

ESHB 1768 - S COMM AMD

By Subcommittee on Behavioral Health

NOT ADOPTED 04/17/2019

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

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

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

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

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

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

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

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

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

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

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

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

11 ~~((7))~~ (4) "Department" means the department of health.

12 ~~((8))~~ (5) "Health profession" means a profession providing
13 health services regulated under the laws of this state.

14 ~~((9))~~ (6) "Recovery" means a process of change through which
15 individuals improve their health and wellness, live self-directed
16 lives, and strive to reach their full potential. Recovery often
17 involves achieving remission from active substance use disorder.

18 (7) "Secretary" means the secretary of health or the secretary's
19 designee.

20 (8) "Substance use disorder counseling" means employing the core
21 competencies of substance use disorder counseling to assist or
22 attempt to assist individuals with substance use disorder in their
23 recovery.

24 (9) "Substance use disorder professional" means an individual
25 certified in substance use disorder counseling under this chapter.

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

29 (11) "Co-occurring disorder specialist" means an individual
30 possessing an enhancement that certifies the individual to provide
31 substance use disorder counseling subject to the practice limitations
32 under section 25 of this act.

33 (12) "Agency" means (a) an agency or facility operated, licensed,
34 or certified by the state of Washington; (b) a federally recognized
35 Indian tribe located within the state; or (c) a county.

36 (13) "Counseling" means employing any therapeutic techniques
37 including, but not limited to, social work, mental health counseling,
38 marriage and family therapy, and hypnotherapy, for a fee, that offer,
39 assist, or attempt to assist an individual or individuals in the
40 amelioration or adjustment of mental, emotional, or behavioral

1 problems, and includes therapeutic techniques to achieve sensitivity
2 and awareness of self and others and the development of human
3 potential. For the purposes of this chapter, nothing may be construed
4 to imply that the practice of hypnotherapy is necessarily limited to
5 counseling.

6 (14) "Serious mental illness" means a diagnosable mental,
7 behavioral, or emotional disorder that causes serious functional
8 impairment that substantially interferes with or limits one or more
9 major life activities.

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

12 No person may represent oneself as a certified ~~((chemical~~
13 ~~dependency)) substance use disorder professional ~~((or))~~, certified
14 ~~((chemical dependency)) substance use disorder professional trainee,~~
15 or co-occurring disorder specialist or use any title or description
16 of services of a certified ~~((chemical dependency)) substance use~~
17 disorder professional ~~((or))~~, certified ~~((chemical dependency))~~
18 substance use disorder professional trainee, or co-occurring disorder
19 specialist without applying for certification, meeting the required
20 qualifications, and being certified by the department of health,
21 unless otherwise exempted by this chapter.~~

22 **Sec. 4.** RCW 18.205.080 and 2018 c 201 s 9007 are each amended to
23 read as follows:

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

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

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

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

14 (5) The director of the health care authority, or his or her
15 designee, shall serve as an ex officio member of the committee.

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

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

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

25 (a) Completion of an educational program approved by the
26 secretary or successful completion of alternate training that meets
27 established criteria;

28 (b) Successful completion of an approved examination, based on
29 core competencies of (~~chemical dependency~~) substance use disorder
30 counseling; and

31 (c) Successful completion of an experience requirement that
32 establishes fewer hours of experience for applicants with higher
33 levels of relevant education. In meeting any experience requirement
34 established under this subsection, the secretary may not require more
35 than one thousand five hundred hours of experience in (~~chemical~~
36 ~~dependency~~) substance use disorder counseling for applicants who are
37 licensed under chapter 18.83 RCW or under chapter 18.79 RCW as
38 advanced registered nurse practitioners.

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

3 (3) Applicants are subject to the grounds for denial of a
4 certificate or issuance of a conditional certificate under chapter
5 18.130 RCW.

6 (4) Certified (~~(chemical dependency)~~) substance use disorder
7 professionals shall not be required to be registered under chapter
8 18.19 RCW or licensed under chapter 18.225 RCW.

9 (5) As of the effective date of this section, a person certified
10 under this chapter holding the title of chemical dependency
11 professional is considered to hold the title of substance use
12 disorder professional until such time as the person's present
13 certification expires or is renewed.

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

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

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

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

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

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

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

4 (7) As of the effective date of this section, a person certified
5 under this chapter holding the title of chemical dependency
6 professional trainee is considered to hold the title of substance use
7 disorder professional trainee until such time as the person's present
8 certification expires or is renewed.

9 **Sec. 7.** RCW 18.205.100 and 2000 c 171 s 42 are each amended to
10 read as follows:

11 The secretary may establish by rule the standards and procedures
12 for approval of educational programs and alternative training. The
13 requirements for who may provide approved supervision towards
14 training must be the same for all applicants in the regular or
15 alternative training pathways. The requirements for who may provide
16 approved supervision towards training must allow approved supervision
17 to be provided by a licensed social worker or licensed mental health
18 practitioner who has completed the alternative training requirements.

19 The secretary may utilize or contract with individuals or
20 organizations having expertise in the profession or in education to
21 assist in the evaluations. The secretary shall establish by rule the
22 standards and procedures for revocation of approval of educational
23 programs. The standards and procedures set shall apply equally to
24 educational programs and training in the United States and in foreign
25 jurisdictions. The secretary may establish a fee for educational
26 program evaluations."

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

29 (1) If the issue of competency to stand trial is raised by the
30 court or a party under RCW 10.77.060, the prosecutor may continue
31 with the competency process or dismiss the charges without prejudice
32 and refer the defendant for assessment by a mental health
33 professional, ~~((chemical—dependency))~~ substance use disorder
34 professional, co-occurring disorder specialist, or developmental
35 disabilities professional to determine the appropriate service needs
36 for the defendant.

37 (2) This section does not apply to defendants with a current
38 charge or prior conviction for a violent offense or sex offense as

1 defined in RCW 9.94A.030, or a violation of RCW 9A.36.031(1) (d),
2 (f), or (h).

3 **Sec. 9.** RCW 13.40.020 and 2018 c 82 s 3 are each amended to read
4 as follows:

5 For the purposes of this chapter:

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

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

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

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

27 (b) Community restitution not to exceed one hundred fifty hours
28 of community restitution;

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

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

1 supervision, the court shall order the juvenile to refrain from
2 committing new offenses. As a mandatory condition of community
3 supervision, the court shall order the juvenile to comply with the
4 mandatory school attendance provisions of chapter 28A.225 RCW and to
5 inform the school of the existence of this requirement. Community
6 supervision is an individualized program comprised of one or more of
7 the following:

8 (a) Community-based sanctions;

9 (b) Community-based rehabilitation;

10 (c) Monitoring and reporting requirements;

11 (d) Posting of a probation bond;

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

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

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

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

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

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

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

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

35 (6) "Confinement" means physical custody by the department of
36 children, youth, and families in a facility operated by or pursuant
37 to a contract with the state, or physical custody in a detention
38 facility operated by or pursuant to a contract with any county. The
39 county may operate or contract with vendors to operate county
40 detention facilities. The department may operate or contract to

1 operate detention facilities for juveniles committed to the
2 department. Pretrial confinement or confinement of less than thirty-
3 one days imposed as part of a disposition or modification order may
4 be served consecutively or intermittently, in the discretion of the
5 court;

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

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

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

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

22 (9) "Department" means the department of children, youth, and
23 families;

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

30 (11) "Diversion unit" means any probation counselor who enters
31 into a diversion agreement with an alleged youthful offender, or any
32 other person, community accountability board, youth court under the
33 supervision of the juvenile court, or other entity with whom the
34 juvenile court administrator has contracted to arrange and supervise
35 such agreements pursuant to RCW 13.40.080, or any person, community
36 accountability board, or other entity specially funded by the
37 legislature to arrange and supervise diversion agreements in
38 accordance with the requirements of this chapter. For purposes of
39 this subsection, "community accountability board" means a board
40 comprised of members of the local community in which the juvenile

1 offender resides. The superior court shall appoint the members. The
2 boards shall consist of at least three and not more than seven
3 members. If possible, the board should include a variety of
4 representatives from the community, such as a law enforcement
5 officer, teacher or school administrator, high school student,
6 parent, and business owner, and should represent the cultural
7 diversity of the local community;

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

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

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

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

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

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

32 (18) "Local sanctions" means one or more of the following: (a)
33 0-30 days of confinement; (b) 0-12 months of community supervision;
34 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

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

39 (20) "Monitoring and reporting requirements" means one or more of
40 the following: Curfews; requirements to remain at home, school, work,

1 or court-ordered treatment programs during specified hours;
2 restrictions from leaving or entering specified geographical areas;
3 requirements to report to the probation officer as directed and to
4 remain under the probation officer's supervision; and other
5 conditions or limitations as the court may require which may not
6 include confinement;

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

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

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

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

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

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

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

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

37 (26) "Restitution" means financial reimbursement by the offender
38 to the victim, and shall be limited to easily ascertainable damages
39 for injury to or loss of property, actual expenses incurred for
40 medical treatment for physical injury to persons, lost wages

1 resulting from physical injury, and costs of the victim's counseling
2 reasonably related to the offense. Restitution shall not include
3 reimbursement for damages for mental anguish, pain and suffering, or
4 other intangible losses. Nothing in this chapter shall limit or
5 replace civil remedies or defenses available to the victim or
6 offender;

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

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

16 (a) Physical restraint; or

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

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

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

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

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

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

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

1 (35) "Transportation" means the conveying, by any means, of an
2 incarcerated pregnant youth from the institution or detention
3 facility to another location from the moment she leaves the
4 institution or detention facility to the time of arrival at the other
5 location, and includes the escorting of the pregnant incarcerated
6 youth from the institution or detention facility to a transport
7 vehicle and from the vehicle to the other location;

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

11 (37) "Violent offense" means a violent offense as defined in RCW
12 9.94A.030;

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

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

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

26 (a) An evaluation and treatment facility as defined in RCW
27 71.34.020 if the juvenile suffers from a mental disorder and the
28 facility has been identified as an alternative location by agreement
29 of the prosecutor, law enforcement, and the mental health provider;

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

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

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

38 (3) If a juvenile is taken to any location described in
39 subsection (1)(a) or (b) of this section, the juvenile may be held

1 for up to twelve hours and must be examined by a mental health or
2 (~~chemical dependency~~) substance use disorder professional within
3 three hours of arrival.

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

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

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

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

15 (i) Dispensing opticians licensed and designated apprentices
16 under chapter 18.34 RCW;

17 (ii) Midwives licensed under chapter 18.50 RCW;

18 (iii) Ocularists licensed under chapter 18.55 RCW;

19 (iv) Massage therapists and businesses licensed under chapter
20 18.108 RCW;

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

22 (vi) East Asian medicine practitioners licensed under chapter
23 18.06 RCW;

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

26 (viii) Respiratory care practitioners licensed under chapter
27 18.89 RCW;

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

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

35 (xi) Persons registered as nursing pool operators under chapter
36 18.52C RCW;

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

- 1 (xiii) Dietitians and nutritionists certified under chapter
2 18.138 RCW;
- 3 (xiv) (~~Chemical dependency~~) Substance use disorder
4 professionals (~~and chemical dependency~~), substance use disorder
5 professional trainees, or co-occurring disorder specialists certified
6 under chapter 18.205 RCW;
- 7 (xv) Sex offender treatment providers and certified affiliate sex
8 offender treatment providers certified under chapter 18.155 RCW;
- 9 (xvi) Persons licensed and certified under chapter 18.73 RCW or
10 RCW 18.71.205;
- 11 (xvii) Orthotists and prosthetists licensed under chapter 18.200
12 RCW;
- 13 (xviii) Surgical technologists registered under chapter 18.215
14 RCW;
- 15 (xix) Recreational therapists under chapter 18.230 RCW;
- 16 (xx) Animal massage therapists certified under chapter 18.240
17 RCW;
- 18 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 19 (xxii) Home care aides certified under chapter 18.88B RCW;
- 20 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
- 21 (xxiv) Reflexologists certified under chapter 18.108 RCW;
- 22 (xxv) Medical assistants-certified, medical assistants-
23 hemodialysis technician, medical assistants-phlebotomist, forensic
24 phlebotomist, and medical assistants-registered certified and
25 registered under chapter 18.360 RCW; and
- 26 (xxvi) Behavior analysts, assistant behavior analysts, and
27 behavior technicians under chapter 18.380 RCW.
- 28 (b) The boards and commissions having authority under this
29 chapter are as follows:
- 30 (i) The podiatric medical board as established in chapter 18.22
31 RCW;
- 32 (ii) The chiropractic quality assurance commission as established
33 in chapter 18.25 RCW;
- 34 (iii) The dental quality assurance commission as established in
35 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
36 licenses and registrations issued under chapter 18.260 RCW, and
37 certifications issued under chapter 18.350 RCW;
- 38 (iv) The board of hearing and speech as established in chapter
39 18.35 RCW;

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

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

5 (vii) The board of osteopathic medicine and surgery as
6 established in chapter 18.57 RCW governing licenses issued under
7 chapters 18.57 and 18.57A RCW;

8 (viii) The pharmacy quality assurance commission as established
9 in chapter 18.64 RCW governing licenses issued under chapters 18.64
10 and 18.64A RCW;

11 (ix) The medical quality assurance commission as established in
12 chapter 18.71 RCW governing licenses and registrations issued under
13 chapters 18.71 and 18.71A RCW;

14 (x) The board of physical therapy as established in chapter 18.74
15 RCW;

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

18 (xii) The nursing care quality assurance commission as
19 established in chapter 18.79 RCW governing licenses and registrations
20 issued under that chapter;

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

23 (xiv) The veterinary board of governors as established in chapter
24 18.92 RCW;

25 (xv) The board of naturopathy established in chapter 18.36A RCW;
26 and

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

28 (3) In addition to the authority to discipline license holders,
29 the disciplining authority has the authority to grant or deny
30 licenses. The disciplining authority may also grant a license subject
31 to conditions.

32 (4) All disciplining authorities shall adopt procedures to ensure
33 substantially consistent application of this chapter, the uniform
34 disciplinary act, among the disciplining authorities listed in
35 subsection (2) of this section.

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

38 (1)(a) Each of the following professionals certified or licensed
39 under Title 18 RCW shall, at least once every six years, complete

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

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

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

6 (iii) A marriage and family therapist licensed under chapter
7 18.225 RCW;

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

9 (v) An occupational therapy practitioner licensed under chapter
10 18.59 RCW;

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

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

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

16 (b) The requirements in (a) of this subsection apply to a person
17 holding a retired active license for one of the professions in (a) of
18 this subsection.

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

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

29 (2)(a) Except as provided in (b) of this subsection, a
30 professional listed in subsection (1)(a) of this section must
31 complete the first training required by this section by the end of
32 the first full continuing education reporting period after January 1,
33 2014, or during the first full continuing education reporting period
34 after initial licensure or certification, whichever occurs later.

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

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

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

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

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

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

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

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

23 (iv) An osteopathic physician and surgeon licensed under chapter
24 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
25 and surgery license issued under RCW 18.57.035;

26 (v) An osteopathic physician assistant licensed under chapter
27 18.57A RCW;

28 (vi) A physical therapist or physical therapist assistant
29 licensed under chapter 18.74 RCW;

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

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

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

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

36 (b)(i) A professional listed in (a)(i) through (viii) of this
37 subsection or a person holding a retired active license for one of
38 the professions listed in (a)(i) through (viii) of this subsection
39 must complete the one-time training by the end of the first full
40 continuing education reporting period after January 1, 2016, or

1 during the first full continuing education reporting period after
2 initial licensure, whichever is later. Training completed between
3 June 12, 2014, and January 1, 2016, that meets the requirements of
4 this section, other than the timing requirements of this subsection
5 (5)(b), must be accepted by the disciplining authority as meeting the
6 one-time training requirement of this subsection (5).

7 (ii) A licensed pharmacist or a person holding a retired active
8 pharmacist license must complete the one-time training by the end of
9 the first full continuing education reporting period after January 1,
10 2017, or during the first full continuing education reporting period
11 after initial licensure, whichever is later.

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

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

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

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

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

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

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

4 (d) Beginning January 1, 2017:

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

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

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

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

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

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

30 (10) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (d) Beginning January 1, 2017:

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

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

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

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

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

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

27 (10) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (a) A substantial risk that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 **Sec. 16.** RCW 71.05.020 and 2018 c 305 s 1, 2018 c 291 s 1, and
36 2018 c 201 s 3001 are each reenacted and amended to read as follows:

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

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

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

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

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

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

22 (6) "Authority" means the Washington state health care authority;

23 (7) "Chemical dependency" means:

24 (a) Alcoholism;

25 (b) Drug addiction; or

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

28 (~~(8) ("Chemical dependency professional" means a person certified~~
29 ~~as a chemical dependency professional by the department under chapter~~
30 ~~18.205 RCW;~~

31 ~~(9))~~ (9) "Commitment" means the determination by a court that a
32 person should be detained for a period of either evaluation or
33 treatment, or both, in an inpatient or a less restrictive setting;

34 (~~(10))~~ (10) "Conditional release" means a revocable modification
35 of a commitment, which may be revoked upon violation of any of its
36 terms;

37 (~~(11))~~ (11) "Crisis stabilization unit" means a short-term
38 facility or a portion of a facility licensed or certified by the
39 department under RCW 71.24.035, such as an evaluation and treatment
40 facility or a hospital, which has been designed to assess, diagnose,

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

3 ~~((12))~~ (11) "Custody" means involuntary detention under the
4 provisions of this chapter or chapter 10.77 RCW, uninterrupted by any
5 period of unconditional release from commitment from a facility
6 providing involuntary care and treatment;

7 ~~((13))~~ (12) "Department" means the department of health;

8 ~~((14))~~ (13) "Designated crisis responder" means a mental health
9 professional appointed by the county, an entity appointed by the
10 county, or the behavioral health organization to perform the duties
11 specified in this chapter;

12 ~~((15))~~ (14) "Detention" or "detain" means the lawful
13 confinement of a person, under the provisions of this chapter;

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

23 ~~((17))~~ (16) "Developmental disability" means that condition
24 defined in RCW 71A.10.020(5);

25 ~~((18))~~ (17) "Director" means the director of the authority;

26 ~~((19))~~ (18) "Discharge" means the termination of hospital
27 medical authority. The commitment may remain in place, be terminated,
28 or be amended by court order;

29 ~~((20))~~ (19) "Drug addiction" means a disease, characterized by
30 a dependency on psychoactive chemicals, loss of control over the
31 amount and circumstances of use, symptoms of tolerance, physiological
32 or psychological withdrawal, or both, if use is reduced or
33 discontinued, and impairment of health or disruption of social or
34 economic functioning;

35 ~~((21))~~ (20) "Evaluation and treatment facility" means any
36 facility which can provide directly, or by direct arrangement with
37 other public or private agencies, emergency evaluation and treatment,
38 outpatient care, and timely and appropriate inpatient care to persons
39 suffering from a mental disorder, and which is licensed or certified
40 as such by the department. The authority may certify single beds as

1 temporary evaluation and treatment beds under RCW 71.05.745. A
2 physically separate and separately operated portion of a state
3 hospital may be designated as an evaluation and treatment facility. A
4 facility which is part of, or operated by, the department of social
5 and health services or any federal agency will not require
6 certification. No correctional institution or facility, or jail,
7 shall be an evaluation and treatment facility within the meaning of
8 this chapter;

9 ~~((22))~~ (21) "Gravely disabled" means a condition in which a
10 person, as a result of a mental disorder, or as a result of the use
11 of alcohol or other psychoactive chemicals: (a) Is in danger of
12 serious physical harm resulting from a failure to provide for his or
13 her essential human needs of health or safety; or (b) manifests
14 severe deterioration in routine functioning evidenced by repeated and
15 escalating loss of cognitive or volitional control over his or her
16 actions and is not receiving such care as is essential for his or her
17 health or safety;

18 ~~((23))~~ (22) "Habilitative services" means those services
19 provided by program personnel to assist persons in acquiring and
20 maintaining life skills and in raising their levels of physical,
21 mental, social, and vocational functioning. Habilitative services
22 include education, training for employment, and therapy. The
23 habilitative process shall be undertaken with recognition of the risk
24 to the public safety presented by the person being assisted as
25 manifested by prior charged criminal conduct;

26 ~~((24))~~ (23) "Hearing" means any proceeding conducted in open
27 court. For purposes of this chapter, at any hearing the petitioner,
28 the respondent, the witnesses, and the presiding judicial officer may
29 be present and participate either in person or by video, as
30 determined by the court. The term "video" as used herein shall
31 include any functional equivalent. At any hearing conducted by video,
32 the technology used must permit the judicial officer, counsel, all
33 parties, and the witnesses to be able to see, hear, and speak, when
34 authorized, during the hearing; to allow attorneys to use exhibits or
35 other materials during the hearing; and to allow respondent's counsel
36 to be in the same location as the respondent unless otherwise
37 requested by the respondent or the respondent's counsel. Witnesses in
38 a proceeding may also appear in court through other means, including
39 telephonically, pursuant to the requirements of superior court civil
40 rule 43. Notwithstanding the foregoing, the court, upon its own

1 motion or upon a motion for good cause by any party, may require all
2 parties and witnesses to participate in the hearing in person rather
3 than by video. In ruling on any such motion, the court may allow in-
4 person or video testimony; and the court may consider, among other
5 things, whether the respondent's alleged mental illness affects the
6 respondent's ability to perceive or participate in the proceeding by
7 video;

8 ~~((25))~~ (24) "History of one or more violent acts" refers to the
9 period of time ten years prior to the filing of a petition under this
10 chapter, excluding any time spent, but not any violent acts
11 committed, in a mental health facility, a long-term alcoholism or
12 drug treatment facility, or in confinement as a result of a criminal
13 conviction;

14 ~~((26))~~ (25) "Imminent" means the state or condition of being
15 likely to occur at any moment or near at hand, rather than distant or
16 remote;

17 ~~((27))~~ (26) "Individualized service plan" means a plan prepared
18 by a developmental disabilities professional with other professionals
19 as a team, for a person with developmental disabilities, which shall
20 state:

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

23 (b) The conditions and strategies necessary to achieve the
24 purposes of habilitation;

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

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

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

30 (f) Where relevant in light of past criminal behavior and due
31 consideration for public safety, the criteria for proposed movement
32 to less-restrictive settings, criteria for proposed eventual
33 discharge or release, and a projected possible date for discharge or
34 release; and

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

37 ~~((28))~~ (27) "Information related to mental health services"
38 means all information and records compiled, obtained, or maintained
39 in the course of providing services to either voluntary or
40 involuntary recipients of services by a mental health service

1 provider. This may include documents of legal proceedings under this
2 chapter or chapter 71.34 or 10.77 RCW, or somatic health care
3 information;

4 ~~((29))~~ (28) "Intoxicated person" means a person whose mental or
5 physical functioning is substantially impaired as a result of the use
6 of alcohol or other psychoactive chemicals;

7 ~~((30))~~ (29) "In need of assisted outpatient behavioral health
8 treatment" means that a person, as a result of a mental disorder or
9 substance use disorder: (a) Has been committed by a court to
10 detention for involuntary behavioral health treatment during the
11 preceding thirty-six months; (b) is unlikely to voluntarily
12 participate in outpatient treatment without an order for less
13 restrictive alternative treatment, based on a history of nonadherence
14 with treatment or in view of the person's current behavior; (c) is
15 likely to benefit from less restrictive alternative treatment; and
16 (d) requires less restrictive alternative treatment to prevent a
17 relapse, decompensation, or deterioration that is likely to result in
18 the person presenting a likelihood of serious harm or the person
19 becoming gravely disabled within a reasonably short period of time;

20 ~~((31))~~ (30) "Judicial commitment" means a commitment by a court
21 pursuant to the provisions of this chapter;

22 ~~((32))~~ (31) "Legal counsel" means attorneys and staff employed
23 by county prosecutor offices or the state attorney general acting in
24 their capacity as legal representatives of public mental health and
25 substance use disorder service providers under RCW 71.05.130;

26 ~~((33))~~ (32) "Less restrictive alternative treatment" means a
27 program of individualized treatment in a less restrictive setting
28 than inpatient treatment that includes the services described in RCW
29 71.05.585;

30 ~~((34))~~ (33) "Licensed physician" means a person licensed to
31 practice medicine or osteopathic medicine and surgery in the state of
32 Washington;

33 ~~((35))~~ (34) "Likelihood of serious harm" means:

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

1 property of others, as evidenced by behavior which has caused
2 substantial loss or damage to the property of others; or

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

5 (~~(36)~~) (35) "Medical clearance" means a physician or other
6 health care provider has determined that a person is medically stable
7 and ready for referral to the designated crisis responder;

8 (~~(37)~~) (36) "Mental disorder" means any organic, mental, or
9 emotional impairment which has substantial adverse effects on a
10 person's cognitive or volitional functions;

11 (~~(38)~~) (37) "Mental health professional" means a psychiatrist,
12 psychologist, physician assistant working with a supervising
13 psychiatrist, psychiatric advanced registered nurse practitioner,
14 psychiatric nurse, or social worker, and such other mental health
15 professionals as may be defined by rules adopted by the secretary
16 pursuant to the provisions of this chapter;

17 (~~(39)~~) (38) "Mental health service provider" means a public or
18 private agency that provides mental health services to persons with
19 mental disorders or substance use disorders as defined under this
20 section and receives funding from public sources. This includes, but
21 is not limited to, hospitals licensed under chapter 70.41 RCW,
22 evaluation and treatment facilities as defined in this section,
23 community mental health service delivery systems or behavioral health
24 programs as defined in RCW 71.24.025, facilities conducting
25 competency evaluations and restoration under chapter 10.77 RCW,
26 approved substance use disorder treatment programs as defined in this
27 section, secure detoxification facilities as defined in this section,
28 and correctional facilities operated by state and local governments;

29 (~~(40)~~) (39) "Peace officer" means a law enforcement official of
30 a public agency or governmental unit, and includes persons
31 specifically given peace officer powers by any state law, local
32 ordinance, or judicial order of appointment;

33 (~~(41)~~) (40) "Physician assistant" means a person licensed as a
34 physician assistant under chapter 18.57A or 18.71A RCW;

35 (~~(42)~~) (41) "Private agency" means any person, partnership,
36 corporation, or association that is not a public agency, whether or
37 not financed in whole or in part by public funds, which constitutes
38 an evaluation and treatment facility or private institution, or
39 hospital, or approved substance use disorder treatment program, which
40 is conducted for, or includes a department or ward conducted for, the

1 care and treatment of persons with mental illness, substance use
2 disorders, or both mental illness and substance use disorders;

3 ~~((43))~~ (42) "Professional person" means a mental health
4 professional, ~~((chemical dependency))~~ substance use disorder
5 professional, or designated crisis responder and shall also mean a
6 physician, physician assistant, psychiatric advanced registered nurse
7 practitioner, registered nurse, and such others as may be defined by
8 rules adopted by the secretary pursuant to the provisions of this
9 chapter;

10 ~~((44))~~ (43) "Psychiatric advanced registered nurse
11 practitioner" means a person who is licensed as an advanced
12 registered nurse practitioner pursuant to chapter 18.79 RCW; and who
13 is board certified in advanced practice psychiatric and mental health
14 nursing;

15 ~~((45))~~ (44) "Psychiatrist" means a person having a license as a
16 physician and surgeon in this state who has in addition completed
17 three years of graduate training in psychiatry in a program approved
18 by the American medical association or the American osteopathic
19 association and is certified or eligible to be certified by the
20 American board of psychiatry and neurology;

21 ~~((46))~~ (45) "Psychologist" means a person who has been licensed
22 as a psychologist pursuant to chapter 18.83 RCW;

23 ~~((47))~~ (46) "Public agency" means any evaluation and treatment
24 facility or institution, secure detoxification facility, approved
25 substance use disorder treatment program, or hospital which is
26 conducted for, or includes a department or ward conducted for, the
27 care and treatment of persons with mental illness, substance use
28 disorders, or both mental illness and substance use disorders, if the
29 agency is operated directly by federal, state, county, or municipal
30 government, or a combination of such governments;

31 ~~((48))~~ (47) "Release" means legal termination of the commitment
32 under the provisions of this chapter;

33 ~~((49))~~ (48) "Resource management services" has the meaning
34 given in chapter 71.24 RCW;

35 ~~((50))~~ (49) "Secretary" means the secretary of the department
36 of health, or his or her designee;

37 ~~((51))~~ (50) "Secure detoxification facility" means a facility
38 operated by either a public or private agency or by the program of an
39 agency that:

40 (a) Provides for intoxicated persons:

1 (i) Evaluation and assessment, provided by certified (~~chemical~~
2 ~~dependency~~) substance use disorder professionals or co-occurring
3 disorder specialists;

4 (ii) Acute or subacute detoxification services; and

5 (iii) Discharge assistance provided by certified (~~chemical~~
6 ~~dependency~~) substance use disorder professionals or co-occurring
7 disorder specialists, including facilitating transitions to
8 appropriate voluntary or involuntary inpatient services or to less
9 restrictive alternatives as appropriate for the individual;

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

12 (c) Is licensed or certified as such by the department of health;

13 (~~(52)~~) (51) "Serious violent offense" has the same meaning as
14 provided in RCW 9.94A.030;

15 (~~(53)~~) (52) "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 (~~(54)~~) (53) "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 (54) "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 (55) "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 (56) "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 of social and health services, the department, the
37 authority, behavioral health organizations and their staffs, and by
38 treatment facilities. Treatment records include mental health
39 information contained in a medical bill including but not limited to
40 mental health drugs, a mental health diagnosis, provider name, and

1 dates of service stemming from a medical service. Treatment records
2 do not include notes or records maintained for personal use by a
3 person providing treatment services for the department of social and
4 health services, the department, the authority, behavioral health
5 organizations, or a treatment facility if the notes or records are
6 not available to others;

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

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

17 (59) "Co-occurring disorder specialist" means an individual
18 possessing an enhancement granted by the department of health under
19 chapter 18.205 RCW that certifies the individual to provide substance
20 use disorder counseling subject to the practice limitations under
21 section 25 of this act.

22 **Sec. 17.** RCW 71.34.020 and 2018 c 201 s 5002 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Alcoholism" means a disease, characterized by a dependency
27 on alcoholic beverages, loss of control over the amount and
28 circumstances of use, symptoms of tolerance, physiological or
29 psychological withdrawal, or both, if use is reduced or discontinued,
30 and impairment of health or disruption of social or economic
31 functioning.

32 (2) "Approved substance use disorder treatment program" means a
33 program for minors with substance use disorders provided by a
34 treatment program licensed or certified by the department of health
35 as meeting standards adopted under chapter 71.24 RCW.

36 (3) "Authority" means the Washington state health care authority.

37 (4) "Chemical dependency" means:

38 (a) Alcoholism;

39 (b) Drug addiction; or

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

3 (~~(5)~~) (~~"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 (~~(6)~~) "Child psychiatrist" means a person having a license as a
7 physician and surgeon in this state, who has had graduate training in
8 child psychiatry in a program approved by the American Medical
9 Association or the American Osteopathic Association, and who is board
10 eligible or board certified in child psychiatry.

11 (~~(7)~~) (6) "Children's mental health specialist" means:

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

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

19 (~~(8)~~) (7) "Commitment" means a determination by a judge or
20 court commissioner, made after a commitment hearing, that the minor
21 is in need of inpatient diagnosis, evaluation, or treatment or that
22 the minor is in need of less restrictive alternative treatment.

23 (~~(9)~~) (8) "Department" means the department of social and
24 health services.

25 (~~(10)~~) (9) "Designated crisis responder" means a person
26 designated by a behavioral health organization to perform the duties
27 specified in this chapter.

28 (~~(11)~~) (10) "Director" means the director of the authority.

29 (~~(12)~~) (11) "Drug addiction" means a disease, characterized by
30 a dependency on psychoactive chemicals, loss of control over the
31 amount and circumstances of use, symptoms of tolerance, physiological
32 or psychological withdrawal, or both, if use is reduced or
33 discontinued, and impairment of health or disruption of social or
34 economic functioning.

35 (~~(13)~~) (12) "Evaluation and treatment facility" means a public
36 or private facility or unit that is licensed or certified by the
37 department of health to provide emergency, inpatient, residential, or
38 outpatient mental health evaluation and treatment services for
39 minors. A physically separate and separately-operated portion of a
40 state hospital may be designated as an evaluation and treatment

1 facility for minors. A facility which is part of or operated by the
2 state or federal agency does not require licensure or certification.
3 No correctional institution or facility, juvenile court detention
4 facility, or jail may be an evaluation and treatment facility within
5 the meaning of this chapter.

6 ~~((14))~~ (13) "Evaluation and treatment program" means the total
7 system of services and facilities coordinated and approved by a
8 county or combination of counties for the evaluation and treatment of
9 minors under this chapter.

10 ~~((15))~~ (14) "Gravely disabled minor" means a minor who, as a
11 result of a mental disorder, or as a result of the use of alcohol or
12 other psychoactive chemicals, is in danger of serious physical harm
13 resulting from a failure to provide for his or her essential human
14 needs of health or safety, or manifests severe deterioration in
15 routine functioning evidenced by repeated and escalating loss of
16 cognitive or volitional control over his or her actions and is not
17 receiving such care as is essential for his or her health or safety.

18 ~~((16))~~ (15) "Inpatient treatment" means twenty-four-hour-per-
19 day mental health care provided within a general hospital,
20 psychiatric hospital, residential treatment facility licensed or
21 certified by the department of health as an evaluation and treatment
22 facility for minors, secure detoxification facility for minors, or
23 approved substance use disorder treatment program for minors.

24 ~~((17))~~ (16) "Intoxicated minor" means a minor whose mental or
25 physical functioning is substantially impaired as a result of the use
26 of alcohol or other psychoactive chemicals.

27 ~~((18))~~ (17) "Less restrictive alternative" or "less restrictive
28 setting" means outpatient treatment provided to a minor who is not
29 residing in a facility providing inpatient treatment as defined in
30 this chapter.

31 ~~((19))~~ (18) "Likelihood of serious harm" means either: (a) A
32 substantial risk that physical harm will be inflicted by an
33 individual upon his or her own person, as evidenced by threats or
34 attempts to commit suicide or inflict physical harm on oneself; (b) a
35 substantial risk that physical harm will be inflicted by an
36 individual upon another, as evidenced by behavior which has caused
37 such harm or which places another person or persons in reasonable
38 fear of sustaining such harm; or (c) a substantial risk that physical
39 harm will be inflicted by an individual upon the property of others,

1 as evidenced by behavior which has caused substantial loss or damage
2 to the property of others.

3 ~~((20))~~ (19) "Medical necessity" for inpatient care means a
4 requested service which is reasonably calculated to: (a) Diagnose,
5 correct, cure, or alleviate a mental disorder or substance use
6 disorder; or (b) prevent the progression of a substance use disorder
7 that endangers life or causes suffering and pain, or results in
8 illness or infirmity or threatens to cause or aggravate a handicap,
9 or causes physical deformity or malfunction, and there is no adequate
10 less restrictive alternative available.

11 ~~((21))~~ (20) "Mental disorder" means any organic, mental, or
12 emotional impairment that has substantial adverse effects on an
13 individual's cognitive or volitional functions. The presence of
14 alcohol abuse, drug abuse, juvenile criminal history, antisocial
15 behavior, or intellectual disabilities alone is insufficient to
16 justify a finding of "mental disorder" within the meaning of this
17 section.

18 ~~((22))~~ (21) "Mental health professional" means a psychiatrist,
19 psychiatric advanced registered nurse practitioner, physician
20 assistant working with a supervising psychiatrist, psychologist,
21 psychiatric nurse, or social worker, and such other mental health
22 professionals as may be defined by rules adopted by the secretary of
23 the department of health under this chapter.

24 ~~((23))~~ (22) "Minor" means any person under the age of eighteen
25 years.

26 ~~((24))~~ (23) "Outpatient treatment" means any of the
27 nonresidential services mandated under chapter 71.24 RCW and provided
28 by licensed or certified service providers as identified by RCW
29 71.24.025.

30 ~~((25))~~ (24) "Parent" means:

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

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

36 ~~((26))~~ (25) "Private agency" means any person, partnership,
37 corporation, or association that is not a public agency, whether or
38 not financed in whole or in part by public funds, that constitutes an
39 evaluation and treatment facility or private institution, or
40 hospital, or approved substance use disorder treatment program, that

1 is conducted for, or includes a distinct unit, floor, or ward
2 conducted for, the care and treatment of persons with mental illness,
3 substance use disorders, or both mental illness and substance use
4 disorders.

5 ~~((27))~~ (26) "Physician assistant" means a person licensed as a
6 physician assistant under chapter 18.57A or 18.71A RCW.

7 ~~((28))~~ (27) "Professional person in charge" or "professional
8 person" means a physician, other mental health professional, or other
9 person empowered by an evaluation and treatment facility, secure
10 detoxification facility, or approved substance use disorder treatment
11 program with authority to make admission and discharge decisions on
12 behalf of that facility.

13 ~~((29))~~ (28) "Psychiatric nurse" means a registered nurse who
14 has experience in the direct treatment of persons who have a mental
15 illness or who are emotionally disturbed, such experience gained
16 under the supervision of a mental health professional.

17 ~~((30))~~ (29) "Psychiatrist" means a person having a license as a
18 physician in this state who has completed residency training in
19 psychiatry in a program approved by the American Medical Association
20 or the American Osteopathic Association, and is board eligible or
21 board certified in psychiatry.

22 ~~((31))~~ (30) "Psychologist" means a person licensed as a
23 psychologist under chapter 18.83 RCW.

24 ~~((32))~~ (31) "Public agency" means any evaluation and treatment
25 facility or institution, or hospital, or approved substance use
26 disorder treatment program that is conducted for, or includes a
27 distinct unit, floor, or ward conducted for, the care and treatment
28 of persons with mental illness, substance use disorders, or both
29 mental illness and substance use disorders if the agency is operated
30 directly by federal, state, county, or municipal government, or a
31 combination of such governments.

32 ~~((33))~~ (32) "Responsible other" means the minor, the minor's
33 parent or estate, or any other person legally responsible for support
34 of the minor.

35 ~~((34))~~ (33) "Secretary" means the secretary of the department
36 or secretary's designee.

37 ~~((35))~~ (34) "Secure detoxification facility" means a facility
38 operated by either a public or private agency or by the program of an
39 agency that:

40 (a) Provides for intoxicated minors:

1 (i) Evaluation and assessment, provided by certified (~~chemical~~
2 ~~dependency~~) substance use disorder professionals or co-occurring
3 disorder specialists;

4 (ii) Acute or subacute detoxification services; and

5 (iii) Discharge assistance provided by certified (~~chemical~~
6 ~~dependency~~) substance use disorder professionals or co-occurring
7 disorder specialists, including facilitating transitions to
8 appropriate voluntary or involuntary inpatient services or to less
9 restrictive alternatives as appropriate for the minor;

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

12 (c) Is licensed or certified as such by the department of health.

13 (~~(36)~~) (35) "Social worker" means a person with a master's or
14 further advanced degree from a social work educational program
15 accredited and approved as provided in RCW 18.320.010.

16 (~~(37)~~) (36) "Start of initial detention" means the time of
17 arrival of the minor at the first evaluation and treatment facility,
18 secure detoxification facility, or approved substance use disorder
19 treatment program offering inpatient treatment if the minor is being
20 involuntarily detained at the time. With regard to voluntary
21 patients, "start of initial detention" means the time at which the
22 minor gives notice of intent to leave under the provisions of this
23 chapter.

24 (~~(38)~~) (37) "Substance use disorder" means a cluster of
25 cognitive, behavioral, and physiological symptoms indicating that an
26 individual continues using the substance despite significant
27 substance-related problems. The diagnosis of a substance use disorder
28 is based on a pathological pattern of behaviors related to the use of
29 the substances.

30 (38) "Co-occurring disorder specialist" means an individual
31 possessing an enhancement granted by the department of health under
32 chapter 18.205 RCW that certifies the individual to provide substance
33 use disorder counseling subject to the practice limitations under
34 section 25 of this act.

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

38 **Sec. 18.** RCW 71.34.720 and 2018 c 201 s 5017 are each amended to
39 read as follows:

1 (1) Each minor approved by the facility for inpatient admission
2 shall be examined and evaluated by a children's mental health
3 specialist, for minors admitted as a result of a mental disorder, or
4 by a (~~chemical dependency~~) substance use disorder professional or
5 co-occurring disorder specialist, for minors admitted as a result of
6 a substance use disorder, as to the child's mental condition and by a
7 physician, physician assistant, or psychiatric advanced registered
8 nurse practitioner as to the child's physical condition within
9 twenty-four hours of admission. Reasonable measures shall be taken to
10 ensure medical treatment is provided for any condition requiring
11 immediate medical attention.

12 (2) If, after examination and evaluation, the children's mental
13 health specialist or substance use disorder specialist and the
14 physician, physician assistant, or psychiatric advanced registered
15 nurse practitioner determine that the initial needs of the minor, if
16 detained to an evaluation and treatment facility, would be better
17 served by placement in a substance use disorder treatment program or,
18 if detained to a secure detoxification facility or approved substance
19 use disorder treatment program, would be better served in an
20 evaluation and treatment facility, then the minor shall be referred
21 to the more appropriate placement; however a minor may only be
22 referred to a secure detoxification facility or approved substance
23 use disorder treatment program if there is a secure detoxification
24 facility or approved substance use disorder treatment program
25 available and that has adequate space for the minor.

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

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

35 (5) If the evaluation and treatment facility, secure
36 detoxification facility, or approved substance use disorder treatment
37 program admits the minor, it may detain the minor for evaluation and
38 treatment for a period not to exceed seventy-two hours from the time
39 of provisional acceptance. The computation of such seventy-two hour
40 period shall exclude Saturdays, Sundays, and holidays. This initial

1 treatment period shall not exceed seventy-two hours except when an
2 application for voluntary inpatient treatment is received or a
3 petition for fourteen-day commitment is filed.

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

6 **Sec. 19.** RCW 71.34.720 and 2018 c 201 s 5018 are each amended to
7 read as follows:

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

19 (2) If, after examination and evaluation, the children's mental
20 health specialist or substance use disorder specialist and the
21 physician, physician assistant, or psychiatric advanced registered
22 nurse practitioner determine that the initial needs of the minor, if
23 detained to an evaluation and treatment facility, would be better
24 served by placement in a substance use disorder treatment program or,
25 if detained to a secure detoxification facility or approved substance
26 use disorder treatment program, would be better served in an
27 evaluation and treatment facility, then the minor shall be referred
28 to the more appropriate placement.

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

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

38 (5) If the evaluation and treatment facility, secure
39 detoxification facility, or approved substance use disorder treatment

1 program admits the minor, it may detain the minor for evaluation and
2 treatment for a period not to exceed seventy-two hours from the time
3 of provisional acceptance. The computation of such seventy-two hour
4 period shall exclude Saturdays, Sundays, and holidays. This initial
5 treatment period shall not exceed seventy-two hours except when an
6 application for voluntary inpatient treatment is received or a
7 petition for fourteen-day commitment is filed.

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

10 **Sec. 20.** RCW 71.34.760 and 2018 c 201 s 5019 are each amended to
11 read as follows:

12 (1) If a minor is committed for one hundred eighty-day inpatient
13 treatment and is to be placed in a state-supported program, the
14 director shall accept immediately and place the minor in a state-
15 funded long-term evaluation and treatment facility or state-funded
16 approved substance use disorder treatment program.

17 (2) The director's placement authority shall be exercised through
18 a designated placement committee appointed by the director and
19 composed of children's mental health specialists and (~~chemical~~
20 ~~dependency~~) substance use disorder professionals, including at least
21 one child psychiatrist who represents the state-funded, long-term,
22 evaluation and treatment facility for minors and one (~~chemical~~
23 ~~dependency~~) substance use disorder professional who represents the
24 state-funded approved substance use disorder treatment program. The
25 responsibility of the placement committee will be to:

26 (a) Make the long-term placement of the minor in the most
27 appropriate, available state-funded evaluation and treatment facility
28 or approved substance use disorder treatment program, having
29 carefully considered factors including the treatment needs of the
30 minor, the most appropriate facility able to respond to the minor's
31 identified treatment needs, the geographic proximity of the facility
32 to the minor's family, the immediate availability of bed space, and
33 the probable impact of the placement on other residents of the
34 facility;

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

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

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

1 (3) The director may authorize transfer of minors among treatment
2 facilities if the transfer is in the best interests of the minor or
3 due to treatment priorities.

4 (4) The responsible state-funded evaluation and treatment
5 facility or approved substance use disorder treatment program shall
6 submit a report to the authority's designated placement committee
7 within ninety days of admission and no less than every one hundred
8 eighty days thereafter, setting forth such facts as the authority
9 requires, including the minor's individual treatment plan and
10 progress, recommendations for future treatment, and possible less
11 restrictive treatment.

12 **Sec. 21.** RCW 18.130.175 and 2006 c 99 s 7 are each amended to
13 read as follows:

14 (1) In lieu of disciplinary action under RCW 18.130.160 and if
15 the disciplining authority determines that the unprofessional conduct
16 may be the result of substance abuse, the disciplining authority may
17 refer the license holder to a voluntary substance abuse monitoring
18 program approved by the disciplining authority.

19 The cost of the treatment shall be the responsibility of the
20 license holder, but the responsibility does not preclude payment by
21 an employer, existing insurance coverage, or other sources. Primary
22 alcoholism or other drug addiction treatment shall be provided by
23 approved treatment programs under RCW 70.96A.020 or by any other
24 provider approved by the entity or the commission. However, nothing
25 shall prohibit the disciplining authority from approving additional
26 services and programs as an adjunct to primary alcoholism or other
27 drug addiction treatment. The disciplining authority may also approve
28 the use of out-of-state programs. Referral of the license holder to
29 the program shall be done only with the consent of the license
30 holder. Referral to the program may also include probationary
31 conditions for a designated period of time. If the license holder
32 does not consent to be referred to the program or does not
33 successfully complete the program, the disciplining authority may
34 take appropriate action under RCW 18.130.160 which includes
35 suspension of the license unless or until the disciplining authority,
36 in consultation with the director of the voluntary substance abuse
37 monitoring program, determines the license holder is able to practice
38 safely. The secretary shall adopt uniform rules for the evaluation by
39 the (~~disciplinary~~ [~~disciplining~~]) disciplining authority of a

1 relapse or program violation on the part of a license holder in the
2 substance abuse monitoring program. The evaluation shall encourage
3 program participation with additional conditions, in lieu of
4 disciplinary action, when the ((~~disciplinary~~—[disciplining]))
5 disciplining authority determines that the license holder is able to
6 continue to practice with reasonable skill and safety.

7 (2) In addition to approving substance abuse monitoring programs
8 that may receive referrals from the disciplining authority, the
9 disciplining authority may establish by rule requirements for
10 participation of license holders who are not being investigated or
11 monitored by the disciplining authority for substance abuse. License
12 holders voluntarily participating in the approved programs without
13 being referred by the disciplining authority shall not be subject to
14 disciplinary action under RCW 18.130.160 for their substance abuse,
15 and shall not have their participation made known to the disciplining
16 authority, if they meet the requirements of this section and the
17 program in which they are participating.

18 (3) The license holder shall sign a waiver allowing the program
19 to release information to the disciplining authority if the licensee
20 does not comply with the requirements of this section or is unable to
21 practice with reasonable skill or safety. The substance abuse program
22 shall report to the disciplining authority any license holder who
23 fails to comply with the requirements of this section or the program
24 or who, in the opinion of the program, is unable to practice with
25 reasonable skill or safety. License holders shall report to the
26 disciplining authority if they fail to comply with this section or do
27 not complete the program's requirements. License holders may, upon
28 the agreement of the program and disciplining authority, reenter the
29 program if they have previously failed to comply with this section.

30 (4) The treatment and pretreatment records of license holders
31 referred to or voluntarily participating in approved programs shall
32 be confidential, shall be exempt from chapter 42.56 RCW, and shall
33 not be subject to discovery by subpoena or admissible as evidence
34 except for monitoring records reported to the disciplining authority
35 for cause as defined in subsection (3) of this section. Monitoring
36 records relating to license holders referred to the program by the
37 disciplining authority or relating to license holders reported to the
38 disciplining authority by the program for cause, shall be released to
39 the disciplining authority at the request of the disciplining
40 authority. Records held by the disciplining authority under this

1 section shall be exempt from chapter 42.56 RCW and shall not be
2 subject to discovery by subpoena except by the license holder.

3 (5) "Substance abuse," as used in this section, means the
4 impairment, as determined by the disciplining authority, of a license
5 holder's professional services by an addiction to, a dependency on,
6 or the use of alcohol, legend drugs, or controlled substances.

7 (6) This section does not affect an employer's right or ability
8 to make employment-related decisions regarding a license holder. This
9 section does not restrict the authority of the disciplining authority
10 to take disciplinary action for any other unprofessional conduct.

11 (7) A person who, in good faith, reports information or takes
12 action in connection with this section is immune from civil liability
13 for reporting information or taking the action.

14 (a) The immunity from civil liability provided by this section
15 shall be liberally construed to accomplish the purposes of this
16 section and the persons entitled to immunity shall include:

17 (i) An approved monitoring treatment program;

18 (ii) The professional association operating the program;

19 (iii) Members, employees, or agents of the program or
20 association;

21 (iv) Persons reporting a license holder as being possibly
22 impaired or providing information about the license holder's
23 impairment; and

24 (v) Professionals supervising or monitoring the course of the
25 impaired license holder's treatment or rehabilitation.

26 (b) The courts are strongly encouraged to impose sanctions on
27 clients and their attorneys whose allegations under this subsection
28 are not made in good faith and are without either reasonable
29 objective, substantive grounds, or both.

30 (c) The immunity provided in this section is in addition to any
31 other immunity provided by law.

32 (8) In the case of a person who is applying to be a substance use
33 disorder professional or substance use disorder professional trainee
34 certified under chapter 18.205 RCW, if the person is:

35 (a) Less than one year in recovery from a substance use disorder,
36 the duration of time that the person may be required to participate
37 in the voluntary substance abuse monitoring program may not exceed
38 the amount of time necessary for the person to achieve one year in
39 recovery; or

1 (b) At least one year in recovery from a substance use disorder,
2 the person may not be required to participate in the substance abuse
3 monitoring program.

4 **Sec. 22.** RCW 43.43.842 and 2014 c 88 s 1 are each amended to
5 read as follows:

6 (1)(a) The secretary of social and health services and the
7 secretary of health shall adopt additional requirements for the
8 licensure or relicensure of agencies, facilities, and licensed
9 individuals who provide care and treatment to vulnerable adults,
10 including nursing pools registered under chapter 18.52C RCW. These
11 additional requirements shall ensure that any person associated with
12 a licensed agency or facility having unsupervised access with a
13 vulnerable adult shall not be the respondent in an active protective
14 order under RCW 74.34.130, nor have been: (i) Convicted of a crime
15 against persons as defined in RCW 43.43.830, except as provided in
16 this section; (ii) convicted of crimes relating to financial
17 exploitation as defined in RCW 43.43.830, except as provided in this
18 section; or (iii) found in any disciplinary board final decision to
19 have abused a vulnerable adult under RCW 43.43.830.

20 (b) A person associated with a licensed agency or facility who
21 has unsupervised access with a vulnerable adult shall make the
22 disclosures specified in RCW 43.43.834(2). The person shall make the
23 disclosures in writing, sign, and swear to the contents under penalty
24 of perjury. The person shall, in the disclosures, specify all crimes
25 against children or other persons, all crimes relating to financial
26 exploitation, and all crimes relating to drugs as defined in RCW
27 43.43.830, committed by the person.

28 (2) The rules adopted under this section shall permit the
29 licensee to consider the criminal history of an applicant for
30 employment in a licensed facility when the applicant has one or more
31 convictions for a past offense and:

32 (a) The offense was simple assault, assault in the fourth degree,
33 or the same offense as it may be renamed, and three or more years
34 have passed between the most recent conviction and the date of
35 application for employment;

36 (b) The offense was prostitution, or the same offense as it may
37 be renamed, and three or more years have passed between the most
38 recent conviction and the date of application for employment;

1 (c) The offense was theft in the third degree, or the same
2 offense as it may be renamed, and three or more years have passed
3 between the most recent conviction and the date of application for
4 employment;

5 (d) The offense was theft in the second degree, or the same
6 offense as it may be renamed, and five or more years have passed
7 between the most recent conviction and the date of application for
8 employment;

9 (e) The offense was forgery, or the same offense as it may be
10 renamed, and five or more years have passed between the most recent
11 conviction and the date of application for employment;

12 (f) The department of social and health services reviewed the
13 employee's otherwise disqualifying criminal history through the
14 department of social and health services' background assessment
15 review team process conducted in 2002, and determined that such
16 employee could remain in a position covered by this section; or

17 (g) The otherwise disqualifying conviction or disposition has
18 been the subject of a pardon, annulment, or other equivalent
19 procedure.

20 The offenses set forth in (a) through (g) of this subsection do
21 not automatically disqualify an applicant from employment by a
22 licensee. Nothing in this section may be construed to require the
23 employment of any person against a licensee's judgment.

24 (3) The rules adopted pursuant to subsection (2) of this section
25 may not allow a licensee to automatically deny an applicant with a
26 conviction for an offense set forth in subsection (2) of this section
27 for a position as a substance use disorder professional or substance
28 use disorder professional trainee certified under chapter 18.205 RCW
29 if:

30 (a) At least one year has passed between the applicant's most
31 recent conviction for an offense set forth in subsection (2) of this
32 section and the date of application for employment;

33 (b) The offense was committed as a result of the applicant's
34 substance use or untreated mental health symptoms; and

35 (c) The applicant is at least one year in recovery from a
36 substance use disorder, whether through abstinence or stability on
37 medication-assisted therapy, or in recovery from a mental health
38 disorder.

39 (4) In consultation with law enforcement personnel, the secretary
40 of social and health services and the secretary of health shall

1 investigate, or cause to be investigated, the conviction record and
2 the protection proceeding record information under this chapter of
3 the staff of each agency or facility under their respective
4 jurisdictions seeking licensure or relicensure. An individual
5 responding to a criminal background inquiry request from his or her
6 employer or potential employer shall disclose the information about
7 his or her criminal history under penalty of perjury. The secretaries
8 shall use the information solely for the purpose of determining
9 eligibility for licensure or relicensure. Criminal justice agencies
10 shall provide the secretaries such information as they may have and
11 that the secretaries may require for such purpose.

12 NEW SECTION. **Sec. 23.** A new section is added to chapter 18.205
13 RCW to read as follows:

14 The department may not automatically deny an applicant for
15 certification under this chapter for a position as a substance use
16 disorder professional or substance use disorder professional trainee
17 based on a conviction history consisting of convictions for simple
18 assault, assault in the fourth degree, prostitution, theft in the
19 third degree, theft in the second degree, or forgery, the same
20 offenses as they may be renamed, or substantially equivalent offenses
21 committed in other states or jurisdictions if:

22 (1) At least one year has passed between the applicant's most
23 recent conviction for an offense set forth in this section and the
24 date of application for employment;

25 (2) The offense was committed as a result of the person's
26 substance use or untreated mental health symptoms; and

27 (3) The applicant is at least one year in recovery from a
28 substance use disorder, whether through abstinence or stability on
29 medication-assisted therapy, or in recovery from mental health
30 challenges.

31 **Sec. 24.** RCW 18.130.055 and 2016 c 81 s 12 are each amended to
32 read as follows:

33 (1) The disciplining authority may deny an application for
34 licensure or grant a license with conditions if the applicant:

35 (a) Has had his or her license to practice any health care
36 profession suspended, revoked, or restricted, by competent authority
37 in any state, federal, or foreign jurisdiction;

1 (b) Has committed any act defined as unprofessional conduct for a
2 license holder under RCW 18.130.180, except as provided in RCW
3 9.97.020;

4 (c) Has been convicted or is subject to current prosecution or
5 pending charges of a crime involving moral turpitude or a crime
6 identified in RCW 43.43.830, except as provided in RCW 9.97.020 and
7 section 23 of this act. For purposes of this section, conviction
8 includes all instances in which a plea of guilty or nolo contendere
9 is the basis for the conviction and all proceedings in which the
10 prosecution or sentence has been deferred or suspended. At the
11 request of an applicant for an original license whose conviction is
12 under appeal, the disciplining authority may defer decision upon the
13 application during the pendency of such a prosecution or appeal;

14 (d) Fails to prove that he or she is qualified in accordance with
15 the provisions of this chapter, the chapters identified in RCW
16 18.130.040(2), or the rules adopted by the disciplining authority; or

17 (e) Is not able to practice with reasonable skill and safety to
18 consumers by reason of any mental or physical condition.

19 (i) The disciplining authority may require the applicant, at his
20 or her own expense, to submit to a mental, physical, or psychological
21 examination by one or more licensed health professionals designated
22 by the disciplining authority. The disciplining authority shall
23 provide written notice of its requirement for a mental or physical
24 examination that includes a statement of the specific conduct, event,
25 or circumstances justifying an examination and a statement of the
26 nature, purpose, scope, and content of the intended examination. If
27 the applicant fails to submit to the examination or provide the
28 results of the examination or any required waivers, the disciplining
29 authority may deny the application.

30 (ii) An applicant governed by this chapter is deemed to have
31 given consent to submit to a mental, physical, or psychological
32 examination when directed in writing by the disciplining authority
33 and further to have waived all objections to the admissibility or use
34 of the examining health professional's testimony or examination
35 reports by the disciplining authority on the grounds that the
36 testimony or reports constitute privileged communications.

37 (2) The provisions of RCW 9.95.240 and chapter 9.96A RCW do not
38 apply to a decision to deny a license under this section.

39 (3) The disciplining authority shall give written notice to the
40 applicant of the decision to deny a license or grant a license with

1 conditions in response to an application for a license. The notice
2 must state the grounds and factual basis for the action and be served
3 upon the applicant.

4 (4) A license applicant who is aggrieved by the decision to deny
5 the license or grant the license with conditions has the right to an
6 adjudicative proceeding. The application for adjudicative proceeding
7 must be in writing, state the basis for contesting the adverse
8 action, include a copy of the adverse notice, and be served on and
9 received by the department within twenty-eight days of the decision.
10 The license applicant has the burden to establish, by a preponderance
11 of evidence, that the license applicant is qualified in accordance
12 with the provisions of this chapter, the chapters identified in RCW
13 18.130.040(2), and the rules adopted by the disciplining authority.

14 NEW SECTION. **Sec. 25.** A new section is added to chapter 18.205
15 RCW to read as follows:

16 (1) The department shall develop training standards for the
17 creation of a co-occurring disorder specialist enhancement which may
18 be added to the license or registration held by one of the following:

19 (a) Psychologists licensed under chapter 18.83 RCW;

20 (b) Independent clinical social workers licensed under chapter
21 18.225 RCW;

22 (c) Marriage and family therapists licensed under chapter 18.225
23 RCW;

24 (d) Mental health counselors licensed under chapter 18.225 RCW;
25 and

26 (e) An agency affiliated counselor under chapter 18.19 RCW with a
27 master's degree or further advanced degree in counseling or one of
28 the social sciences from an accredited college or university who has
29 at least two years of experience, experience gained under the
30 supervision of a mental health professional recognized by the
31 department or attested to by the licensed behavioral health agency,
32 in direct treatment of persons with mental illness or emotional
33 disturbance.

34 (2) To obtain the co-occurring disorder specialist enhancement,
35 the applicant must meet training standards and experience
36 requirements. The training standards must be designed with
37 consideration of the practices of the health professions listed in
38 subsection (1) of this section and consisting of sixty hours of
39 instruction consisting of (a) thirty hours in understanding the

1 disease pattern of addiction and the pharmacology of alcohol and
2 other drugs; and (b) thirty hours in understanding addiction
3 placement, continuing care, and discharge criteria, including the
4 American society of addiction medicine criteria; treatment planning
5 specific to substance abuse; relapse prevention; and confidentiality
6 issues specific to substance use disorder treatment.

7 (3) In developing the training standards, the department shall
8 consult with the examining board of psychology established in chapter
9 18.83 RCW, the Washington state mental health counselors, marriage
10 and family therapists, and social workers advisory committee
11 established in chapter 18.225 RCW, the substance use disorder
12 certification advisory committee established in chapter 18.205 RCW,
13 and educational institutions in Washington state that train
14 psychologists, marriage and family therapists, mental health
15 counselors, independent clinical social workers, and substance use
16 disorder professionals.

17 (4) The department shall approve educational programs that meet
18 the training standards, and must not limit its approval to
19 university-based courses.

20 (5) The department shall develop an examination to determine
21 competency in the co-occurring disorder specialist enhancement
22 training standards.

23 (6) The secretary shall issue a co-occurring disorder specialist
24 enhancement to any applicant who demonstrates to the secretary's
25 satisfaction that the following requirements have been met:

26 (a) Completion of the training standards;

27 (b) Successful completion of the competency examination;

28 (c) Successful completion of an experience requirement of:

29 (i) Eighty hours of supervised experience for an applicant listed
30 under subsection (1) of this section with fewer than five years of
31 experience; or

32 (ii) Forty hours of supervised experience for an applicant listed
33 under subsection (1) of this section with five or more years of
34 experience.

35 (7) An applicant for the co-occurring disorder specialist
36 enhancement may receive supervised experience from any person who
37 meets or exceeds the requirements of a certified substance use
38 disorder professional in the state of Washington and who would be
39 eligible to take the examination required for substance use disorder
40 professional certification.

1 (8) A person who has obtained a co-occurring disorder specialist
2 enhancement may provide substance use disorder counseling services
3 which are coextensive with those provided by substance use disorder
4 professionals under this chapter, subject to the following
5 limitations:

6 (a) A co-occurring disorder specialist must provide substance use
7 disorder counseling in the context of employment by an agency that
8 provides counseling services; and

9 (b) Following an initial intake or assessment, the co-occurring
10 disorder specialist must provide substance use disorder treatment
11 only to clients who are also diagnosed with a mental health disorder
12 which qualifies as a serious mental illness.

13 (9) The secretary shall establish by rule what constitutes
14 adequate proof of meeting the criteria.

15 (10) Applicants are subject to the grounds for denial of a
16 certificate or issuance of a conditional certificate under chapter
17 18.130 RCW.

18 NEW SECTION. **Sec. 26.** A new section is added to chapter 18.205
19 RCW to read as follows:

20 (1) Beginning July 1, 2020, subject to the availability of
21 amounts appropriated for this specific purpose, the department shall
22 contract with an educational program to offer the training developed
23 under section 25 of this act. The contracted educational program
24 shall offer the training at a reduced cost to health care providers
25 identified in section 25 of this act. The training must be (a)
26 available online on an ongoing basis and (b) offered in person at
27 least four times per calendar year.

28 (2) Beginning July 1, 2020, subject to the availability of
29 amounts appropriated for this specific purpose, the department shall
30 contract with an entity to provide a telephonic consultation service
31 to assist health care providers who have been issued a substance use
32 disorder professional certification pursuant to RCW 18.205.090 or a
33 co-occurring disorder specialist enhancement under section 25 of this
34 act with the diagnosis and treatment of patients with co-occurring
35 behavioral health disorders.

36 (3) The department shall identify supervisors who are trained and
37 available to supervise persons seeking to meet the supervised
38 experience requirements established under section 25 of this act.

39 (4) This section expires July 1, 2025.

1 NEW SECTION. **Sec. 27.** A new section is added to chapter 18.83
2 RCW to read as follows:

3 The department shall reduce the total number of supervised
4 experience hours required under RCW 18.83.070 by three months for any
5 applicant for a license under this chapter who has practiced as a
6 certified chemical dependency professional for three years in the
7 previous ten years.

8 NEW SECTION. **Sec. 28.** A new section is added to chapter 18.225
9 RCW to read as follows:

10 The department shall reduce the total number of supervised
11 experience hours required under RCW 18.225.090 by ten percent for any
12 applicant for a license under this chapter who has practiced as a
13 certified chemical dependency professional for three years in the
14 previous ten years.

15 NEW SECTION. **Sec. 29.** The department of health must amend its
16 rules to allow persons with a co-occurring disorder specialist
17 enhancement under chapter 18.205 RCW to provide substance use
18 disorder counseling services that are coextensive with the scope and
19 practice of a substance use disorder professional under chapter
20 18.205 RCW, subject to the practice limitations under section 25 of
21 this act.

22 NEW SECTION. **Sec. 30.** The department of health shall conduct a
23 sunrise review under chapter 18.120 RCW to evaluate the need for
24 creation of a bachelor's level behavioral health professional
25 credential that includes competencies related to the treatment of
26 both substance use and mental health disorders appropriate to the
27 bachelor's level of education, allows for reimbursement of services
28 in all appropriate settings where persons with behavioral health
29 disorders are treated, and is designed to facilitate work in
30 conjunction with master's level clinicians in a fashion that enables
31 all professionals to work at the top of their scope of license.

32 NEW SECTION. **Sec. 31.** (1) Section 13 of this act takes effect
33 August 1, 2020.

34 (2) Section 19 of this act takes effect July 1, 2026.

1 NEW SECTION. **Sec. 32.** (1) Section 12 of this act expires August
2 1, 2020.
3 (2) Section 18 of this act expires July 1, 2026."

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By Subcommittee on Behavioral Health

NOT ADOPTED 04/17/2019

4 On page 1, line 2 of the title, after "practice;" strike the
5 remainder of the title and insert "amending RCW 18.205.010,
6 18.205.020, 18.205.030, 18.205.080, 18.205.090, 18.205.095,
7 18.205.100, 10.77.079, 13.40.020, 13.40.042, 18.130.040, 43.70.442,
8 43.70.442, 70.97.010, 70.97.030, 71.34.020, 71.34.720, 71.34.720,
9 71.34.760, 18.130.175, 43.43.842, and 18.130.055; reenacting and
10 amending RCW 71.05.020; adding new sections to chapter 18.205 RCW;
11 adding a new section to chapter 18.83 RCW; adding a new section to
12 chapter 18.225 RCW; creating new sections; providing effective dates;
13 and providing expiration dates."

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