of issues related to imminent harm
13 via lethal means. When adopting the rules required under this
14 subsection (6)(c), the department shall:

15 (i) Consult with the affected disciplining authorities, public
16 and private institutions of higher education, educators, experts in
17 suicide assessment, treatment, and management, the Washington
18 department of veterans affairs, and affected professional
19 associations; and

20 (ii) Consider standards related to the best practices registry of
21 the American foundation for suicide prevention and the suicide
22 prevention resource center.

23 (d) Beginning January 1, 2017:

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

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

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

36 (7) The department shall provide the health profession training
37 standards created in this section to the professional educator
38 standards board as a model in meeting the requirements of RCW
39 28A.410.226 and provide technical assistance, as requested, in the
40 review and evaluation of educator training programs. The educator

1 training programs approved by the professional educator standards
2 board may be included in the department's model list.

3 (8) Nothing in this section may be interpreted to expand or limit
4 the scope of practice of any profession regulated under chapter
5 18.130 RCW.

6 (9) The secretary and the disciplining authorities affected by
7 this section shall adopt any rules necessary to implement this
8 section.

9 (10) For purposes of this section:

10 (a) "Disciplining authority" has the same meaning as in RCW
11 18.130.020.

12 (b) "Training in suicide assessment, treatment, and management"
13 means empirically supported training approved by the appropriate
14 disciplining authority that contains the following elements: Suicide
15 assessment, including screening and referral, suicide treatment, and
16 suicide management. However, the disciplining authority may approve
17 training that includes only screening and referral elements if
18 appropriate for the profession in question based on the profession's
19 scope of practice. The board of occupational therapy may also approve
20 training that includes only screening and referral elements if
21 appropriate for occupational therapy practitioners based on practice
22 setting.

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

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

38 **Sec. 13.** RCW 70.96B.010 and 2014 c 225 s 74 are each amended to
39 read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Admission" or "admit" means a decision by a physician that a
4 person should be examined or treated as a patient in a hospital, an
5 evaluation and treatment facility, or other inpatient facility, or a
6 decision by a professional person in charge or his or her designee
7 that a person should be detained as a patient for evaluation and
8 treatment in a secure detoxification facility or other certified
9 chemical dependency provider.

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

14 (3) "Approved treatment program" means a discrete program of
15 chemical dependency treatment provided by a treatment program
16 certified by the department as meeting standards adopted under
17 chapter 70.96A RCW.

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

21 (5) "Chemical dependency" means:

22 (a) Alcoholism;

23 (b) Drug addiction; or

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

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

29 ~~((7))~~ (7) "Commitment" means the determination by a court that a
30 person should be detained for a period of either evaluation or
31 treatment, or both, in an inpatient or a less restrictive setting.

32 ~~((8))~~ (8) "Conditional release" means a revocable modification
33 of a commitment that may be revoked upon violation of any of its
34 terms.

35 ~~((9))~~ (9) "Custody" means involuntary detention under either
36 chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any
37 period of unconditional release from commitment from a facility
38 providing involuntary care and treatment.

39 ~~((10))~~ (10) "Department" means the department of social and
40 health services.

1 (~~(11)~~) (10) "Designated chemical dependency specialist" or
2 "specialist" means a person designated by the county alcoholism and
3 other drug addiction program coordinator designated under RCW
4 70.96A.310 to perform the commitment duties described in RCW
5 70.96A.140 and this chapter, and qualified to do so by meeting
6 standards adopted by the department.

7 (~~(12)~~) (11) "Designated crisis responder" means a person
8 designated by the county or behavioral health organization to perform
9 the duties specified in this chapter.

10 (~~(13)~~) (12) "Designated mental health professional" means a
11 mental health professional designated by the county or other
12 authority authorized in rule to perform the duties specified in this
13 chapter.

14 (~~(14)~~) (13) "Detention" or "detain" means the lawful
15 confinement of a person under this chapter, or chapter 70.96A or
16 71.05 RCW.

17 (~~(15)~~) (14) "Developmental disabilities professional" means a
18 person who has specialized training and three years of experience in
19 directly treating or working with individuals with developmental
20 disabilities and is a psychiatrist, psychologist, or social worker,
21 and such other developmental disabilities professionals as may be
22 defined by rules adopted by the secretary.

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

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

28 (~~(18)~~) (17) "Evaluation and treatment facility" means any
29 facility that can provide directly, or by direct arrangement with
30 other public or private agencies, emergency evaluation and treatment,
31 outpatient care, and timely and appropriate inpatient care to persons
32 suffering from a mental disorder, and that is certified as such by
33 the department. A physically separate and separately operated portion
34 of a state hospital may be designated as an evaluation and treatment
35 facility. A facility that is part of, or operated by, the department
36 or any federal agency does not require certification. No correctional
37 institution or facility, or jail, may be an evaluation and treatment
38 facility within the meaning of this chapter.

39 (~~(19)~~) (18) "Facility" means either an evaluation and treatment
40 facility or a secure detoxification facility.

1 (~~(20)~~) (19) "Gravely disabled" means a condition in which a
2 person, as a result of a mental disorder, or as a result of the use
3 of alcohol or other psychoactive chemicals:

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

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

11 (~~(21)~~) (20) "History of one or more violent acts" refers to the
12 period of time ten years before the filing of a petition under this
13 chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent,
14 but not any violent acts committed, in a mental health facility or a
15 long-term alcoholism or drug treatment facility, or in confinement as
16 a result of a criminal conviction.

17 (~~(22)~~) (21) "Imminent" means the state or condition of being
18 likely to occur at any moment or near at hand, rather than distant or
19 remote.

20 (~~(23)~~) (22) "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 (~~(24)~~) (23) "Judicial commitment" means a commitment by a court
24 under this chapter.

25 (~~(25)~~) (24) "Licensed physician" means a person licensed to
26 practice medicine or osteopathic medicine and surgery in the state of
27 Washington.

28 (~~(26)~~) (25) "Likelihood of serious harm" means:

29 (a) A substantial risk that:

30 (i) Physical harm will be inflicted by a person upon his or her
31 own person, as evidenced by threats or attempts to commit suicide or
32 inflict physical harm on oneself;

33 (ii) Physical harm will be inflicted by a person upon another, as
34 evidenced by behavior that has caused such harm or that places
35 another person or persons in reasonable fear of sustaining such harm;
36 or

37 (iii) Physical harm will be inflicted by a person upon the
38 property of others, as evidenced by behavior that has caused
39 substantial loss or damage to the property of others; or

1 (b) The person has threatened the physical safety of another and
2 has a history of one or more violent acts.

3 ~~((+27))~~ (26) "Mental disorder" means any organic, mental, or
4 emotional impairment that has substantial adverse effects on a
5 person's cognitive or volitional functions.

6 ~~((+28))~~ (27) "Mental health professional" means a psychiatrist,
7 psychologist, psychiatric nurse, or social worker, and such other
8 mental health professionals as may be defined by rules adopted by the
9 secretary under the authority of chapter 71.05 RCW.

10 ~~((+29))~~ (28) "Peace officer" means a law enforcement official of
11 a public agency or governmental unit, and includes persons
12 specifically given peace officer powers by any state law, local
13 ordinance, or judicial order of appointment.

14 ~~((+30))~~ (29) "Person in charge" means a physician or chemical
15 dependency counselor as defined in rule by the department, who is
16 empowered by a certified treatment program with authority to make
17 assessment, admission, continuing care, and discharge decisions on
18 behalf of the certified program.

19 ~~((+31))~~ (30) "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, that constitutes an
22 evaluation and treatment facility or private institution, or
23 hospital, or approved treatment program, that is conducted for, or
24 includes a department or ward conducted for, the care and treatment
25 of persons who are mentally ill and/or chemically dependent.

26 ~~((+32))~~ (31) "Professional person" means a mental health
27 professional or ~~((chemical—dependency))~~ substance use disorder
28 professional and shall also mean a physician, registered nurse, and
29 such others as may be defined by rules adopted by the secretary
30 pursuant to the provisions of this chapter.

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

37 ~~((+34))~~ (33) "Psychologist" means a person who has been licensed
38 as a psychologist under chapter 18.83 RCW.

39 ~~((+35))~~ (34) "Public agency" means any evaluation and treatment
40 facility or institution, or hospital, or approved treatment program

1 that is conducted for, or includes a department or ward conducted
2 for, the care and treatment of persons who are mentally ill and/or
3 chemically dependent, if the agency is operated directly by federal,
4 state, county, or municipal government, or a combination of such
5 governments.

6 ~~((36))~~ (35) "Registration records" means all the records of the
7 department, behavioral health organizations, treatment facilities,
8 and other persons providing services to the department, county
9 departments, or facilities which identify persons who are receiving
10 or who at any time have received services for mental illness.

11 ~~((37))~~ (36) "Release" means legal termination of the commitment
12 under chapter 70.96A or 71.05 RCW or this chapter.

13 ~~((38))~~ (37) "Secretary" means the secretary of the department
14 or the secretary's designee.

15 ~~((39))~~ (38) "Secure detoxification facility" means a facility
16 operated by either a public or private agency or by the program of an
17 agency that serves the purpose of providing evaluation and
18 assessment, and acute and/or subacute detoxification services for
19 intoxicated persons and includes security measures sufficient to
20 protect the patients, staff, and community.

21 ~~((40))~~ (39) "Social worker" means a person with a master's or
22 further advanced degree from a social work educational program
23 accredited and approved as provided in RCW 18.320.010.

24 (40) "Substance use disorder professional" means a person
25 certified as a substance use disorder professional by the department
26 of health under chapter 18.205 RCW.

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

36 (42) "Violent act" means behavior that resulted in homicide,
37 attempted suicide, nonfatal injuries, or substantial damage to
38 property.

1 **Sec. 14.** RCW 70.96B.090 and 2005 c 504 s 210 are each amended to
2 read as follows:

3 (1) A person detained for seventy-two hour evaluation and
4 treatment under RCW 70.96B.050 or 70.96A.120 may be detained for not
5 more than fourteen additional days of involuntary chemical dependency
6 treatment if there are beds available at the secure detoxification
7 facility and the following conditions are met:

8 (a) The professional person in charge of the agency or facility
9 or the person's designee providing evaluation and treatment services
10 in a secure detoxification facility has assessed the person's
11 condition and finds that the condition is caused by chemical
12 dependency and either results in a likelihood of serious harm or in
13 the detained person being gravely disabled, and the professional
14 person or his or her designee is prepared to testify those conditions
15 are met;

16 (b) The person has been advised of the need for voluntary
17 treatment and the professional person in charge of the agency or
18 facility or his or her designee has evidence that he or she has not
19 in good faith volunteered for treatment; and

20 (c) The professional person in charge of the agency or facility
21 or the person's designee has filed a petition for fourteen-day
22 involuntary detention with the superior court, district court, or
23 other court permitted by court rule. The petition must be signed by
24 the ((~~chemical dependency~~)) substance use disorder professional who
25 has examined the person.

26 (2) The petition under subsection (1)(c) of this section shall be
27 accompanied by a certificate of a licensed physician who has examined
28 the person, unless the person whose commitment is sought has refused
29 to submit to a medical examination, in which case the fact of refusal
30 shall be alleged in the petition. The certificate shall set forth the
31 licensed physician's findings in support of the allegations of the
32 petition. A physician employed by the petitioning program or the
33 department is eligible to be the certifying physician.

34 (3) The petition shall state facts that support the finding that
35 the person, as a result of chemical dependency, presents a likelihood
36 of serious harm or is gravely disabled, and that there are no less
37 restrictive alternatives to detention in the best interest of the
38 person or others. The petition shall state specifically that less
39 restrictive alternative treatment was considered and specify why
40 treatment less restrictive than detention is not appropriate.

1 (4) A copy of the petition shall be served on the detained
2 person, his or her attorney, and his or her guardian or conservator,
3 if any, before the probable cause hearing.

4 (5)(a) The court shall inform the person whose commitment is
5 sought of his or her right to contest the petition, be represented by
6 counsel at every stage of any proceedings relating to his or her
7 commitment, and have counsel appointed by the court or provided by
8 the court, if he or she wants the assistance of counsel and is unable
9 to obtain counsel. If the court believes that the person needs the
10 assistance of counsel, the court shall require, by appointment if
11 necessary, counsel for him or her regardless of his or her wishes.
12 The person shall, if he or she is financially able, bear the costs of
13 such legal service; otherwise such legal service shall be at public
14 expense. The person whose commitment is sought shall be informed of
15 his or her right to be examined by a licensed physician of his or her
16 choice. If the person is unable to obtain a licensed physician and
17 requests examination by a physician, the court shall appoint a
18 reasonably available licensed physician designated by the person.

19 (b) At the conclusion of the probable cause hearing, if the court
20 finds by a preponderance of the evidence that the person, as the
21 result of chemical dependency, presents a likelihood of serious harm
22 or is gravely disabled and, after considering less restrictive
23 alternatives to involuntary detention and treatment, finds that no
24 such alternatives are in the best interest of such person or others,
25 the court shall order that the person be detained for involuntary
26 chemical dependency treatment not to exceed fourteen days in a secure
27 detoxification facility.

28 **Sec. 15.** RCW 70.97.010 and 2014 c 225 s 78 are each amended to
29 read as follows:

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

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

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

1 (3) "Chemical dependency" means alcoholism, drug addiction, or
2 dependence on alcohol and one or more other psychoactive chemicals,
3 as the context requires and as those terms are defined in chapter
4 70.96A RCW.

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

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

11 ~~((6))~~ (5) "Conditional release" means a modification of a
12 commitment that may be revoked upon violation of any of its terms.

13 ~~((7))~~ (6) "Custody" means involuntary detention under chapter
14 71.05 or 70.96A RCW, uninterrupted by any period of unconditional
15 release from commitment from a facility providing involuntary care
16 and treatment.

17 ~~((8))~~ (7) "Department" means the department of social and
18 health services.

19 ~~((9))~~ (8) "Designated responder" means a designated mental
20 health professional, a designated chemical dependency specialist, or
21 a designated crisis responder as those terms are defined in chapter
22 70.96A, 71.05, or 70.96B RCW.

23 ~~((10))~~ (9) "Detention" or "detain" means the lawful confinement
24 of an individual under chapter 70.96A or 71.05 RCW.

25 ~~((11))~~ (10) "Discharge" means the termination of facility
26 authority. The commitment may remain in place, be terminated, or be
27 amended by court order.

28 ~~((12))~~ (11) "Enhanced services facility" means a facility that
29 provides treatment and services to persons for whom acute inpatient
30 treatment is not medically necessary and who have been determined by
31 the department to be inappropriate for placement in other licensed
32 facilities due to the complex needs that result in behavioral and
33 security issues.

34 ~~((13))~~ (12) "Expanded community services program" means a
35 nonsecure program of enhanced behavioral and residential support
36 provided to long-term and residential care providers serving
37 specifically eligible clients who would otherwise be at risk for
38 hospitalization at state hospital geriatric units.

39 ~~((14))~~ (13) "Facility" means an enhanced services facility.

1 (~~(15)~~) (14) "Gravely disabled" means a condition in which an
2 individual, as a result of a mental disorder, as a result of the use
3 of alcohol or other psychoactive chemicals, or both:

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

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

11 (~~(16)~~) (15) "History of one or more violent acts" refers to the
12 period of time ten years before the filing of a petition under this
13 chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent,
14 but not any violent acts committed, in a mental health facility or a
15 long-term alcoholism or drug treatment facility, or in confinement as
16 a result of a criminal conviction.

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

20 (~~(18)~~) (17) "Likelihood of serious harm" means:

21 (a) A substantial risk that:

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

25 (ii) Physical harm will be inflicted by an individual upon
26 another, as evidenced by behavior that has caused such harm or that
27 places another person or persons in reasonable fear of sustaining
28 such harm; or

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

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

34 (~~(19)~~) (18) "Mental disorder" means any organic, mental, or
35 emotional impairment that has substantial adverse effects on an
36 individual's cognitive or volitional functions.

37 (~~(20)~~) (19) "Mental health professional" means a psychiatrist,
38 psychologist, psychiatric nurse, or social worker, and such other
39 mental health professionals as may be defined by rules adopted by the
40 secretary under the authority of chapter 71.05 RCW.

1 ~~((21))~~ (20) "Professional person" means a mental health
2 professional and also means a physician, registered nurse, and such
3 others as may be defined in rules adopted by the secretary pursuant
4 to the provisions of this chapter.

5 ~~((22))~~ (21) "Psychiatrist" means a person having a license as a
6 physician and surgeon in this state who has in addition completed
7 three years of graduate training in psychiatry in a program approved
8 by the American medical association or the American osteopathic
9 association and is certified or eligible to be certified by the
10 American board of psychiatry and neurology.

11 ~~((23))~~ (22) "Psychologist" means a person who has been licensed
12 as a psychologist under chapter 18.83 RCW.

13 ~~((24))~~ (23) "Registration records" include all the records of
14 the department, behavioral health organizations, treatment
15 facilities, and other persons providing services to the department,
16 county departments, or facilities which identify individuals who are
17 receiving or who at any time have received services for mental
18 illness.

19 ~~((25))~~ (24) "Release" means legal termination of the commitment
20 under chapter 70.96A or 71.05 RCW.

21 ~~((26))~~ (25) "Resident" means a person admitted to an enhanced
22 services facility.

23 ~~((27))~~ (26) "Secretary" means the secretary of the department
24 or the secretary's designee.

25 ~~((28))~~ (27) "Significant change" means:

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

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

32 ~~((29))~~ (28) "Social worker" means a person with a master's or
33 further advanced degree from a social work educational program
34 accredited and approved as provided in RCW 18.320.010.

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

38 (30) "Treatment" means the broad range of emergency,
39 detoxification, residential, inpatient, and outpatient services and
40 care, including diagnostic evaluation, mental health or chemical

1 dependency education and counseling, medical, psychiatric,
2 psychological, and social service care, vocational rehabilitation,
3 and career counseling, which may be extended to persons with mental
4 disorders, chemical dependency disorders, or both, and their
5 families.

6 (31) "Treatment records" include registration and all other
7 records concerning individuals who are receiving or who at any time
8 have received services for mental illness, which are maintained by
9 the department, by behavioral health organizations and their staffs,
10 and by treatment facilities. "Treatment records" do not include notes
11 or records maintained for personal use by an individual providing
12 treatment services for the department, behavioral health
13 organizations, or a treatment facility if the notes or records are
14 not available to others.

15 (32) "Violent act" means behavior that resulted in homicide,
16 attempted suicide, nonfatal injuries, or substantial damage to
17 property.

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

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

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

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

29 (3) "Chemical dependency" means alcoholism, drug addiction, or
30 dependence on alcohol and one or more other psychoactive chemicals,
31 as the context requires and as those terms are defined in chapter
32 71.05 RCW.

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

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

1 ~~((+6))~~ (5) "Conditional release" means a modification of a
2 commitment that may be revoked upon violation of any of its terms.

3 ~~((+7))~~ (6) "Custody" means involuntary detention under chapter
4 71.05 RCW, uninterrupted by any period of unconditional release from
5 commitment from a facility providing involuntary care and treatment.

6 ~~((+8))~~ (7) "Department" means the department of social and
7 health services.

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

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

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

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

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

26 ~~((+14))~~ (13) "Facility" means an enhanced services facility.

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

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

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

37 ~~((+16))~~ (15) "History of one or more violent acts" refers to the
38 period of time ten years before the filing of a petition under this
39 chapter or chapter 71.05 RCW, excluding any time spent, but not any
40 violent acts committed, in a mental health facility or a long-term

1 alcoholism or drug treatment facility, or in confinement as a result
2 of a criminal conviction.

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

6 ~~((18))~~ (17) "Likelihood of serious harm" means:

7 (a) A substantial risk that:

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

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

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

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

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

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

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

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

37 ~~((23))~~ (22) "Psychologist" means a person who has been licensed
38 as a psychologist under chapter 18.83 RCW.

39 ~~((24))~~ (23) "Registration records" include all the records of
40 the department, behavioral health organizations, treatment

1 facilities, and other persons providing services to the department,
2 county departments, or facilities which identify individuals who are
3 receiving or who at any time have received services for mental
4 illness.

5 ~~((25))~~ (24) "Release" means legal termination of the commitment
6 under chapter 71.05 RCW.

7 ~~((26))~~ (25) "Resident" means a person admitted to an enhanced
8 services facility.

9 ~~((27))~~ (26) "Secretary" means the secretary of the department
10 or the secretary's designee.

11 ~~((28))~~ (27) "Significant change" means:

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

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

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

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

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

32 (31) "Treatment records" include registration and all other
33 records concerning individuals who are receiving or who at any time
34 have received services for mental illness, which are maintained by
35 the department, by behavioral health organizations and their staffs,
36 and by treatment facilities. "Treatment records" do not include notes
37 or records maintained for personal use by an individual providing
38 treatment services for the department, behavioral health
39 organizations, or a treatment facility if the notes or records are
40 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. 17.** 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. 18.** RCW 71.05.020 and 2016 sp.s. c 29 s 204 and 2016 c 155
36 s 1 are each reenacted and 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 or designated crisis responder and shall also mean a
29 physician, physician assistant, psychiatric advanced registered nurse
30 practitioner, registered nurse, and such others as may be defined by
31 rules adopted by the secretary pursuant to the provisions of this
32 chapter;

33 ~~((41))~~ (40) "Psychiatric advanced registered nurse
34 practitioner" means a person who is licensed as an advanced
35 registered nurse practitioner pursuant to chapter 18.79 RCW; and who
36 is board certified in advanced practice psychiatric and mental health
37 nursing;

38 ~~((42))~~ (41) "Psychiatrist" means a person having a license as a
39 physician and surgeon in this state who has in addition completed
40 three years of graduate training in psychiatry in a program approved

1 by the American medical association or the American osteopathic
2 association and is certified or eligible to be certified by the
3 American board of psychiatry and neurology;

4 ((+43+)) (42) "Psychologist" means a person who has been licensed
5 as a psychologist pursuant to chapter 18.83 RCW;

6 ((+44+)) (43) "Public agency" means any evaluation and treatment
7 facility or institution, secure detoxification facility, approved
8 substance use disorder treatment program, or hospital which is
9 conducted for, or includes a department or ward conducted for, the
10 care and treatment of persons with mental illness, substance use
11 disorders, or both mental illness and substance use disorders, if the
12 agency is operated directly by federal, state, county, or municipal
13 government, or a combination of such governments;

14 ((+45+)) (44) "Registration records" include all the records of
15 the department, behavioral health organizations, treatment
16 facilities, and other persons providing services to the department,
17 county departments, or facilities which identify persons who are
18 receiving or who at any time have received services for mental
19 illness or substance use disorders;

20 ((+46+)) (45) "Release" means legal termination of the commitment
21 under the provisions of this chapter;

22 ((+47+)) (46) "Resource management services" has the meaning
23 given in chapter 71.24 RCW;

24 ((+48+)) (47) "Secretary" means the secretary of the department
25 of social and health services, or his or her designee;

26 ((+49+)) (48) "Secure detoxification facility" means a facility
27 operated by either a public or private agency or by the program of an
28 agency that:

29 (a) Provides for intoxicated persons:

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

32 (ii) Acute or subacute detoxification services; and

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

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

40 (c) Is certified as such by the department;

1 (~~(50)~~) (49) "Serious violent offense" has the same meaning as
2 provided in RCW 9.94A.030;

3 (~~(51)~~) (50) "Social worker" means a person with a master's or
4 further advanced degree from a social work educational program
5 accredited and approved as provided in RCW 18.320.010;

6 (~~(52)~~) (51) "Substance use disorder" means a cluster of
7 cognitive, behavioral, and physiological symptoms indicating that an
8 individual continues using the substance despite significant
9 substance-related problems. The diagnosis of a substance use disorder
10 is based on a pathological pattern of behaviors related to the use of
11 the substances;

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

15 (53) "Therapeutic court personnel" means the staff of a mental
16 health court or other therapeutic court which has jurisdiction over
17 defendants who are dually diagnosed with mental disorders, including
18 court personnel, probation officers, a court monitor, prosecuting
19 attorney, or defense counsel acting within the scope of therapeutic
20 court duties;

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

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

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

4 **Sec. 19.** RCW 71.34.020 and 2016 sp.s. c 29 s 254 and 2016 c 155
5 s 17 are each reenacted and amended to read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

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

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

18 (3) "Chemical dependency" means:

19 (a) Alcoholism;

20 (b) Drug addiction; or

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

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

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

31 ~~((6))~~ (5) "Children's mental health specialist" means:

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

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

1 ~~((7))~~ (6) "Commitment" means a determination by a judge or
2 court commissioner, made after a commitment hearing, that the minor
3 is in need of inpatient diagnosis, evaluation, or treatment or that
4 the minor is in need of less restrictive alternative treatment.

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

7 ~~((9))~~ (8) "Designated crisis responder" means a person
8 designated by a behavioral health organization to perform the duties
9 specified in this chapter.

10 ~~((10))~~ (9) "Drug addiction" means a disease, characterized by a
11 dependency on psychoactive chemicals, loss of control over the amount
12 and 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 ~~((11))~~ (10) "Evaluation and treatment facility" means a public
17 or private facility or unit that is certified by the department to
18 provide emergency, inpatient, residential, or outpatient mental
19 health evaluation and treatment services for minors. A physically
20 separate and separately-operated portion of a state hospital may be
21 designated as an evaluation and treatment facility for minors. A
22 facility which is part of or operated by the department or federal
23 agency does not require certification. No correctional institution or
24 facility, juvenile court detention facility, or jail may be an
25 evaluation and treatment facility within the meaning of this chapter.

26 ~~((12))~~ (11) "Evaluation and treatment program" means the total
27 system of services and facilities coordinated and approved by a
28 county or combination of counties for the evaluation and treatment of
29 minors under this chapter.

30 ~~((13))~~ (12) "Gravely disabled minor" means a minor who, as a
31 result of a mental disorder, or as a result of the use of alcohol or
32 other psychoactive chemicals, is in danger of serious physical harm
33 resulting from a failure to provide for his or her essential human
34 needs of health or safety, or manifests severe deterioration in
35 routine functioning evidenced by repeated and escalating loss of
36 cognitive or volitional control over his or her actions and is not
37 receiving such care as is essential for his or her health or safety.

38 ~~((14))~~ (13) "Inpatient treatment" means twenty-four-hour-per-
39 day mental health care provided within a general hospital,
40 psychiatric hospital, residential treatment facility certified by the

1 department as an evaluation and treatment facility for minors, secure
2 detoxification facility for minors, or approved substance use
3 disorder treatment program for minors.

4 ~~((15))~~ (14) "Intoxicated minor" means a minor whose mental or
5 physical functioning is substantially impaired as a result of the use
6 of alcohol or other psychoactive chemicals.

7 ~~((16))~~ (15) "Less restrictive alternative" or "less restrictive
8 setting" means outpatient treatment provided to a minor who is not
9 residing in a facility providing inpatient treatment as defined in
10 this chapter.

11 ~~((17))~~ (16) "Likelihood of serious harm" means either: (a) A
12 substantial risk that physical harm will be inflicted by an
13 individual upon his or her own person, as evidenced by threats or
14 attempts to commit suicide or inflict physical harm on oneself; (b) a
15 substantial risk that physical harm will be inflicted by an
16 individual upon another, as evidenced by behavior which has caused
17 such harm or which places another person or persons in reasonable
18 fear of sustaining such harm; or (c) a substantial risk that physical
19 harm will be inflicted by an individual upon the property of others,
20 as evidenced by behavior which has caused substantial loss or damage
21 to the property of others.

22 ~~((18))~~ (17) "Medical necessity" for inpatient care means a
23 requested service which is reasonably calculated to: (a) Diagnose,
24 correct, cure, or alleviate a mental disorder or substance use
25 disorder; or (b) prevent the progression of a substance use disorder
26 that endangers life or causes suffering and pain, or results in
27 illness or infirmity or threatens to cause or aggravate a handicap,
28 or causes physical deformity or malfunction, and there is no adequate
29 less restrictive alternative available.

30 ~~((19))~~ (18) "Mental disorder" means any organic, mental, or
31 emotional impairment that has substantial adverse effects on an
32 individual's cognitive or volitional functions. The presence of
33 alcohol abuse, drug abuse, juvenile criminal history, antisocial
34 behavior, or intellectual disabilities alone is insufficient to
35 justify a finding of "mental disorder" within the meaning of this
36 section.

37 ~~((20))~~ (19) "Mental health professional" means a psychiatrist,
38 physician assistant working with a supervising psychiatrist,
39 psychologist, psychiatric nurse, or social worker, and such other

1 mental health professionals as may be defined by rules adopted by the
2 secretary under this chapter.

3 ~~((+21))~~ (20) "Minor" means any person under the age of eighteen
4 years.

5 ~~((+22))~~ (21) "Outpatient treatment" means any of the
6 nonresidential services mandated under chapter 71.24 RCW and provided
7 by licensed service providers as identified by RCW 71.24.025.

8 ~~((+23))~~ (22) "Parent" means:

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

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

14 ~~((+24))~~ (23) "Private agency" means any person, partnership,
15 corporation, or association that is not a public agency, whether or
16 not financed in whole or in part by public funds, that constitutes an
17 evaluation and treatment facility or private institution, or
18 hospital, or approved substance use disorder treatment program, that
19 is conducted for, or includes a department or ward conducted for, the
20 care and treatment of persons with mental illness, substance use
21 disorders, or both mental illness and substance use disorders.

22 ~~((+25))~~ (24) "Physician assistant" means a person licensed as a
23 physician assistant under chapter 18.57A or 18.71A RCW.

24 ~~((+26))~~ (25) "Professional person in charge" or "professional
25 person" means a physician, other mental health professional, or other
26 person empowered by an evaluation and treatment facility, secure
27 detoxification facility, or approved substance use disorder treatment
28 program with authority to make admission and discharge decisions on
29 behalf of that facility.

30 ~~((+27))~~ (26) "Psychiatric nurse" means a registered nurse who
31 has a bachelor's degree from an accredited college or university, and
32 who has had, in addition, at least two years' experience in the
33 direct treatment of persons who have a mental illness or who are
34 emotionally disturbed, such experience gained under the supervision
35 of a mental health professional. "Psychiatric nurse" shall also mean
36 any other registered nurse who has three years of such experience.

37 ~~((+28))~~ (27) "Psychiatrist" means a person having a license as a
38 physician in this state who has completed residency training in
39 psychiatry in a program approved by the American Medical Association

1 or the American Osteopathic Association, and is board eligible or
2 board certified in psychiatry.

3 ~~((+29+))~~ (28) "Psychologist" means a person licensed as a
4 psychologist under chapter 18.83 RCW.

5 ~~((+30+))~~ (29) "Public agency" means any evaluation and treatment
6 facility or institution, or hospital, or approved substance use
7 disorder treatment program that is conducted for, or includes a
8 department or ward conducted for, the care and treatment of persons
9 with mental illness, substance use disorders, or both mental illness
10 and substance use disorders if the agency is operated directly by
11 federal, state, county, or municipal government, or a combination of
12 such governments.

13 ~~((+31+))~~ (30) "Responsible other" means the minor, the minor's
14 parent or estate, or any other person legally responsible for support
15 of the minor.

16 ~~((+32+))~~ (31) "Secretary" means the secretary of the department
17 or secretary's designee.

18 ~~((+33+))~~ (32) "Secure detoxification facility" means a facility
19 operated by either a public or private agency or by the program of an
20 agency that:

21 (a) Provides for intoxicated minors:

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

24 (ii) Acute or subacute detoxification services; and

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

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

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

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

36 ~~((+35+))~~ (34) "Start of initial detention" means the time of
37 arrival of the minor at the first evaluation and treatment facility,
38 secure detoxification facility, or approved substance use disorder
39 treatment program offering inpatient treatment if the minor is being
40 involuntarily detained at the time. With regard to voluntary

1 patients, "start of initial detention" means the time at which the
2 minor gives notice of intent to leave under the provisions of this
3 chapter.

4 ~~((36))~~ (35) "Substance use disorder" means a cluster of
5 cognitive, behavioral, and physiological symptoms indicating that an
6 individual continues using the substance despite significant
7 substance-related problems. The diagnosis of a substance use disorder
8 is based on a pathological pattern of behaviors related to the use of
9 the substances.

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

13 **Sec. 20.** RCW 71.34.720 and 2016 sp.s. c 29 s 271 and 2016 c 155
14 s 19 are each reenacted and amended to read as follows:

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

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

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

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

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

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

21 **Sec. 21.** RCW 71.34.720 and 2016 sp.s. c 29 s 272 are each
22 amended to read as follows:

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

33 (2) If, after examination and evaluation, the children's mental
34 health specialist or substance use disorder specialist and the
35 physician, physician assistant, or psychiatric advanced registered
36 nurse practitioner determine that the initial needs of the minor, if
37 detained to an evaluation and treatment facility, would be better
38 served by placement in a substance use disorder treatment
39 (~~facility~~) program or, if detained to a secure detoxification

1 facility or approved substance use disorder treatment program, would
2 be better served in an evaluation and treatment facility, then the
3 minor shall be referred to the more appropriate placement.

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. 22.** RCW 71.34.760 and 2016 sp.s. c 29 s 278 are each
25 amended to read as follows:

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

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

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

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

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

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

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

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

25 **Sec. 23.** RCW 18.205.080 and 1998 c 243 s 8 are each amended to
26 read as follows:

27 (1) The secretary shall appoint a ((~~chemical—dependency~~))
28 substance use disorder certification advisory committee to further
29 the purposes of this chapter. The committee shall be composed of
30 seven members, one member initially appointed for a term of one year,
31 three for a term of two years, and three for a term of three years.
32 Subsequent appointments shall be for terms of three years. No person
33 may serve as a member of the committee for more than two consecutive
34 terms. Members of the committee shall be residents of this state. The
35 committee shall be composed of four certified ((~~chemical—dependency~~))
36 substance use disorder professionals; one ((~~chemical—dependency~~))
37 substance use disorder treatment program director; one physician
38 licensed under chapter 18.71 or 18.57 RCW who is certified in
39 addiction medicine or a licensed or certified mental health

1 practitioner; and one member of the public who has received
2 ((chemical dependency)) substance use disorder counseling.

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

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

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

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

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

24 NEW SECTION. **Sec. 24.** Section 5 of this act takes effect only
25 if neither Substitute House Bill No. 1388 (including any later
26 amendments or substitutes) nor Substitute Senate Bill No. 5259
27 (including any later amendments or substitutes) is signed into law by
28 the governor by the effective date of this section.

29 NEW SECTION. **Sec. 25.** Section 23 of this act takes effect only
30 if Substitute House Bill No. 1388 (including any later amendments or
31 substitutes) or Substitute Senate Bill No. 5259 (including any later
32 amendments or substitutes) is signed into law by the governor by the
33 effective date of this section.

34 NEW SECTION. **Sec. 26.** (1) Sections 16, 18 through 20, and 22 of
35 this act take effect April 1, 2018.

36 (2) Section 21 of this act takes effect July 1, 2026.

1 NEW SECTION. **Sec. 27.** (1) Sections 13 through 15 of this act
2 expire April 1, 2018.
3 (2) Section 20 of this act expires July 1, 2026."

ESHB 1340 - S COMM AMD
By Committee on Health Care

4 On page 1, line 2 of the title, after "practice;" strike the
5 remainder of the title and insert "amending RCW 18.205.010,
6 18.205.020, 18.205.030, 18.205.040, 18.205.080, 18.205.090,
7 18.205.095, 10.77.079, 13.40.042, 18.130.040, 43.70.442, 70.96B.010,
8 70.96B.090, 70.97.010, 70.97.010, 70.97.030, 71.34.720, 71.34.760,
9 and 18.205.080; reenacting and amending RCW 13.40.020, 71.05.020,
10 71.34.020, and 71.34.720; providing contingent effective dates;
11 providing effective dates; and providing expiration dates."

EFFECT: (1) Provides that abstinence does not prohibit medication
assisted treatment.
(2) Clarifies that substance use disorder professionals may use
that title when treating patients in settings other than programs
approved under the Community Mental Health Services Act.

--- END ---