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HOUSE BILL 1340

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Cody, Harris, Jinkins, Johnson, Robinson, and Tharinger

Read first time 01/18/17. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to modernizing substance use disorder  
2 professional practice; amending RCW 18.205.010, 18.205.020,  
3 18.205.030, 18.205.040, 18.205.080, 18.205.090, 18.205.095,  
4 10.77.079, 13.40.042, 18.130.040, 43.70.442, 70.96B.010, 70.96B.090,  
5 70.97.010, 70.97.010, 70.97.030, 71.34.720, and 71.34.760; reenacting  
6 and amending RCW 13.40.020, 71.05.020, 71.34.020, and 71.34.720;  
7 providing effective dates; and providing expiration dates.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 18.205.010 and 1998 c 243 s 1 are each amended to  
10 read as follows:

11 The legislature recognizes (~~chemical dependency~~) substance use  
12 disorder professionals as discrete health professionals. (~~Chemical~~  
13 ~~dependency~~) Substance use disorder professional certification serves  
14 the public interest.

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

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

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

4 ~~(2) ("Certified chemical dependency professional" means an~~  
5 ~~individual certified in chemical dependency counseling, under this~~  
6 ~~chapter.~~

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

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

14 ~~(5)) "Committee" means the ((chemical dependency)) substance use~~  
15 ~~disorder professional certification advisory committee established~~  
16 ~~under this chapter.~~

17 ~~((+6)) (3) "Core competencies of ((chemical dependency))~~  
18 ~~substance use disorder counseling" means competency in the nationally~~  
19 ~~recognized knowledge, skills, and attitudes of professional practice,~~  
20 ~~including assessment and diagnosis of ((chemical dependency))~~  
21 ~~substance use disorders, ((chemical dependency)) substance use~~  
22 ~~disorder treatment planning and referral, patient and family~~  
23 ~~education in the disease of ((chemical dependency)) substance use~~  
24 ~~disorders, individual and group counseling ((with alcoholic and drug~~  
25 ~~addicted individuals)), relapse prevention counseling, and case~~  
26 ~~management(, all oriented to assist alcoholic and drug addicted~~  
27 ~~patients to achieve and maintain abstinence from mood-altering~~  
28 ~~substances and develop independent support systems)).~~

29 ~~((+7)) (4) "Department" means the department of health.~~

30 ~~((+8)) (5) "Health profession" means a profession providing~~  
31 ~~health services regulated under the laws of this state.~~

32 ~~((+9)) (6) "Secretary" means the secretary of health or the~~  
33 ~~secretary's designee.~~

34 ~~(7) "Substance use disorder counseling" means employing the core~~  
35 ~~competencies of substance use disorder counseling to assist or~~  
36 ~~attempt to assist individuals who are using or dependent on alcohol~~  
37 ~~or other drugs.~~

38 ~~(8) "Substance use disorder professional" means an individual~~  
39 ~~certified in substance use disorder counseling under this chapter.~~

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

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

6        No person may represent oneself as a certified (~~chemical~~  
7 ~~dependency~~) substance use disorder professional or certified  
8 (~~chemical dependency~~) substance use disorder professional trainee  
9 or use any title or description of services of a certified (~~chemical~~  
10 ~~dependency~~) substance use disorder professional or certified  
11 (~~chemical dependency~~) substance use disorder professional trainee  
12 without applying for certification, meeting the required  
13 qualifications, and being certified by the department of health,  
14 unless otherwise exempted by this chapter.

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

17        (1) Except as provided in subsection (2) of this section, nothing  
18 in this chapter shall be construed to authorize the use of the title  
19 "certified (~~chemical—dependency~~) substance use disorder  
20 professional" or "certified (~~chemical—dependency~~) substance use  
21 disorder professional trainee" when treating patients in settings  
22 other than programs approved under chapter 70.96A RCW.

23        (2) A person who holds a credential as a "certified (~~chemical~~  
24 ~~dependency~~) substance use disorder professional" or a "certified  
25 (~~chemical—dependency~~) substance use disorder professional trainee"  
26 may use such title when treating patients in settings other than  
27 programs approved under chapter 70.96A RCW if the person also holds a  
28 license as: An advanced registered nurse practitioner under chapter  
29 18.79 RCW; a marriage and family therapist, mental health counselor,  
30 advanced social worker, or independent clinical social health worker  
31 under chapter 18.225 RCW; a psychologist under chapter 18.83 RCW; an  
32 osteopathic physician under chapter 18.57 RCW; an osteopathic  
33 physician assistant under chapter 18.57A RCW; a physician under  
34 chapter 18.71 RCW; or a physician assistant under chapter 18.71A RCW.

35        **Sec. 5.** RCW 18.205.080 and 1998 c 243 s 8 are each amended to  
36 read as follows:

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

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

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

25 (4) Each member of the committee shall be reimbursed for travel  
26 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,  
27 members of the committee shall be compensated in accordance with RCW  
28 43.03.240 when engaged in the authorized business of the committee.

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

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

37 **Sec. 6.** RCW 18.205.090 and 2001 c 251 s 30 are each amended to  
38 read as follows:

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

4 (a) Completion of an educational program approved by the  
5 secretary or successful completion of alternate training that meets  
6 established criteria;

7 (b) Successful completion of an approved examination, based on  
8 core competencies of (~~chemical dependency~~) substance use disorder  
9 counseling; and

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

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

20 (3) Applicants are subject to the grounds for denial of a  
21 certificate or issuance of a conditional certificate under chapter  
22 18.130 RCW.

23 (4) Certified (~~chemical dependency~~) substance use disorder  
24 professionals shall not be required to be registered under chapter  
25 18.19 RCW or licensed under chapter 18.225 RCW.

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

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

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

38 (3) A trainee certified under this section may practice only  
39 under the supervision of a certified (~~chemical dependency~~)

1 substance use disorder professional. The first fifty hours of any  
2 face-to-face client contact must be under direct observation. All  
3 remaining experience must be under supervision in accordance with  
4 rules adopted by the department.

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

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

12 (6) Applicants are subject to denial of a certificate or issuance  
13 of a conditional certificate for the reasons set forth in chapter  
14 18.130 RCW.

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

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

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

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

30 For the purposes of this chapter:

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

1 (2) "Community-based rehabilitation" means one or more of the  
2 following: Employment; attendance of information classes; literacy  
3 classes; counseling, outpatient substance abuse treatment programs,  
4 outpatient mental health programs, anger management classes,  
5 education or outpatient treatment programs to prevent animal cruelty,  
6 or other services including, when appropriate, restorative justice  
7 programs; or attendance at school or other educational programs  
8 appropriate for the juvenile as determined by the school district.  
9 Placement in community-based rehabilitation programs is subject to  
10 available funds;

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

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

14 (b) Community restitution not to exceed one hundred fifty hours  
15 of community restitution;

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

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

34 (a) Community-based sanctions;

35 (b) Community-based rehabilitation;

36 (c) Monitoring and reporting requirements;

37 (d) Posting of a probation bond;

38 (e) Residential treatment, where substance abuse, mental health,  
39 and/or co-occurring disorders have been identified in an assessment  
40 by a qualified mental health professional, psychologist,

1 psychiatrist, or (~~chemical dependency~~) substance use disorder  
2 professional and a funded bed is available. If a child agrees to  
3 voluntary placement in a state-funded long-term evaluation and  
4 treatment facility, the case must follow the existing placement  
5 procedure including consideration of less restrictive treatment  
6 options and medical necessity.

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

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

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

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

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

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

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

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

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

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

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



1 (b) The criminal complaint was diverted by a prosecutor pursuant  
2 to the provisions of this chapter on agreement of the respondent and  
3 after an advisement to the respondent that the criminal complaint  
4 would be considered as part of the respondent's criminal history. A  
5 successfully completed deferred adjudication that was entered before  
6 July 1, 1998, or a deferred disposition shall not be considered part  
7 of the respondent's criminal history;

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

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

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

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

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

39 (14) "Intensive supervision program" means a parole program that  
40 requires intensive supervision and monitoring, offers an array of

1 individualized treatment and transitional services, and emphasizes  
2 community involvement and support in order to reduce the likelihood a  
3 juvenile offender will commit further offenses;

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

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

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

18 (18) "Local sanctions" means one or more of the following: (a)  
19 0-30 days of confinement; (b) 0-12 months of community supervision;  
20 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

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

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

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

37 (22) "Physical restraint" means the use of any bodily force or  
38 physical intervention to control a juvenile offender or limit a  
39 juvenile offender's freedom of movement in a way that does not  
40 involve a mechanical restraint. Physical restraint does not include

1 momentary periods of minimal physical restriction by direct person-  
2 to-person contact, without the aid of mechanical restraint,  
3 accomplished with limited force and designed to:

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

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

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

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

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

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

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

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

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

3 (a) Physical restraint; or

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

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

13 (30) "Secretary" means the secretary of the department of social  
14 and health services. "Assistant secretary" means the assistant  
15 secretary for juvenile rehabilitation for the department;

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

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

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

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

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

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

1 (37) "Violent offense" means a violent offense as defined in RCW  
2 9.94A.030;

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

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

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

16 (a) An evaluation and treatment facility as defined in RCW  
17 71.34.020 if the juvenile suffers from a mental disorder and the  
18 facility has been identified as an alternative location by agreement  
19 of the prosecutor, law enforcement, and the mental health provider;

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

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

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

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

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

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

37 (1) This chapter applies only to the secretary and the boards and  
38 commissions having jurisdiction in relation to the professions

1 licensed under the chapters specified in this section. This chapter  
2 does not apply to any business or profession not licensed under the  
3 chapters specified in this section.

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

6 (i) Dispensing opticians licensed and designated apprentices  
7 under chapter 18.34 RCW;

8 (ii) Midwives licensed under chapter 18.50 RCW;

9 (iii) Ocularists licensed under chapter 18.55 RCW;

10 (iv) Massage therapists and businesses licensed under chapter  
11 18.108 RCW;

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

13 (vi) East Asian medicine practitioners licensed under chapter  
14 18.06 RCW;

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

17 (viii) Respiratory care practitioners licensed under chapter  
18 18.89 RCW;

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

21 (x) Persons licensed as mental health counselors, mental health  
22 counselor associates, marriage and family therapists, marriage and  
23 family therapist associates, social workers, social work associates—  
24 advanced, and social work associates—independent clinical under  
25 chapter 18.225 RCW;

26 (xi) Persons registered as nursing pool operators under chapter  
27 18.52C RCW;

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

30 (xiii) Dietitians and nutritionists certified under chapter  
31 18.138 RCW;

32 (xiv) ((~~Chemical—dependency~~)) Substance use disorder  
33 professionals and ((~~chemical—dependency~~)) substance use disorder  
34 professional trainees certified under chapter 18.205 RCW;

35 (xv) Sex offender treatment providers and certified affiliate sex  
36 offender treatment providers certified under chapter 18.155 RCW;

37 (xvi) Persons licensed and certified under chapter 18.73 RCW or  
38 RCW 18.71.205;

39 (xvii) Orthotists and prosthetists licensed under chapter 18.200  
40 RCW;

1 (xviii) Surgical technologists registered under chapter 18.215  
2 RCW;

3 (xix) Recreational therapists under chapter 18.230 RCW;

4 (xx) Animal massage therapists certified under chapter 18.240  
5 RCW;

6 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

7 (xxii) Home care aides certified under chapter 18.88B RCW;

8 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

9 (xxiv) Reflexologists certified under chapter 18.108 RCW;

10 (xxv) Medical assistants-certified, medical assistants-  
11 hemodialysis technician, medical assistants-phlebotomist, and medical  
12 assistants-registered certified and registered under chapter 18.360  
13 RCW; and

14 (xxvi) Behavior analysts, assistant behavior analysts, and  
15 behavior technicians under chapter 18.380 RCW.

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

18 (i) The podiatric medical board as established in chapter 18.22  
19 RCW;

20 (ii) The chiropractic quality assurance commission as established  
21 in chapter 18.25 RCW;

22 (iii) The dental quality assurance commission as established in  
23 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,  
24 licenses and registrations issued under chapter 18.260 RCW, and  
25 certifications issued under chapter 18.350 RCW;

26 (iv) The board of hearing and speech as established in chapter  
27 18.35 RCW;

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

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

32 (vii) The board of osteopathic medicine and surgery as  
33 established in chapter 18.57 RCW governing licenses issued under  
34 chapters 18.57 and 18.57A RCW;

35 (viii) The pharmacy quality assurance commission as established  
36 in chapter 18.64 RCW governing licenses issued under chapters 18.64  
37 and 18.64A RCW;

38 (ix) The medical quality assurance commission as established in  
39 chapter 18.71 RCW governing licenses and registrations issued under  
40 chapters 18.71 and 18.71A RCW;

1 (x) The board of physical therapy as established in chapter 18.74  
2 RCW;

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

5 (xii) The nursing care quality assurance commission as  
6 established in chapter 18.79 RCW governing licenses and registrations  
7 issued under that chapter;

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

10 (xiv) The veterinary board of governors as established in chapter  
11 18.92 RCW;

12 (xv) The board of naturopathy established in chapter 18.36A RCW;  
13 and

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

15 (3) In addition to the authority to discipline license holders,  
16 the disciplining authority has the authority to grant or deny  
17 licenses. The disciplining authority may also grant a license subject  
18 to conditions.

19 (4) All disciplining authorities shall adopt procedures to ensure  
20 substantially consistent application of this chapter, the uniform  
21 disciplinary act, among the disciplining authorities listed in  
22 subsection (2) of this section.

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

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

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

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

32 (iii) A marriage and family therapist licensed under chapter  
33 18.225 RCW;

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

35 (v) An occupational therapy practitioner licensed under chapter  
36 18.59 RCW;

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

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



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

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

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

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

16 (2)(a) Except as provided in (b) of this subsection, a  
17 professional listed in subsection (1)(a) of this section must  
18 complete the first training required by this section by the end of  
19 the first full continuing education reporting period after January 1,  
20 2014, or during the first full continuing education reporting period  
21 after initial licensure or certification, whichever occurs later.

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

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

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

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

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

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

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

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

10 (iv) An osteopathic physician and surgeon licensed under chapter  
11 18.57 RCW, other than a holder of a postgraduate osteopathic medicine  
12 and surgery license issued under RCW 18.57.035;

13 (v) An osteopathic physician assistant licensed under chapter  
14 18.57A RCW;

15 (vi) A physical therapist or physical therapist assistant  
16 licensed under chapter 18.74 RCW;

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

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

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

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

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

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

39 (c) The training required by this subsection must be at least six  
40 hours in length, unless a disciplining authority has determined,

1 under subsection (10)(b) of this section, that training that includes  
2 only screening and referral elements is appropriate for the  
3 profession in question, in which case the training must be at least  
4 three hours in length.

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

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

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

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

23 (i) Consult with the affected disciplining authorities, public  
24 and private institutions of higher education, educators, experts in  
25 suicide assessment, treatment, and management, the Washington  
26 department of veterans affairs, and affected professional  
27 associations; and

28 (ii) Consider standards related to the best practices registry of  
29 the American foundation for suicide prevention and the suicide  
30 prevention resource center.

31 (d) Beginning January 1, 2017:

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

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

39 (iii) A person or entity providing the training required in this  
40 section may petition the department for inclusion on the model list.

1 The department shall add the training to the list only if the  
2 department determines that the training meets the minimum standards  
3 established in the rules adopted under (c) of this subsection.

4 (7) The department shall provide the health profession training  
5 standards created in this section to the professional educator  
6 standards board as a model in meeting the requirements of RCW  
7 28A.410.226 and provide technical assistance, as requested, in the  
8 review and evaluation of educator training programs. The educator  
9 training programs approved by the professional educator standards  
10 board may be included in the department's model list.

11 (8) Nothing in this section may be interpreted to expand or limit  
12 the scope of practice of any profession regulated under chapter  
13 18.130 RCW.

14 (9) The secretary and the disciplining authorities affected by  
15 this section shall adopt any rules necessary to implement this  
16 section.

17 (10) For purposes of this section:

18 (a) "Disciplining authority" has the same meaning as in RCW  
19 18.130.020.

20 (b) "Training in suicide assessment, treatment, and management"  
21 means empirically supported training approved by the appropriate  
22 disciplining authority that contains the following elements: Suicide  
23 assessment, including screening and referral, suicide treatment, and  
24 suicide management. However, the disciplining authority may approve  
25 training that includes only screening and referral elements if  
26 appropriate for the profession in question based on the profession's  
27 scope of practice. The board of occupational therapy may also approve  
28 training that includes only screening and referral elements if  
29 appropriate for occupational therapy practitioners based on practice  
30 setting.

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

38 (12) An employee of a community mental health agency licensed  
39 under chapter 71.24 RCW or a chemical dependency program certified  
40 under chapter 70.96A RCW is exempt from the requirements of this

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

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

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10 (1) "Admission" or "admit" means a decision by a physician that a  
11 person should be examined or treated as a patient in a hospital, an  
12 evaluation and treatment facility, or other inpatient facility, or a  
13 decision by a professional person in charge or his or her designee  
14 that a person should be detained as a patient for evaluation and  
15 treatment in a secure detoxification facility or other certified  
16 chemical dependency provider.

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

21 (3) "Approved treatment program" means a discrete program of  
22 chemical dependency treatment provided by a treatment program  
23 certified by the department as meeting standards adopted under  
24 chapter 70.96A RCW.

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

28 (5) "Chemical dependency" means:

29 (a) Alcoholism;

30 (b) Drug addiction; or

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

33 ~~(6) ("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 ~~(7))~~ "Commitment" means the determination by a court that a  
37 person should be detained for a period of either evaluation or  
38 treatment, or both, in an inpatient or a less restrictive setting.

1       ~~((+8))~~ (7) "Conditional release" means a revocable modification  
2 of a commitment that may be revoked upon violation of any of its  
3 terms.

4       ~~((+9))~~ (8) "Custody" means involuntary detention under either  
5 chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any  
6 period of unconditional release from commitment from a facility  
7 providing involuntary care and treatment.

8       ~~((+10))~~ (9) "Department" means the department of social and  
9 health services.

10       ~~((+11))~~ (10) "Designated chemical dependency specialist" or  
11 "specialist" means a person designated by the county alcoholism and  
12 other drug addiction program coordinator designated under RCW  
13 70.96A.310 to perform the commitment duties described in RCW  
14 70.96A.140 and this chapter, and qualified to do so by meeting  
15 standards adopted by the department.

16       ~~((+12))~~ (11) "Designated crisis responder" means a person  
17 designated by the county or behavioral health organization to perform  
18 the duties specified in this chapter.

19       ~~((+13))~~ (12) "Designated mental health professional" means a  
20 mental health professional designated by the county or other  
21 authority authorized in rule to perform the duties specified in this  
22 chapter.

23       ~~((+14))~~ (13) "Detention" or "detain" means the lawful  
24 confinement of a person under this chapter, or chapter 70.96A or  
25 71.05 RCW.

26       ~~((+15))~~ (14) "Developmental disabilities professional" means a  
27 person who has specialized training and three years of experience in  
28 directly treating or working with individuals with developmental  
29 disabilities and is a psychiatrist, psychologist, or social worker,  
30 and such other developmental disabilities professionals as may be  
31 defined by rules adopted by the secretary.

32       ~~((+16))~~ (15) "Developmental disability" means that condition  
33 defined in RCW 71A.10.020.

34       ~~((+17))~~ (16) "Discharge" means the termination of facility  
35 authority. The commitment may remain in place, be terminated, or be  
36 amended by court order.

37       ~~((+18))~~ (17) "Evaluation and treatment facility" means any  
38 facility that can provide directly, or by direct arrangement with  
39 other public or private agencies, emergency evaluation and treatment,  
40 outpatient care, and timely and appropriate inpatient care to persons

1 suffering from a mental disorder, and that is certified as such by  
2 the department. A physically separate and separately operated portion  
3 of a state hospital may be designated as an evaluation and treatment  
4 facility. A facility that is part of, or operated by, the department  
5 or any federal agency does not require certification. No correctional  
6 institution or facility, or jail, may be an evaluation and treatment  
7 facility within the meaning of this chapter.

8 ~~((19))~~ (18) "Facility" means either an evaluation and treatment  
9 facility or a secure detoxification facility.

10 ~~((20))~~ (19) "Gravely disabled" means a condition in which a  
11 person, as a result of a mental disorder, or as a result of the use  
12 of alcohol or other psychoactive chemicals:

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

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

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

26 ~~((22))~~ (21) "Imminent" means the state or condition of being  
27 likely to occur at any moment or near at hand, rather than distant or  
28 remote.

29 ~~((23))~~ (22) "Intoxicated person" means a person whose mental or  
30 physical functioning is substantially impaired as a result of the use  
31 of alcohol or other psychoactive chemicals.

32 ~~((24))~~ (23) "Judicial commitment" means a commitment by a court  
33 under this chapter.

34 ~~((25))~~ (24) "Licensed physician" means a person licensed to  
35 practice medicine or osteopathic medicine and surgery in the state of  
36 Washington.

37 ~~((26))~~ (25) "Likelihood of serious harm" means:

38 (a) A substantial risk that:

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

4 (ii) Physical harm will be inflicted by a person upon another, as  
5 evidenced by behavior that has caused such harm or that places  
6 another person or persons in reasonable fear of sustaining such harm;  
7 or

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

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

13 ((+27+)) (26) "Mental disorder" means any organic, mental, or  
14 emotional impairment that has substantial adverse effects on a  
15 person's cognitive or volitional functions.

16 ((+28+)) (27) "Mental health professional" means a psychiatrist,  
17 psychologist, psychiatric nurse, or social worker, and such other  
18 mental health professionals as may be defined by rules adopted by the  
19 secretary under the authority of chapter 71.05 RCW.

20 ((+29+)) (28) "Peace officer" means a law enforcement official of  
21 a public agency or governmental unit, and includes persons  
22 specifically given peace officer powers by any state law, local  
23 ordinance, or judicial order of appointment.

24 ((+30+)) (29) "Person in charge" means a physician or chemical  
25 dependency counselor as defined in rule by the department, who is  
26 empowered by a certified treatment program with authority to make  
27 assessment, admission, continuing care, and discharge decisions on  
28 behalf of the certified program.

29 ((+31+)) (30) "Private agency" means any person, partnership,  
30 corporation, or association that is not a public agency, whether or  
31 not financed in whole or in part by public funds, that constitutes an  
32 evaluation and treatment facility or private institution, or  
33 hospital, or approved treatment program, that is conducted for, or  
34 includes a department or ward conducted for, the care and treatment  
35 of persons who are mentally ill and/or chemically dependent.

36 ((+32+)) (31) "Professional person" means a mental health  
37 professional or ((~~chemical dependency~~)) substance use disorder  
38 professional and shall also mean a physician, registered nurse, and  
39 such others as may be defined by rules adopted by the secretary  
40 pursuant to the provisions of this chapter.



1       (~~(33)~~) (32) "Psychiatrist" means a person having a license as a  
2 physician and surgeon in this state who has in addition completed  
3 three years of graduate training in psychiatry in a program approved  
4 by the American medical association or the American osteopathic  
5 association and is certified or eligible to be certified by the  
6 American board of psychiatry and neurology.

7       (~~(34)~~) (33) "Psychologist" means a person who has been licensed  
8 as a psychologist under chapter 18.83 RCW.

9       (~~(35)~~) (34) "Public agency" means any evaluation and treatment  
10 facility or institution, or hospital, or approved treatment program  
11 that is conducted for, or includes a department or ward conducted  
12 for, the care and treatment of persons who are mentally ill and/or  
13 chemically dependent, if the agency is operated directly by federal,  
14 state, county, or municipal government, or a combination of such  
15 governments.

16       (~~(36)~~) (35) "Registration records" means all the records of the  
17 department, behavioral health organizations, treatment facilities,  
18 and other persons providing services to the department, county  
19 departments, or facilities which identify persons who are receiving  
20 or who at any time have received services for mental illness.

21       (~~(37)~~) (36) "Release" means legal termination of the commitment  
22 under chapter 70.96A or 71.05 RCW or this chapter.

23       (~~(38)~~) (37) "Secretary" means the secretary of the department  
24 or the secretary's designee.

25       (~~(39)~~) (38) "Secure detoxification facility" means a facility  
26 operated by either a public or private agency or by the program of an  
27 agency that serves the purpose of providing evaluation and  
28 assessment, and acute and/or subacute detoxification services for  
29 intoxicated persons and includes security measures sufficient to  
30 protect the patients, staff, and community.

31       (~~(40)~~) (39) "Social worker" means a person with a master's or  
32 further advanced degree from a social work educational program  
33 accredited and approved as provided in RCW 18.320.010.

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

37       (41) "Treatment records" means registration records and all other  
38 records concerning persons who are receiving or who at any time have  
39 received services for mental illness, which are maintained by the  
40 department, by behavioral health organizations and their staffs, and

1 by treatment facilities. Treatment records do not include notes or  
2 records maintained for personal use by a person providing treatment  
3 services for the department, behavioral health organizations, or a  
4 treatment facility if the notes or records are not available to  
5 others.

6 (42) "Violent act" means behavior that resulted in homicide,  
7 attempted suicide, nonfatal injuries, or substantial damage to  
8 property.

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

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

16 (a) The professional person in charge of the agency or facility  
17 or the person's designee providing evaluation and treatment services  
18 in a secure detoxification facility has assessed the person's  
19 condition and finds that the condition is caused by chemical  
20 dependency and either results in a likelihood of serious harm or in  
21 the detained person being gravely disabled, and the professional  
22 person or his or her designee is prepared to testify those conditions  
23 are met;

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

28 (c) The professional person in charge of the agency or facility  
29 or the person's designee has filed a petition for fourteen-day  
30 involuntary detention with the superior court, district court, or  
31 other court permitted by court rule. The petition must be signed by  
32 the (~~chemical dependency~~) substance use disorder professional who  
33 has examined the person.

34 (2) The petition under subsection (1)(c) of this section shall be  
35 accompanied by a certificate of a licensed physician who has examined  
36 the person, unless the person whose commitment is sought has refused  
37 to submit to a medical examination, in which case the fact of refusal  
38 shall be alleged in the petition. The certificate shall set forth the  
39 licensed physician's findings in support of the allegations of the

1 petition. A physician employed by the petitioning program or the  
2 department is eligible to be the certifying physician.

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

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

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

28 (b) At the conclusion of the probable cause hearing, if the court  
29 finds by a preponderance of the evidence that the person, as the  
30 result of chemical dependency, presents a likelihood of serious harm  
31 or is gravely disabled and, after considering less restrictive  
32 alternatives to involuntary detention and treatment, finds that no  
33 such alternatives are in the best interest of such person or others,  
34 the court shall order that the person be detained for involuntary  
35 chemical dependency treatment not to exceed fourteen days in a secure  
36 detoxification facility.

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

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

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

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

10 (3) "Chemical dependency" means alcoholism, drug addiction, or  
11 dependence on alcohol and one or more other psychoactive chemicals,  
12 as the context requires and as those terms are defined in chapter  
13 70.96A RCW.

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

17 ~~((5))~~ ((5)) "Commitment" means the determination by a court that an  
18 individual should be detained for a period of either evaluation or  
19 treatment, or both, in an inpatient or a less restrictive setting.

20 ~~((6))~~ ((6)) "Conditional release" means a modification of a  
21 commitment that may be revoked upon violation of any of its terms.

22 ~~((7))~~ ((7)) "Custody" means involuntary detention under chapter  
23 71.05 or 70.96A RCW, uninterrupted by any period of unconditional  
24 release from commitment from a facility providing involuntary care  
25 and treatment.

26 ~~((8))~~ ((8)) "Department" means the department of social and  
27 health services.

28 ~~((9))~~ ((9)) "Designated responder" means a designated mental  
29 health professional, a designated chemical dependency specialist, or  
30 a designated crisis responder as those terms are defined in chapter  
31 70.96A, 71.05, or 70.96B RCW.

32 ~~((10))~~ ((10)) "Detention" or "detain" means the lawful confinement  
33 of an individual under chapter 70.96A or 71.05 RCW.

34 ~~((11))~~ ((11)) "Discharge" means the termination of facility  
35 authority. The commitment may remain in place, be terminated, or be  
36 amended by court order.

37 ~~((12))~~ ((12)) "Enhanced services facility" means a facility that  
38 provides treatment and services to persons for whom acute inpatient  
39 treatment is not medically necessary and who have been determined by  
40 the department to be inappropriate for placement in other licensed

1 facilities due to the complex needs that result in behavioral and  
2 security issues.

3 ~~((13))~~ (12) "Expanded community services program" means a  
4 nonsecure program of enhanced behavioral and residential support  
5 provided to long-term and residential care providers serving  
6 specifically eligible clients who would otherwise be at risk for  
7 hospitalization at state hospital geriatric units.

8 ~~((14))~~ (13) "Facility" means an enhanced services facility.

9 ~~((15))~~ (14) "Gravely disabled" means a condition in which an  
10 individual, as a result of a mental disorder, as a result of the use  
11 of alcohol or other psychoactive chemicals, or both:

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

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

19 ~~((16))~~ (15) "History of one or more violent acts" refers to the  
20 period of time ten years before the filing of a petition under this  
21 chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent,  
22 but not any violent acts committed, in a mental health facility or a  
23 long-term alcoholism or drug treatment facility, or in confinement as  
24 a result of a criminal conviction.

25 ~~((17))~~ (16) "Licensed physician" means a person licensed to  
26 practice medicine or osteopathic medicine and surgery in the state of  
27 Washington.

28 ~~((18))~~ (17) "Likelihood of serious harm" means:

29 (a) A substantial risk that:

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

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

37 (iii) Physical harm will be inflicted by an individual 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 individual has threatened the physical safety of another  
2 and has a history of one or more violent acts.

3 ~~((19))~~ (18) "Mental disorder" means any organic, mental, or  
4 emotional impairment that has substantial adverse effects on an  
5 individual's cognitive or volitional functions.

6 ~~((20))~~ (19) "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 ~~((21))~~ (20) "Professional person" means a mental health  
11 professional and also means a physician, registered nurse, and such  
12 others as may be defined in rules adopted by the secretary pursuant  
13 to the provisions of this chapter.

14 ~~((22))~~ (21) "Psychiatrist" means a person having a license as a  
15 physician and surgeon in this state who has in addition completed  
16 three years of graduate training in psychiatry in a program approved  
17 by the American medical association or the American osteopathic  
18 association and is certified or eligible to be certified by the  
19 American board of psychiatry and neurology.

20 ~~((23))~~ (22) "Psychologist" means a person who has been licensed  
21 as a psychologist under chapter 18.83 RCW.

22 ~~((24))~~ (23) "Registration records" include all the records of  
23 the department, behavioral health organizations, treatment  
24 facilities, and other persons providing services to the department,  
25 county departments, or facilities which identify individuals who are  
26 receiving or who at any time have received services for mental  
27 illness.

28 ~~((25))~~ (24) "Release" means legal termination of the commitment  
29 under chapter 70.96A or 71.05 RCW.

30 ~~((26))~~ (25) "Resident" means a person admitted to an enhanced  
31 services facility.

32 ~~((27))~~ (26) "Secretary" means the secretary of the department  
33 or the secretary's designee.

34 ~~((28))~~ (27) "Significant change" means:

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

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

1        ~~((29))~~ (28) "Social worker" means a person with a master's or  
2 further advanced degree from a social work educational program  
3 accredited and approved as provided in RCW 18.320.010.

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

7        (30) "Treatment" means the broad range of emergency,  
8 detoxification, residential, inpatient, and outpatient services and  
9 care, including diagnostic evaluation, mental health or chemical  
10 dependency education and counseling, medical, psychiatric,  
11 psychological, and social service care, vocational rehabilitation,  
12 and career counseling, which may be extended to persons with mental  
13 disorders, chemical dependency disorders, or both, and their  
14 families.

15        (31) "Treatment records" include registration and all other  
16 records concerning individuals who are receiving or who at any time  
17 have received services for mental illness, which are maintained by  
18 the department, by behavioral health organizations and their staffs,  
19 and by treatment facilities. "Treatment records" do not include notes  
20 or records maintained for personal use by an individual providing  
21 treatment services for the department, behavioral health  
22 organizations, or a treatment facility if the notes or records are  
23 not available to others.

24        (32) "Violent act" means behavior that resulted in homicide,  
25 attempted suicide, nonfatal injuries, or substantial damage to  
26 property.

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

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

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

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

38        (3) "Chemical dependency" means alcoholism, drug addiction, or  
39 dependence on alcohol and one or more other psychoactive chemicals,

1 as the context requires and as those terms are defined in chapter  
2 71.05 RCW.

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

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

9 ~~((6))~~ (5) "Conditional release" means a modification of a  
10 commitment that may be revoked upon violation of any of its terms.

11 ~~((7))~~ (6) "Custody" means involuntary detention under chapter  
12 71.05 RCW, uninterrupted by any period of unconditional release from  
13 commitment from a facility providing involuntary care and treatment.

14 ~~((8))~~ (7) "Department" means the department of social and  
15 health services.

16 ~~((9))~~ (8) "Designated crisis responder" has the same meaning as  
17 in chapter 71.05 RCW.

18 ~~((10))~~ (9) "Detention" or "detain" means the lawful confinement  
19 of an individual under chapter 71.05 RCW.

20 ~~((11))~~ (10) "Discharge" means the termination of facility  
21 authority. The commitment may remain in place, be terminated, or be  
22 amended by court order.

23 ~~((12))~~ (11) "Enhanced services facility" means a facility that  
24 provides treatment and services to persons for whom acute inpatient  
25 treatment is not medically necessary and who have been determined by  
26 the department to be inappropriate for placement in other licensed  
27 facilities due to the complex needs that result in behavioral and  
28 security issues.

29 ~~((13))~~ (12) "Expanded community services program" means a  
30 nonsecure program of enhanced behavioral and residential support  
31 provided to long-term and residential care providers serving  
32 specifically eligible clients who would otherwise be at risk for  
33 hospitalization at state hospital geriatric units.

34 ~~((14))~~ (13) "Facility" means an enhanced services facility.

35 ~~((15))~~ (14) "Gravely disabled" means a condition in which an  
36 individual, as a result of a mental disorder, as a result of the use  
37 of alcohol or other psychoactive chemicals, or both:

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



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

5 ~~((16))~~ (15) "History of one or more violent acts" refers to the  
6 period of time ten years before the filing of a petition under this  
7 chapter or chapter 71.05 RCW, excluding any time spent, but not any  
8 violent acts committed, in a mental health facility or a long-term  
9 alcoholism or drug treatment facility, or in confinement as a result  
10 of a criminal conviction.

11 ~~((17))~~ (16) "Licensed physician" means a person licensed to  
12 practice medicine or osteopathic medicine and surgery in the state of  
13 Washington.

14 ~~((18))~~ (17) "Likelihood of serious harm" means:

15 (a) A substantial risk that:

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

19 (ii) Physical harm will be inflicted by an individual upon  
20 another, as evidenced by behavior that has caused such harm or that  
21 places another person or persons in reasonable fear of sustaining  
22 such harm; or

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

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

28 ~~((19))~~ (18) "Mental disorder" means any organic, mental, or  
29 emotional impairment that has substantial adverse effects on an  
30 individual's cognitive or volitional functions.

31 ~~((20))~~ (19) "Mental health professional" means a psychiatrist,  
32 psychologist, psychiatric nurse, or social worker, and such other  
33 mental health professionals as may be defined by rules adopted by the  
34 secretary under the authority of chapter 71.05 RCW.

35 ~~((21))~~ (20) "Professional person" means a mental health  
36 professional and also means a physician, registered nurse, and such  
37 others as may be defined in rules adopted by the secretary pursuant  
38 to the provisions of this chapter.

39 ~~((22))~~ (21) "Psychiatrist" means a person having a license as a  
40 physician and surgeon in this state who has in addition completed

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

5 ~~((+23))~~ (22) "Psychologist" means a person who has been licensed  
6 as a psychologist under chapter 18.83 RCW.

7 ~~((+24))~~ (23) "Registration records" include all the records of  
8 the department, behavioral health organizations, treatment  
9 facilities, and other persons providing services to the department,  
10 county departments, or facilities which identify individuals who are  
11 receiving or who at any time have received services for mental  
12 illness.

13 ~~((+25))~~ (24) "Release" means legal termination of the commitment  
14 under chapter 71.05 RCW.

15 ~~((+26))~~ (25) "Resident" means a person admitted to an enhanced  
16 services facility.

17 ~~((+27))~~ (26) "Secretary" means the secretary of the department  
18 or the secretary's designee.

19 ~~((+28))~~ (27) "Significant change" means:

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

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

26 ~~((+29))~~ (28) "Social worker" means a person with a master's or  
27 further advanced degree from a social work educational program  
28 accredited and approved as provided in RCW 18.320.010.

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

32 (30) "Treatment" means the broad range of emergency,  
33 detoxification, residential, inpatient, and outpatient services and  
34 care, including diagnostic evaluation, mental health or chemical  
35 dependency education and counseling, medical, psychiatric,  
36 psychological, and social service care, vocational rehabilitation,  
37 and career counseling, which may be extended to persons with mental  
38 disorders, chemical dependency disorders, or both, and their  
39 families.

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

10 (32) "Violent act" means behavior that resulted in homicide,  
11 attempted suicide, nonfatal injuries, or substantial damage to  
12 property.

13 **Sec. 17.** RCW 70.97.030 and 2005 c 504 s 405 are each amended to  
14 read as follows:

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

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

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

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

27 (a) Self-endangering behaviors that are frequent or difficult to  
28 manage;

29 (b) Aggressive, threatening, or assaultive behaviors that create  
30 a risk to the health or safety of other residents or staff, or a  
31 significant risk to property and these behaviors are frequent or  
32 difficult to manage;

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

34 (d) Complex medication needs and those needs include psychotropic  
35 medications;

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

1 (f) A history of frequent or protracted mental health  
2 hospitalizations;

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

5 **Sec. 18.** RCW 71.05.020 and 2016 sp.s. c 29 s 204 and 2016 c 155  
6 s 1 are each reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

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

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

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

23 (4) "Approved substance use disorder treatment program" means a  
24 program for persons with a substance use disorder provided by a  
25 treatment program certified by the department as meeting standards  
26 adopted under chapter 71.24 RCW;

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

30 (6) "Chemical dependency" means:

31 (a) Alcoholism;

32 (b) Drug addiction; or

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

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

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

4       ~~((9))~~ (8) "Conditional release" means a revocable modification  
5 of a commitment, which may be revoked upon violation of any of its  
6 terms;

7       ~~((10))~~ (9) "Crisis stabilization unit" means a short-term  
8 facility or a portion of a facility licensed by the department of  
9 health and certified by the department of social and health services  
10 under RCW 71.24.035, such as an evaluation and treatment facility or  
11 a hospital, which has been designed to assess, diagnose, and treat  
12 individuals experiencing an acute crisis without the use of long-term  
13 hospitalization;

14       ~~((11))~~ (10) "Custody" means involuntary detention under the  
15 provisions of this chapter or chapter 10.77 RCW, uninterrupted by any  
16 period of unconditional release from commitment from a facility  
17 providing involuntary care and treatment;

18       ~~((12))~~ (11) "Department" means the department of social and  
19 health services;

20       ~~((13))~~ (12) "Designated crisis responder" means a mental health  
21 professional appointed by the behavioral health organization to  
22 perform the duties specified in this chapter;

23       ~~((14))~~ (13) "Detention" or "detain" means the lawful  
24 confinement of a person, under the provisions of this chapter;

25       ~~((15))~~ (14) "Developmental disabilities professional" means a  
26 person who has specialized training and three years of experience in  
27 directly treating or working with persons with developmental  
28 disabilities and is a psychiatrist, physician assistant working with  
29 a supervising psychiatrist, psychologist, psychiatric advanced  
30 registered nurse practitioner, or social worker, and such other  
31 developmental disabilities professionals as may be defined by rules  
32 adopted by the secretary;

33       ~~((16))~~ (15) "Developmental disability" means that condition  
34 defined in RCW 71A.10.020(5);

35       ~~((17))~~ (16) "Discharge" means the termination of hospital  
36 medical authority. The commitment may remain in place, be terminated,  
37 or be amended by court order;

38       ~~((18))~~ (17) "Drug addiction" means a disease, characterized by  
39 a dependency on psychoactive chemicals, loss of control over the  
40 amount and circumstances of use, symptoms of tolerance, physiological

1 or psychological withdrawal, or both, if use is reduced or  
2 discontinued, and impairment of health or disruption of social or  
3 economic functioning;

4 ~~((19))~~ (18) "Evaluation and treatment facility" means any  
5 facility which can provide directly, or by direct arrangement with  
6 other public or private agencies, emergency evaluation and treatment,  
7 outpatient care, and timely and appropriate inpatient care to persons  
8 suffering from a mental disorder, and which is certified as such by  
9 the department. The department may certify single beds as temporary  
10 evaluation and treatment beds under RCW 71.05.745. A physically  
11 separate and separately operated portion of a state hospital may be  
12 designated as an evaluation and treatment facility. A facility which  
13 is part of, or operated by, the department or any federal agency will  
14 not require certification. No correctional institution or facility,  
15 or jail, shall be an evaluation and treatment facility within the  
16 meaning of this chapter;

17 ~~((20))~~ (19) "Gravely disabled" means a condition in which a  
18 person, as a result of a mental disorder, or as a result of the use  
19 of alcohol or other psychoactive chemicals: (a) Is in danger of  
20 serious physical harm resulting from a failure to provide for his or  
21 her essential human needs of health or safety; or (b) manifests  
22 severe deterioration in routine functioning evidenced by repeated and  
23 escalating loss of cognitive or volitional control over his or her  
24 actions and is not receiving such care as is essential for his or her  
25 health or safety;

26 ~~((21))~~ (20) "Habilitative services" means those services  
27 provided by program personnel to assist persons in acquiring and  
28 maintaining life skills and in raising their levels of physical,  
29 mental, social, and vocational functioning. Habilitative services  
30 include education, training for employment, and therapy. The  
31 habilitative process shall be undertaken with recognition of the risk  
32 to the public safety presented by the person being assisted as  
33 manifested by prior charged criminal conduct;

34 ~~((22))~~ (21) "History of one or more violent acts" refers to the  
35 period of time ten years prior to the filing of a petition under this  
36 chapter, excluding any time spent, but not any violent acts  
37 committed, in a mental health facility, a long-term alcoholism or  
38 drug treatment facility, or in confinement as a result of a criminal  
39 conviction;

1        ~~((23))~~ (22) "Imminent" means the state or condition of being  
2 likely to occur at any moment or near at hand, rather than distant or  
3 remote;

4        ~~((24))~~ (23) "Individualized service plan" means a plan prepared  
5 by a developmental disabilities professional with other professionals  
6 as a team, for a person with developmental disabilities, which shall  
7 state:

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

10       (b) The conditions and strategies necessary to achieve the  
11 purposes of habilitation;

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

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

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

17       (f) Where relevant in light of past criminal behavior and due  
18 consideration for public safety, the criteria for proposed movement  
19 to less-restrictive settings, criteria for proposed eventual  
20 discharge or release, and a projected possible date for discharge or  
21 release; and

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

24       ~~((25))~~ (24) "Information related to mental health services"  
25 means all information and records compiled, obtained, or maintained  
26 in the course of providing services to either voluntary or  
27 involuntary recipients of services by a mental health service  
28 provider. This may include documents of legal proceedings under this  
29 chapter or chapter 71.34 or 10.77 RCW, or somatic health care  
30 information;

31       ~~((26))~~ (25) "Intoxicated person" means a person whose mental or  
32 physical functioning is substantially impaired as a result of the use  
33 of alcohol or other psychoactive chemicals;

34       ~~((27))~~ (26) "In need of assisted outpatient mental health  
35 treatment" means that a person, as a result of a mental disorder: (a)  
36 Has been committed by a court to detention for involuntary mental  
37 health treatment at least twice during the preceding thirty-six  
38 months, or, if the person is currently committed for involuntary  
39 mental health treatment, the person has been committed to detention  
40 for involuntary mental health treatment at least once during the

1 thirty-six months preceding the date of initial detention of the  
2 current commitment cycle; (b) is unlikely to voluntarily participate  
3 in outpatient treatment without an order for less restrictive  
4 alternative treatment, in view of the person's treatment history or  
5 current behavior; (c) is unlikely to survive safely in the community  
6 without supervision; (d) is likely to benefit from less restrictive  
7 alternative treatment; and (e) requires less restrictive alternative  
8 treatment to prevent a relapse, decompensation, or deterioration that  
9 is likely to result in the person presenting a likelihood of serious  
10 harm or the person becoming gravely disabled within a reasonably  
11 short period of time. For purposes of (a) of this subsection, time  
12 spent in a mental health facility or in confinement as a result of a  
13 criminal conviction is excluded from the thirty-six month  
14 calculation;

15 ~~((+28+))~~ (27) "Judicial commitment" means a commitment by a court  
16 pursuant to the provisions of this chapter;

17 ~~((+29+))~~ (28) "Legal counsel" means attorneys and staff employed  
18 by county prosecutor offices or the state attorney general acting in  
19 their capacity as legal representatives of public mental health and  
20 substance use disorder service providers under RCW 71.05.130;

21 ~~((+30+))~~ (29) "Less restrictive alternative treatment" means a  
22 program of individualized treatment in a less restrictive setting  
23 than inpatient treatment that includes the services described in RCW  
24 71.05.585;

25 ~~((+31+))~~ (30) "Licensed physician" means a person licensed to  
26 practice medicine or osteopathic medicine and surgery in the state of  
27 Washington;

28 ~~((+32+))~~ (31) "Likelihood of serious harm" means:

29 (a) A substantial risk that: (i) Physical harm will be inflicted  
30 by a person upon his or her own person, as evidenced by threats or  
31 attempts to commit suicide or inflict physical harm on oneself; (ii)  
32 physical harm will be inflicted by a person upon another, as  
33 evidenced by behavior which has caused such harm or which places  
34 another person or persons in reasonable fear of sustaining such harm;  
35 or (iii) physical harm will be inflicted by a person upon the  
36 property of others, as evidenced by behavior which has caused  
37 substantial loss or damage to the property of others; or

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



1        ~~((33))~~ (32) "Medical clearance" means a physician or other  
2 health care provider has determined that a person is medically stable  
3 and ready for referral to the designated crisis responder;

4        ~~((34))~~ (33) "Mental disorder" means any organic, mental, or  
5 emotional impairment which has substantial adverse effects on a  
6 person's cognitive or volitional functions;

7        ~~((35))~~ (34) "Mental health professional" means a psychiatrist,  
8 psychologist, physician assistant working with a supervising  
9 psychiatrist, psychiatric advanced registered nurse practitioner,  
10 psychiatric nurse, or social worker, and such other mental health  
11 professionals as may be defined by rules adopted by the secretary  
12 pursuant to the provisions of this chapter;

13        ~~((36))~~ (35) "Mental health service provider" means a public or  
14 private agency that provides mental health services to persons with  
15 mental disorders or substance use disorders as defined under this  
16 section and receives funding from public sources. This includes, but  
17 is not limited to, hospitals licensed under chapter 70.41 RCW,  
18 evaluation and treatment facilities as defined in this section,  
19 community mental health service delivery systems or behavioral health  
20 programs as defined in RCW 71.24.025, facilities conducting  
21 competency evaluations and restoration under chapter 10.77 RCW,  
22 approved substance use disorder treatment programs as defined in this  
23 section, secure detoxification facilities as defined in this section,  
24 and correctional facilities operated by state and local governments;

25        ~~((37))~~ (36) "Peace officer" means a law enforcement official of  
26 a public agency or governmental unit, and includes persons  
27 specifically given peace officer powers by any state law, local  
28 ordinance, or judicial order of appointment;

29        ~~((38))~~ (37) "Physician assistant" means a person licensed as a  
30 physician assistant under chapter 18.57A or 18.71A RCW;

31        ~~((39))~~ (38) "Private agency" means any person, partnership,  
32 corporation, or association that is not a public agency, whether or  
33 not financed in whole or in part by public funds, which constitutes  
34 an evaluation and treatment facility or private institution, or  
35 hospital, or approved substance use disorder treatment program, which  
36 is conducted for, or includes a department or ward conducted for, the  
37 care and treatment of persons with mental illness, substance use  
38 disorders, or both mental illness and substance use disorders;

39        ~~((40))~~ (39) "Professional person" means a mental health  
40 professional or designated crisis responder and shall also mean a

1 physician, physician assistant, psychiatric advanced registered nurse  
2 practitioner, registered nurse, and such others as may be defined by  
3 rules adopted by the secretary pursuant to the provisions of this  
4 chapter;

5 ~~((41))~~ (40) "Psychiatric advanced registered nurse  
6 practitioner" means a person who is licensed as an advanced  
7 registered nurse practitioner pursuant to chapter 18.79 RCW; and who  
8 is board certified in advanced practice psychiatric and mental health  
9 nursing;

10 ~~((42))~~ (41) "Psychiatrist" means a person having a license as a  
11 physician and surgeon in this state who has in addition completed  
12 three years of graduate training in psychiatry in a program approved  
13 by the American medical association or the American osteopathic  
14 association and is certified or eligible to be certified by the  
15 American board of psychiatry and neurology;

16 ~~((43))~~ (42) "Psychologist" means a person who has been licensed  
17 as a psychologist pursuant to chapter 18.83 RCW;

18 ~~((44))~~ (43) "Public agency" means any evaluation and treatment  
19 facility or institution, secure detoxification facility, approved  
20 substance use disorder treatment program, or hospital which is  
21 conducted for, or includes a department or ward conducted for, the  
22 care and treatment of persons with mental illness, substance use  
23 disorders, or both mental illness and substance use disorders, if the  
24 agency is operated directly by federal, state, county, or municipal  
25 government, or a combination of such governments;

26 ~~((45))~~ (44) "Registration records" include all the records of  
27 the department, behavioral health organizations, treatment  
28 facilities, and other persons providing services to the department,  
29 county departments, or facilities which identify persons who are  
30 receiving or who at any time have received services for mental  
31 illness or substance use disorders;

32 ~~((46))~~ (45) "Release" means legal termination of the commitment  
33 under the provisions of this chapter;

34 ~~((47))~~ (46) "Resource management services" has the meaning  
35 given in chapter 71.24 RCW;

36 ~~((48))~~ (47) "Secretary" means the secretary of the department  
37 of social and health services, or his or her designee;

38 ~~((49))~~ (48) "Secure detoxification facility" means a facility  
39 operated by either a public or private agency or by the program of an  
40 agency that:

1 (a) Provides for intoxicated persons:  
2 (i) Evaluation and assessment, provided by certified (~~chemical~~  
3 ~~dependency~~) substance use disorder professionals;  
4 (ii) Acute or subacute detoxification services; and  
5 (iii) Discharge assistance provided by certified (~~chemical~~  
6 ~~dependency~~) substance use disorder professionals, including  
7 facilitating transitions to appropriate voluntary or involuntary  
8 inpatient services or to less restrictive alternatives as appropriate  
9 for the individual;  
10 (b) Includes security measures sufficient to protect the  
11 patients, staff, and community; and  
12 (c) Is certified as such by the department;  
13 (~~(+50+)~~) (49) "Serious violent offense" has the same meaning as  
14 provided in RCW 9.94A.030;  
15 (~~(+51+)~~) (50) "Social worker" means a person with a master's or  
16 further advanced degree from a social work educational program  
17 accredited and approved as provided in RCW 18.320.010;  
18 (~~(+52+)~~) (51) "Substance use disorder" means a cluster of  
19 cognitive, behavioral, and physiological symptoms indicating that an  
20 individual continues using the substance despite significant  
21 substance-related problems. The diagnosis of a substance use disorder  
22 is based on a pathological pattern of behaviors related to the use of  
23 the substances;  
24 (52) "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 (53) "Therapeutic court personnel" means the staff of a mental  
28 health court or other therapeutic court which has jurisdiction over  
29 defendants who are dually diagnosed with mental disorders, including  
30 court personnel, probation officers, a court monitor, prosecuting  
31 attorney, or defense counsel acting within the scope of therapeutic  
32 court duties;  
33 (54) "Treatment records" include registration and all other  
34 records concerning persons who are receiving or who at any time have  
35 received services for mental illness, which are maintained by the  
36 department, by behavioral health organizations and their staffs, and  
37 by treatment facilities. Treatment records include mental health  
38 information contained in a medical bill including but not limited to  
39 mental health drugs, a mental health diagnosis, provider name, and  
40 dates of service stemming from a medical service. Treatment records

1 do not include notes or records maintained for personal use by a  
2 person providing treatment services for the department, behavioral  
3 health organizations, or a treatment facility if the notes or records  
4 are not available to others;

5 (55) "Triage facility" means a short-term facility or a portion  
6 of a facility licensed by the department of health and certified by  
7 the department of social and health services under RCW 71.24.035,  
8 which is designed as a facility to assess and stabilize an individual  
9 or determine the need for involuntary commitment of an individual,  
10 and must meet department of health residential treatment facility  
11 standards. A triage facility may be structured as a voluntary or  
12 involuntary placement facility;

13 (56) "Violent act" means behavior that resulted in homicide,  
14 attempted suicide, nonfatal injuries, or substantial damage to  
15 property.

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

18 Unless the context clearly requires otherwise, the definitions in  
19 this section apply throughout this chapter.

20 (1) "Alcoholism" means a disease, characterized by a dependency  
21 on alcoholic beverages, loss of control over the amount and  
22 circumstances of use, symptoms of tolerance, physiological or  
23 psychological withdrawal, or both, if use is reduced or discontinued,  
24 and impairment of health or disruption of social or economic  
25 functioning.

26 (2) "Approved substance use disorder treatment program" means a  
27 program for minors with substance use disorders provided by a  
28 treatment program certified by the department as meeting standards  
29 adopted under chapter 71.24 RCW.

30 (3) "Chemical dependency" means:

31 (a) Alcoholism;

32 (b) Drug addiction; or

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

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

38 (5)) "Child psychiatrist" means a person having a license as a  
39 physician and surgeon in this state, who has had graduate training in

1 child psychiatry in a program approved by the American Medical  
2 Association or the American Osteopathic Association, and who is board  
3 eligible or board certified in child psychiatry.

4 ~~((6))~~ (5) "Children's mental health specialist" means:

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

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

12 ~~((7))~~ (6) "Commitment" means a determination by a judge or  
13 court commissioner, made after a commitment hearing, that the minor  
14 is in need of inpatient diagnosis, evaluation, or treatment or that  
15 the minor is in need of less restrictive alternative treatment.

16 ~~((8))~~ (7) "Department" means the department of social and  
17 health services.

18 ~~((9))~~ (8) "Designated crisis responder" means a person  
19 designated by a behavioral health organization to perform the duties  
20 specified in this chapter.

21 ~~((10))~~ (9) "Drug addiction" means a disease, characterized by a  
22 dependency on psychoactive chemicals, loss of control over the amount  
23 and circumstances of use, symptoms of tolerance, physiological or  
24 psychological withdrawal, or both, if use is reduced or discontinued,  
25 and impairment of health or disruption of social or economic  
26 functioning.

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

37 ~~((12))~~ (11) "Evaluation and treatment program" means the total  
38 system of services and facilities coordinated and approved by a  
39 county or combination of counties for the evaluation and treatment of  
40 minors under this chapter.

1        ~~((13))~~ (12) "Gravely disabled minor" means a minor who, as a  
2 result of a mental disorder, or as a result of the use of alcohol or  
3 other psychoactive chemicals, is in danger of serious physical harm  
4 resulting from a failure to provide for his or her essential human  
5 needs of health or safety, or manifests severe deterioration in  
6 routine functioning evidenced by repeated and escalating loss of  
7 cognitive or volitional control over his or her actions and is not  
8 receiving such care as is essential for his or her health or safety.

9        ~~((14))~~ (13) "Inpatient treatment" means twenty-four-hour-per-  
10 day mental health care provided within a general hospital,  
11 psychiatric hospital, residential treatment facility certified by the  
12 department as an evaluation and treatment facility for minors, secure  
13 detoxification facility for minors, or approved substance use  
14 disorder treatment program for minors.

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

18        ~~((16))~~ (15) "Less restrictive alternative" or "less restrictive  
19 setting" means outpatient treatment provided to a minor who is not  
20 residing in a facility providing inpatient treatment as defined in  
21 this chapter.

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

33        ~~((18))~~ (17) "Medical necessity" for inpatient care means a  
34 requested service which is reasonably calculated to: (a) Diagnose,  
35 correct, cure, or alleviate a mental disorder or substance use  
36 disorder; or (b) prevent the progression of a substance use disorder  
37 that endangers life or causes suffering and pain, or results in  
38 illness or infirmity or threatens to cause or aggravate a handicap,  
39 or causes physical deformity or malfunction, and there is no adequate  
40 less restrictive alternative available.

1        ~~((19))~~ (18) "Mental disorder" means any organic, mental, or  
2 emotional impairment that has substantial adverse effects on an  
3 individual's cognitive or volitional functions. The presence of  
4 alcohol abuse, drug abuse, juvenile criminal history, antisocial  
5 behavior, or intellectual disabilities alone is insufficient to  
6 justify a finding of "mental disorder" within the meaning of this  
7 section.

8        ~~((20))~~ (19) "Mental health professional" means a psychiatrist,  
9 physician assistant working with a supervising psychiatrist,  
10 psychologist, psychiatric nurse, or social worker, and such other  
11 mental health professionals as may be defined by rules adopted by the  
12 secretary under this chapter.

13        ~~((21))~~ (20) "Minor" means any person under the age of eighteen  
14 years.

15        ~~((22))~~ (21) "Outpatient treatment" means any of the  
16 nonresidential services mandated under chapter 71.24 RCW and provided  
17 by licensed service providers as identified by RCW 71.24.025.

18        ~~((23))~~ (22) "Parent" means:

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

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

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

32        ~~((25))~~ (24) "Physician assistant" means a person licensed as a  
33 physician assistant under chapter 18.57A or 18.71A RCW.

34        ~~((26))~~ (25) "Professional person in charge" or "professional  
35 person" means a physician, other mental health professional, or other  
36 person empowered by an evaluation and treatment facility, secure  
37 detoxification facility, or approved substance use disorder treatment  
38 program with authority to make admission and discharge decisions on  
39 behalf of that facility.

1        ~~((27))~~ (26) "Psychiatric nurse" means a registered nurse who  
2 has a bachelor's degree from an accredited college or university, and  
3 who has had, in addition, at least two years' experience in the  
4 direct treatment of persons who have a mental illness or who are  
5 emotionally disturbed, such experience gained under the supervision  
6 of a mental health professional. "Psychiatric nurse" shall also mean  
7 any other registered nurse who has three years of such experience.

8        ~~((28))~~ (27) "Psychiatrist" means a person having a license as a  
9 physician in this state who has completed residency training in  
10 psychiatry in a program approved by the American Medical Association  
11 or the American Osteopathic Association, and is board eligible or  
12 board certified in psychiatry.

13        ~~((29))~~ (28) "Psychologist" means a person licensed as a  
14 psychologist under chapter 18.83 RCW.

15        ~~((30))~~ (29) "Public agency" means any evaluation and treatment  
16 facility or institution, or hospital, or approved substance use  
17 disorder treatment program that is conducted for, or includes a  
18 department or ward conducted for, the care and treatment of persons  
19 with mental illness, substance use disorders, or both mental illness  
20 and substance use disorders if the agency is operated directly by  
21 federal, state, county, or municipal government, or a combination of  
22 such governments.

23        ~~((31))~~ (30) "Responsible other" means the minor, the minor's  
24 parent or estate, or any other person legally responsible for support  
25 of the minor.

26        ~~((32))~~ (31) "Secretary" means the secretary of the department  
27 or secretary's designee.

28        ~~((33))~~ (32) "Secure detoxification facility" means a facility  
29 operated by either a public or private agency or by the program of an  
30 agency that:

31        (a) Provides for intoxicated minors:

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

34        (ii) Acute or subacute detoxification services; and

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



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

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

4 ~~((+34+))~~ (33) "Social worker" means a person with a master's or  
5 further advanced degree from a social work educational program  
6 accredited and approved as provided in RCW 18.320.010.

7 ~~((+35+))~~ (34) "Start of initial detention" means the time of  
8 arrival of the minor at the first evaluation and treatment facility,  
9 secure detoxification facility, or approved substance use disorder  
10 treatment program offering inpatient treatment if the minor is being  
11 involuntarily detained at the time. With regard to voluntary  
12 patients, "start of initial detention" means the time at which the  
13 minor gives notice of intent to leave under the provisions of this  
14 chapter.

15 ~~((+36+))~~ (35) "Substance use disorder" means a cluster of  
16 cognitive, behavioral, and physiological symptoms indicating that an  
17 individual continues using the substance despite significant  
18 substance-related problems. The diagnosis of a substance use disorder  
19 is based on a pathological pattern of behaviors related to the use of  
20 the substances.

21 (36) "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 **Sec. 20.** RCW 71.34.720 and 2016 sp.s. c 29 s 271 and 2016 c 155  
25 s 19 are each reenacted and amended to read as follows:

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

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

1 detained to an evaluation and treatment facility, would be better  
2 served by placement in a substance use disorder treatment  
3 ((facility)) program or, if detained to a secure detoxification  
4 facility or approved substance use disorder treatment program, would  
5 be better served in an evaluation and treatment facility, then the  
6 minor shall be referred to the more appropriate placement; however a  
7 minor may only be referred to a secure detoxification facility or  
8 approved substance use disorder treatment program if there is a  
9 secure detoxification facility or approved substance use disorder  
10 treatment program available and that has adequate space for the  
11 minor.

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

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

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

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

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

34 (1) Each minor approved by the facility for inpatient admission  
35 shall be examined and evaluated by a children's mental health  
36 specialist, for minors admitted as a result of a mental disorder, or  
37 by a ((chemical-dependency)) substance use disorder professional, for  
38 minors admitted as a result of a substance use disorder, as to the  
39 child's mental condition and by a physician, physician assistant, or

1 psychiatric advanced registered nurse practitioner as to the child's  
2 physical condition within twenty-four hours of admission. Reasonable  
3 measures shall be taken to ensure medical treatment is provided for  
4 any condition requiring immediate medical attention.

5 (2) If, after examination and evaluation, the children's mental  
6 health specialist or substance use disorder specialist and the  
7 physician, physician assistant, or psychiatric advanced registered  
8 nurse practitioner determine that the initial needs of the minor, if  
9 detained to an evaluation and treatment facility, would be better  
10 served by placement in a substance use disorder treatment  
11 ((facility)) program or, if detained to a secure detoxification  
12 facility or approved substance use disorder treatment program, would  
13 be better served in an evaluation and treatment facility, then the  
14 minor shall be referred to the more appropriate placement.

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

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

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

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

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

37 (1) If a minor is committed for one hundred eighty-day inpatient  
38 treatment and is to be placed in a state-supported program, the  
39 secretary shall accept immediately and place the minor in a state-

1 funded long-term evaluation and treatment facility or state-funded  
2 approved substance use disorder treatment program.

3 (2) The secretary's placement authority shall be exercised  
4 through a designated placement committee appointed by the secretary  
5 and composed of children's mental health specialists and (~~chemical~~  
6 ~~dependency~~) substance use disorder professionals, including at least  
7 one child psychiatrist who represents the state-funded, long-term,  
8 evaluation and treatment facility for minors and one (~~chemical~~  
9 ~~dependency~~) substance use disorder professional who represents the  
10 state-funded approved substance use disorder treatment program. The  
11 responsibility of the placement committee will be to:

12 (a) Make the long-term placement of the minor in the most  
13 appropriate, available state-funded evaluation and treatment facility  
14 or approved substance use disorder treatment program, having  
15 carefully considered factors including the treatment needs of the  
16 minor, the most appropriate facility able to respond to the minor's  
17 identified treatment needs, the geographic proximity of the facility  
18 to the minor's family, the immediate availability of bed space, and  
19 the probable impact of the placement on other residents of the  
20 facility;

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

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

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

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

28 (4) The responsible state-funded evaluation and treatment  
29 facility or approved substance use disorder treatment program shall  
30 submit a report to the department's designated placement committee  
31 within ninety days of admission and no less than every one hundred  
32 eighty days thereafter, setting forth such facts as the department  
33 requires, including the minor's individual treatment plan and  
34 progress, recommendations for future treatment, and possible less  
35 restrictive treatment.

36 NEW SECTION. Sec. 23. (1) Sections 16, 18 through 20, and 22 of  
37 this act take effect April 1, 2018.

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

1        NEW SECTION.    **Sec. 24.**    (1) Sections 13 through 15 of this act  
2 expire April 1, 2018.

3        (2) Section 20 of this act expires July 1, 2026.

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