

HOUSE BILL REPORT

HB 1907

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to the substance use disorder treatment system.

Brief Description: Concerning the substance use disorder treatment system.

Sponsors: Representatives Davis, Appleton, Doglio, Ryu, Goodman and Jinkins.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/19/19, 2/22/19 [DPS].

Brief Summary of Substitute Bill

- Encourages a pathway for dual licensure as both an evaluation and treatment facility and a secure withdrawal management and stabilization facility.
- Modifies the definition of "likelihood of serious harm" under the Involuntary Treatment Act.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Jinkins, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman, Graham, Hansen, Kilduff, Kirby, Klippert, Orwall, Shea, Valdez, Walen and Ybarra.

Staff: Ingrid Lewis (786-7289).

Background:

Under the Involuntary Treatment Act (ITA), a person may be ordered to undergo involuntary behavioral health treatment if the person, as a result of a mental health or a substance use disorder, poses a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient behavioral health treatment.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

"Likelihood of serious harm" means that a person poses a substantial risk of physical harm to self, others, or the property of others, as evidenced by certain behavior, or that a person has threatened the physical safety of another and has a history of one or more violent acts.

A person who poses a likelihood of serious harm or is gravely disabled may be committed for up to 72 hours for an initial evaluation at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment facility. Upon subsequent petitions and hearings for further treatment, an adult posing a likelihood of serious harm or grave disability may be court ordered to consecutive terms of treatment lasting up to 14 days, up to 90 days, and successive terms of up to 180 days.

The Department of Health is responsible for certifying and licensing behavioral health service providers, including evaluation and treatment facilities, secure detoxification facilities, and approved substance use disorder treatment facilities, and establishing minimum standards for service provision.

Summary of Substitute Bill:

References to "secure detoxification facility" are changed to "secure withdrawal management and stabilization facility" in the adult and minor involuntary treatment acts.

The definition of "likelihood of serious harm" is modified to include a reasonable certainty that a person will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or to protect the person adequately from impairment or injury.

The Department of Health is required to develop a process by which a provider of behavioral health services can become dually licensed as both an evaluation and treatment facility and a secure withdrawal management and stabilization facility.

Substitute Bill Compared to Original Bill:

The substitute bill removes provisions related to the reimbursement rate for substance use disorder treatment and ambulance services, and removes the provision related to technical assistance and mental health training to secure withdrawal management and stabilization facilities.

Appropriation: None.

Fiscal Note: Requested on February 12, 2019.

Effective Date of Substitute Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 4, 6, 8, 11, 14, 30, 32, 34, 37, 39, and 41, relating to expiring the language stating that commitments to secure detoxification

facilities and approved substance use disorder treatment programs are subject to facility availability and available space, which take effect July 1, 2026.

Staff Summary of Public Testimony:

(In support) Ricky's Law was passed in 2016 and integrated the mental health and substance use disorder treatment involuntary treatment systems in April 2018. There are 45 secure detoxification beds for adults located in Chehalis and Spokane. Since the law has been in effect, only 30 percent of the beds are being used for individuals detained under Ricky's Law. There have been several implementation obstacles. There should be an ability to dually certify secure detoxification facilities and evaluation and treatment facilities so that an individual can receive the appropriate care if they have co-occurring conditions. Many individuals may need to detox, but a mental illness is the underlying issue. Substance use disorder facilities are not funded to provide those services and cannot staff mental health professionals on an ongoing basis. Current law defines risk of harm to self and grave disability primarily in the context of mental illness, and this does not capture an individual who survives a nearly fatal overdose or an individual who has a life threatening medical condition due to substance use. Transport to a security detoxification facility from an emergency department occurs via ambulance. The most populous county in Washington has not been implementing the law because the county is unable to find an ambulance company who will contract for the rate.

Individuals suffering from a substance use disorder cannot make rational decisions because the disease chemically changes the logical thought process.

(Opposed) None.

Persons Testifying: Representative Davis, prime sponsor; Debra Mayer; Len McComb, Washington State Hospital Association; and Tony Prentice, American Behavioral Health Systems.

Persons Signed In To Testify But Not Testifying: None.