H-1088.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1788**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Walsh and Eslick

AN ACT Relating to greater consistency in the provision of health care services for minors under the age of 17; amending RCW 70.24.110, 71.34.500, 71.34.510, 71.34.520, and 71.34.530; adding a new section to chapter 9.02 RCW; and adding a new section to chapter 26.28 RCW.

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

**Sec.**  RCW 70.24.110 and 2020 c 76 s 7 are each amended to read as follows:

A minor ((~~fourteen~~)) 17 years of age or older who may have come in contact with any sexually transmitted disease or suspected sexually transmitted disease may give consent to the furnishing of hospital, medical, and surgical care related to the diagnosis or treatment of such disease; and treatment to avoid HIV infection. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical, and surgical care related to such disease, and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section.

**Sec.**  RCW 71.34.500 and 2020 c 302 s 74 are each amended to read as follows:

(1) ((~~An adolescent~~)) A minor 17 years of age or older may admit himself or herself to an evaluation and treatment facility for inpatient mental health treatment or an approved substance use disorder treatment program for inpatient substance use disorder treatment without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for inpatient treatment of a minor under the age of ((~~thirteen~~)) 17.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility or approved substance use disorder treatment program, there is reason to believe that a minor is in need of inpatient treatment because of a behavioral health disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to the facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every ((~~twelve~~)) 12 months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every ((~~one hundred eighty~~)) 180 days.

**Sec.**  RCW 71.34.510 and 2019 c 381 s 4 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility shall provide notice to the parent of ((~~an adolescent~~)) a minor 17 years of age or older when the ((~~adolescent~~)) minor is voluntarily admitted to inpatient treatment under RCW 71.34.500 solely for mental health treatment and not for substance use disorder treatment, unless the professional person has a compelling reason to believe that such disclosure would be detrimental to the ((~~adolescent~~)) minor or contact cannot be made, in which case the professional person must document the reasons in the ((~~adolescent's~~)) minor's medical record.

(2) The professional person in charge of an evaluation and treatment facility or an approved substance use disorder treatment program shall provide notice to the parent of ((~~an adolescent~~)) a minor 17 years of age or older voluntarily admitted to inpatient treatment under RCW 71.34.500 for substance use disorder treatment only if: (a) The ((~~adolescent~~)) minor provides written consent to the disclosure of the fact of admission and such other substance use disorder treatment information in the notice; or (b) permitted by federal law.

(3) If the professional person withholds notice to a parent under subsection (1) of this section, or such notice cannot be provided, the professional person in charge of the facility must consult the information that the Washington state patrol makes publicly available under RCW 43.43.510(2) at least once every eight hours for the first ((~~seventy-two~~)) 72 hours of treatment and once every ((~~twenty-four~~)) 24 hours thereafter while the ((~~adolescent~~)) minor continues to receive inpatient services and until the time that the professional person contacts a parent of the ((~~adolescent~~)) minor. If the ((~~adolescent~~)) minor is publicly listed as missing, the professional person must immediately notify the department of children, youth, and families of its contact with the youth listed as missing. The notification must include a description of the ((~~adolescent's~~)) minor's physical and emotional condition.

(4) The notice required under subsections (1) and (2) of this section shall be in the form most likely to reach the parent within ((~~twenty-four~~)) 24 hours of the ((~~adolescent's~~)) minor's voluntary admission and shall advise the parent: (a) That the ((~~adolescent~~)) minor has been admitted to inpatient treatment; (b) of the location and telephone number of the facility providing such treatment; (c) of the name of a professional person on the staff of the facility providing treatment who is designated to discuss the ((~~adolescent's~~)) minor's need for inpatient treatment with the parent; and (d) of the medical necessity for admission. Notification efforts under subsections (1) and (2) of this section shall begin as soon as reasonably practicable, considering the ((~~adolescent's~~)) minor's immediate medical needs.

**Sec.**  RCW 71.34.520 and 2019 c 381 s 5 are each amended to read as follows:

(1) Any ((~~adolescent~~)) minor 17 years of age or older voluntarily admitted to an evaluation and treatment facility or approved substance use disorder treatment program under RCW 71.34.500 may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the ((~~adolescent~~)) minor can be discerned.

(2) The staff member receiving the notice from a minor 17 years of age or older shall date it immediately and record its existence in the ((~~adolescent's~~)) minor's clinical record.

(a) If the evaluation and treatment facility is providing the ((~~adolescent~~)) minor solely with mental health treatment and not substance use disorder treatment, copies of the notice must be sent to the ((~~adolescent's~~)) minor's attorney, if any, the designated crisis responders, and the parent.

(b) If the evaluation and treatment facility or substance use disorder treatment program is providing the ((~~adolescent~~)) minor with substance use disorder treatment, copies of the notice must be sent to the ((~~adolescent's~~)) minor's attorney, if any, the designated crisis responders, and the parent only if: (i) The ((~~adolescent~~)) minor provides written consent to the disclosure of the ((~~adolescent's~~)) minor's notice of intent to leave and such other substance use disorder information; or (ii) permitted by federal law.

(3) The professional person shall discharge the ((~~adolescent~~)) minor 17 years of age or older from the facility by the second judicial day following receipt of the ((~~adolescent's~~)) minor's notice of intent to leave.

**Sec.**  RCW 71.34.530 and 2019 c 381 s 6 are each amended to read as follows:

Any ((~~adolescent~~)) minor 17 years of age or older may request and receive outpatient treatment without the consent of the ((~~adolescent's~~)) minor's parent. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for outpatient treatment of a minor under the age of ((~~thirteen~~)) 17.

NEW SECTION. **Sec.**  A new section is added to chapter 9.02 RCW to read as follows:

Notwithstanding any provision of law to the contrary:

(1) A parent or legal guardian of a minor under the age of 17 may not be held financially responsible for services related to an abortion received by the minor if the parent or legal guardian did not consent to such services; and

(2) The state may not expend any funds to permit a minor under the age of 17 to voluntarily terminate a pregnancy without the consent of the minor's parent or legal guardian, unless, as determined by the reasonable, good faith clinical judgment of the patient's primary care physician, the life of the minor is in imminent danger because of a serious physical disorder, illness, or injury if the termination of the pregnancy is not performed.

NEW SECTION. **Sec.**  A new section is added to chapter 26.28 RCW to read as follows:

A minor under the age of 17 may not provide informed consent for a health care procedure unless statutorily authorized to do so under this code. The legislature hereby declares the principle of implied emancipation, also known as the mature minor rule, as articulated in *Smith v. Seibly*, 72 Wn.2d (1967), to be abolished to the extent it conflicts with this section.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**--- END ---**