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**SENATE BILL 5655**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators Dhingra, Lovick, and C. Wilson

Prefiled 01/05/22. Read first time 01/10/22. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to making state hospitals available for short-  
2 term detention and involuntary commitment; and adding new sections to  
3 chapter 72.23 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 72.23  
6 RCW to read as follows:

7 (1) Each adult state hospital must establish and maintain  
8 capacity to provide treatment for patients detained for 120 hours or  
9 14 days of involuntary treatment under RCW 71.05.150, 71.05.153, and  
10 71.05.240. The priority use of this capacity shall be to provide  
11 treatment for patients who experience difficulty obtaining placement  
12 in local evaluation and treatment facilities or secure withdrawal  
13 management and stabilization facilities as defined under chapter  
14 71.05 RCW.

15 (2) The department shall develop guidelines for obtaining  
16 admission for short-term 120-hour evaluation or 14-day treatment  
17 patients at each adult state hospital and distribute these guidelines  
18 to designated crisis responder agencies. The guidelines shall discuss  
19 factors used to determine admission priority such as: (a) Whether the  
20 person in need of treatment has a history of one or more violent acts  
21 which makes it difficult to obtain short-term placement in a

1 community facility; (b) whether the person has a prior criminal  
2 charge with a finding of incompetence to stand trial; (c) whether  
3 reasonable attempts have been made to place the person at a community  
4 involuntary treatment facility without success; (d) the geographic  
5 location of the patient and availability of treatment resources in  
6 the area; (e) whether the person is receiving treatment in a facility  
7 certified pursuant to RCW 71.05.745; and (f) whether absent admission  
8 to a state hospital the designated crisis responder would be required  
9 to file a report under RCW 71.05.750 with respect to the person.

10 (3) The guidelines developed under subsection (2) of this section  
11 shall address acceptable procedures for obtaining any needed medical  
12 clearance and other means to overcome potential barriers to admission  
13 for qualified patients.

14 (4) For the purposes of this section:

15 (a) "History of one of more violent acts" refers to the period of  
16 time 10 years prior to the current period of detention for  
17 involuntary treatment, excluding any time spent, but not any violent  
18 acts committed, in a behavioral health facility, or in confinement as  
19 a result of a criminal conviction.

20 (b) "Violent act" means behavior that resulted in homicide,  
21 attempted suicide, injury, or substantial loss or damage to property.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.23  
23 RCW to read as follows:

24 The department shall bill a patient's health insurance, or if the  
25 person does not have health insurance coverage or qualify for  
26 enrollment in medicaid the department shall bill the behavioral  
27 health administrative services organization that serves the region  
28 where the patient resides, for each day of treatment spent in  
29 detention for up to 120 hours under RCW 71.05.150 or 71.05.153 and  
30 spent in detention for up to 14 days under RCW 71.05.240. Payment  
31 shall be according to a rate published and determined by the  
32 department for each adult state hospital by July 1, 2022, and updated  
33 at least annually thereafter, which reflects the full expected cost  
34 for short-term involuntary treatment at that state hospital.

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