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SENATE BILL 5620

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State of Washington

56th Legislature

1999 Regular Session

By Senators Long, Hargrove, Deccio, Prentice, Franklin and Patterson

Read first time 01/29/1999. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to chemical dependency treatment services; amending  
2 RCW 70.96A.010, 70.96A.011, 70.96A.020, 70.96A.030, 70.96A.040,  
3 70.96A.043, 70.96A.050, 70.96A.070, 70.96A.085, 70.96A.087, 70.96A.090,  
4 70.96A.100, 70.96A.110, 70.96A.120, 70.96A.145, 70.96A.150, 70.96A.160,  
5 70.96A.180, 70.96A.265, 70.96A.300, 70.96A.310, and 70.96A.320;  
6 reenacting RCW 70.96A.430; adding new sections to chapter 70.96A RCW;  
7 recodifying RCW 70.96A.430; repealing RCW 70.96A.060, 70.96A.080,  
8 70.96A.140, and 70.96.150; and providing an effective date.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.96A RCW  
11 to read as follows:

12 It is the intent of the legislature to: (1) Clarify that it is the  
13 nature of a person's current conduct, current chemical abuse, current  
14 mental condition, history, and likelihood of committing future acts  
15 that pose a threat to public safety or himself or herself that should  
16 determine treatment procedures and level; and (2) provide additional  
17 opportunities for chemical dependency treatment for persons whose  
18 conduct threatens themselves or threatens public safety as a result of  
19 the chemical dependency.

1       **Sec. 2.** RCW 70.96A.010 and 1989 c 271 s 304 are each amended to  
2 read as follows:

3       It is the policy of this state that (~~(alcoholics and intoxicated)~~)  
4 chemically dependent persons may not be subjected to criminal  
5 prosecution solely because of their consumption of alcoholic beverages  
6 or psychoactive chemicals but rather should(~~(, within available~~  
7 ~~funds,)~~) be afforded a continuum of treatment in order that they may  
8 lead normal lives as productive members of society. (~~(Within available~~  
9 ~~funds, treatment should also be provided for drug addicts.)~~)

10       **Sec. 3.** RCW 70.96A.011 and 1989 c 270 s 1 are each amended to read  
11 as follows:

12       The legislature finds that the (~~(use)~~) abuse of alcohol and (~~(other~~  
13 ~~drugs has become)~~) psychoactive chemicals is a serious threat to the  
14 health of the citizens of the state of Washington. The (~~(use)~~) abuse  
15 of psychoactive chemicals (~~(has been found to be)~~) is a prime factor in  
16 the (~~(current)~~) AIDS epidemic. Therefore, a comprehensive statute to  
17 deal with (~~(alcoholism and other drug addiction)~~) chemical dependency  
18 is necessary.

19       The legislature agrees with the 1987 resolution of the American  
20 Medical Association that endorses the proposition that all chemical  
21 dependencies, including alcoholism, are diseases. It is the intent of  
22 the legislature to end the sharp distinctions between alcoholism  
23 services and other drug addiction services, to recognize that chemical  
24 dependency is a disease, and to insure that prevention and treatment  
25 services are available and are of high quality. It is the purpose of  
26 this chapter to provide the financial assistance necessary to enable  
27 the department (~~(of social and health services)~~) to provide a discrete  
28 program of (~~(alcoholism and other drug addiction)~~) chemical dependency  
29 services. It is not the intent of the legislature that the department  
30 or its contractors use the existence of a discrete program to prevent,  
31 avoid, or impede collaboration or coordinated delivery of services to  
32 persons with mental disorders.

33       **Sec. 4.** RCW 70.96A.020 and 1998 c 296 s 22 are each amended to  
34 read as follows:

35       For the purposes of this chapter the following words and phrases  
36 shall have the following meanings unless the context clearly requires  
37 otherwise:

1 (1) "Alcoholic" means a person who suffers from the disease of  
2 alcoholism.

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

8 (3) "Approved treatment program" means a discrete program of  
9 chemical dependency treatment provided by a treatment program certified  
10 by the department of social and health services as meeting standards  
11 adopted under this chapter.

12 (4) "Chemical dependency" means: (a) Alcoholism ~~((or))~~; (b) drug  
13 addiction ~~((or))~~; or (c) dependence on alcohol and one or more other  
14 psychoactive chemicals, as the context requires.

15 (5) "Chemical dependency program" means expenditures and activities  
16 of the department designed and conducted to prevent or treat alcoholism  
17 and other drug addiction, including reasonable administration and  
18 overhead.

19 (6) "Chemically dependent person" means a person with a chemical  
20 dependency.

21 (7) "Department" means the department of social and health  
22 services.

23 ~~((7))~~ (8) "Designated chemical dependency specialist" or  
24 "specialist" means a person designated by the county ~~((alcoholism and~~  
25 ~~other drug addiction))~~ chemical dependency program coordinator  
26 designated under RCW 70.96A.310 to perform the commitment duties  
27 described in ~~((RCW 70.96A.140))~~ sections 16 through 25 of this act and  
28 qualified to do so by meeting standards adopted by the department.

29 ~~((8))~~ (9) "Director" means the person administering the chemical  
30 dependency program within the department.

31 ~~((9))~~ (10) "Drug addict" means a person who suffers from the  
32 disease of drug addiction.

33 ~~((10))~~ (11) "Drug addiction" means a disease characterized by a  
34 dependency on psychoactive chemicals, loss of control over the amount  
35 and circumstances of use, symptoms of tolerance, physiological or  
36 psychological withdrawal, or both, if use is reduced or discontinued,  
37 and impairment of health or disruption of social or economic  
38 functioning.

1       (~~(11)~~) (12) "Emergency service patrol" means a patrol established  
2 under RCW 70.96A.170.

3       (~~(12)~~) (13) "Gravely disabled by alcohol or other (~~(drugs)~~)  
4 psychoactive chemicals" or "gravely disabled" means that a person, as  
5 a result of the use of alcohol or other (~~(drugs)~~) psychoactive  
6 chemicals: (a) Is in danger of serious physical harm resulting from a  
7 failure to provide for his or her essential human needs of health or  
8 safety; or (b) manifests severe deterioration in routine functioning  
9 evidenced by a repeated and escalating loss of cognition or volitional  
10 control over his or her actions and is not receiving care or treatment  
11 as essential for his or her health or safety.

12       (~~(13)~~) (14) "History of one or more violent acts" refers to the  
13 period of time ten years prior to the filing of a petition under this  
14 chapter, excluding any time spent, but not any violent acts committed,  
15 in a mental health facility, a long-term alcoholism or drug treatment  
16 facility, or in confinement.

17       (15) "Incapacitated by alcohol or other psychoactive chemicals" or  
18 "incapacitated" means that a person, as a result of the use of alcohol  
19 or other psychoactive chemicals, has his or her judgment so impaired  
20 that he or she is incapable of realizing and making a rational decision  
21 with respect to his or her need for treatment and presents a likelihood  
22 of serious harm to himself or herself, to any other person, or to  
23 property.

24       (~~(14)~~) (16) "Incompetent person" means a person who has been  
25 adjudged incompetent by the superior court.

26       (~~(15)~~) (17) "Intoxicated person" means a person whose mental or  
27 physical functioning is substantially impaired as a result of the use  
28 of alcohol or other psychoactive chemicals.

29       (~~(16)~~) (18) "Licensed physician" means a person licensed to  
30 practice medicine or osteopathic medicine and surgery in the state of  
31 Washington.

32       (~~(17)~~) (19) "Likelihood of serious harm" means (~~(either)~~):

33       (a) A substantial risk that: (i) Physical harm will be inflicted  
34 by an individual upon his or her own person, as evidenced by threats or  
35 attempts to commit suicide or inflict physical harm on one's self;  
36 (~~(b) a substantial risk that~~) (ii) physical harm will be inflicted by  
37 an individual upon another, as evidenced by behavior that has caused  
38 the harm or that places another person or persons in reasonable fear of  
39 sustaining the harm; or (~~(c) a substantial risk that~~) (iii) physical

1 harm will be inflicted by an individual upon the property of others, as  
2 evidenced by behavior that has caused substantial loss or damage to the  
3 property of others; or

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

6 ~~((+18+))~~ (20) "Medical necessity" for inpatient ~~((care))~~ treatment  
7 of a minor means a requested certified inpatient service that is  
8 reasonably calculated to: (a) Diagnose, arrest, or alleviate a  
9 chemical dependency; or (b) prevent the worsening of chemical  
10 dependency conditions that endanger life or cause suffering and pain,  
11 or result in illness or infirmity or threaten to cause or aggravate a  
12 handicap, or cause physical deformity or malfunction, and there is no  
13 adequate less restrictive alternative available.

14 ~~((+19+))~~ (21) "Minor" means a person less than eighteen years of  
15 age.

16 ~~((+20+))~~ (22) "Parent" means the parent or parents who have the  
17 legal right to custody of the child. Parent includes custodian or  
18 guardian.

19 ~~((+21+))~~ (23) "Peace officer" means a law enforcement official of  
20 a public agency or governmental unit, and includes persons specifically  
21 given peace officer powers by any state law, local ordinance, or  
22 judicial order of appointment.

23 ~~((+22+))~~ (24) "Person" means an individual, including a minor.

24 ~~((+23+))~~ (25) "Professional person in charge" or "professional  
25 person" means a physician or chemical dependency counselor as defined  
26 in rule by the department, who is empowered by a certified treatment  
27 program with authority to make assessment, admission, continuing  
28 ~~((care))~~ treatment, and discharge decisions on behalf of the certified  
29 program.

30 ~~((+24+))~~ (26) "Secretary" means the secretary of the department of  
31 social and health services.

32 ~~((+25+))~~ (27) "Treatment" means the broad range of emergency,  
33 detoxification, residential, and outpatient services and care,  
34 including diagnostic evaluation, chemical dependency education and  
35 counseling, medical, psychiatric, psychological, and social service  
36 care, vocational rehabilitation and career counseling, which may be  
37 extended to ~~((alcoholics and other drug addicts))~~ chemically dependent  
38 persons and their families, persons incapacitated by alcohol or other  
39 psychoactive chemicals, and intoxicated persons.

1       (~~(26)~~)   (28) "Treatment program" means an organization,  
2 institution, or corporation, public or private, engaged in the care,  
3 treatment, or rehabilitation of (~~(alcoholics or other drug addicts)~~)  
4 chemically dependent persons.

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

8       **Sec. 5.** RCW 70.96A.030 and 1989 c 270 s 4 are each amended to read  
9 as follows:

10       A discrete (~~(program of)~~) chemical dependency program is  
11 established within the department (~~(of social and health services)~~), to  
12 be administered by a qualified person who has training and experience  
13 in (~~(handling alcoholism and other drug addiction problems)~~): (1)  
14 Providing chemical dependency treatment; or (2) the organization or  
15 administration of (~~(treatment services for persons suffering from~~  
16 ~~alcoholism or other drug addiction problems)~~) chemical dependency  
17 treatment programs.

18       **Sec. 6.** RCW 70.96A.040 and 1989 c 270 s 5 are each amended to read  
19 as follows:

20       The department, in the operation of the chemical dependency  
21 program, may:

22       (1) Plan, establish, and maintain prevention and treatment programs  
23 as necessary or desirable;

24       (2) Make contracts necessary or incidental to the performance of  
25 its duties and the execution of its powers under this chapter,  
26 including contracts with public and private agencies, organizations,  
27 and individuals to pay them for services (~~(rendered or furnished)~~)  
28 provided to (~~(alcoholics or other drug addicts)~~) chemically dependent  
29 persons, persons incapacitated or gravely disabled by alcohol or other  
30 psychoactive chemicals, or intoxicated persons;

31       (3) Enter into agreements for monitoring of verification of  
32 qualifications of counselors employed by approved treatment programs;

33       (4) Adopt rules under chapter 34.05 RCW to carry out the provisions  
34 and purposes of this chapter, and (~~(contract)~~) cooperate(~~(~~) and  
35 coordinate with other public or private agencies or individuals for  
36 those purposes;

1 (5) Solicit and accept for use any gift or bequest of money or  
2 property (~~made by will or otherwise~~), and any grant of money,  
3 services, or property from the federal government, the state, or any  
4 political subdivision thereof or any private source, and do all things  
5 necessary to cooperate with the federal government or any of its  
6 agencies in making an application for any grant;

7 (6) Administer or supervise the administration of the provisions  
8 (~~relating to alcoholics, other drug addicts, and intoxicated persons~~)  
9 of any state plan submitted for federal funding pursuant to federal  
10 health, welfare, or treatment legislation relating to alcoholics, other  
11 drug addicts, and intoxicated persons;

12 (7)(a) Coordinate its activities and cooperate with chemical  
13 dependency programs in this and other states(~~(7)~~); and

14 (b) Make contracts and other joint or cooperative arrangements with  
15 state, local, or private agencies in this and other states for: (i)  
16 The treatment of (~~alcoholics and other drug addicts~~) chemically  
17 dependent persons and their families(~~(7)~~); persons incapacitated by  
18 alcohol or other psychoactive chemicals(~~(7)~~); and intoxicated persons;  
19 and (~~for~~) (ii) the common advancement of chemical dependency  
20 programs;

21 (8) Keep records and engage in research and the gathering of  
22 relevant statistics;

23 (9) Do other acts and things necessary or convenient to execute the  
24 authority expressly granted to it; and

25 (10) Acquire, hold, or dispose of real property or any interest  
26 therein, and construct, lease, or otherwise provide treatment programs.

27 **Sec. 7.** RCW 70.96A.043 and 1989 c 270 s 7 are each amended to read  
28 as follows:

29 Pursuant to (~~the Interlocal Cooperation Act,~~) chapter 39.34 RCW,  
30 the department may enter into agreements to accomplish the purposes of  
31 this chapter.

32 **Sec. 8.** RCW 70.96A.050 and 1989 c 270 s 6 are each amended to read  
33 as follows:

34 The department shall:

35 (1) Develop, encourage, and foster state-wide, regional, and local  
36 plans and programs for the prevention of (~~alcoholism and other drug~~  
37 ~~addiction~~) chemical dependency, treatment of (~~alcoholics and other~~

1 ~~drug addicts~~) chemically dependent persons and their families, persons  
2 incapacitated by alcohol or other psychoactive chemicals, and  
3 intoxicated persons in cooperation with public and private agencies,  
4 organizations, and individuals and provide technical assistance and  
5 consultation services for these purposes;

6 (2) Coordinate the efforts and enlist the assistance of all public  
7 and private agencies, organizations, and individuals interested in  
8 prevention of (~~alcoholism and drug addiction~~) chemical dependency,  
9 and treatment of (~~alcoholics and other drug addicts~~) chemically  
10 dependent persons and their families, persons incapacitated by alcohol  
11 or other psychoactive chemicals, and intoxicated persons;

12 (3) Cooperate with public and private agencies in establishing and  
13 conducting programs to provide treatment for (~~alcoholics and other~~  
14 ~~drug addicts~~) chemically dependent persons and their families, persons  
15 incapacitated by alcohol or other psychoactive chemicals, and  
16 intoxicated persons who are (~~clients of the~~) under the supervision of  
17 the state or local correctional systems;

18 (4) Cooperate with the superintendent of public instruction, state  
19 board of education, schools, police departments, courts, and other  
20 public and private agencies, organizations, and individuals in  
21 establishing programs for the prevention of (~~alcoholism and other drug~~  
22 ~~addiction~~) chemical dependency, treatment of (~~alcoholics or other~~  
23 ~~drug addicts~~) chemically dependent persons and their families, persons  
24 incapacitated or gravely disabled by alcohol (~~and~~) or other  
25 psychoactive chemicals, and intoxicated persons, and preparing  
26 curriculum materials thereon for use at all levels of school education;

27 (5) Prepare, publish, evaluate, and disseminate educational  
28 material dealing with the nature and effects of alcohol and other  
29 psychoactive chemicals and the consequences of their use;

30 (6) Develop and implement, as an integral part of treatment  
31 programs, an educational program for use in the treatment of  
32 (~~alcoholics or other drug addicts~~) chemically dependent persons,  
33 persons incapacitated by alcohol (~~and~~) or other psychoactive  
34 chemicals, and intoxicated persons(~~, which~~). The program shall  
35 include the dissemination of information concerning: (a) The nature  
36 and effects of alcohol and other psychoactive chemicals(~~( )~~); (b) the  
37 consequences of their use(~~( )~~); (c) the principles of recovery(~~( )~~)  
38 from chemical dependency; and (d) HIV and AIDS;



1 (7) Organize and foster training programs for persons engaged in  
2 treatment of (~~alcoholics or other drug addicts~~) chemically dependent  
3 persons, persons incapacitated by alcohol (~~and~~) or other psychoactive  
4 chemicals, and intoxicated persons;

5 (8) Sponsor and encourage research into the causes and nature of  
6 (~~alcoholism and other drug addiction~~) chemical dependency, treatment  
7 of (~~alcoholics and other drug addicts~~) chemically dependent persons,  
8 persons incapacitated by alcohol (~~and~~) or other psychoactive  
9 chemicals, and intoxicated persons, and serve as a clearing house for  
10 information relating to (~~alcoholism or other drug addiction~~) chemical  
11 dependency;

12 (9) Specify uniform methods for keeping statistical information by  
13 public and private agencies, organizations, and individuals, and  
14 collect and make available relevant statistical information, including  
15 number of persons treated, frequency of admission and readmission, and  
16 frequency and duration of treatment;

17 (10) Advise the governor in the preparation of a comprehensive plan  
18 for treatment of (~~alcoholics and other drug addicts~~) chemically  
19 dependent persons, persons incapacitated by alcohol or other  
20 psychoactive chemicals, and intoxicated persons for inclusion in the  
21 state's comprehensive health plan;

22 (11) Review all state health, welfare, and treatment plans to be  
23 submitted for federal funding under federal legislation, and advise the  
24 governor on provisions to be included relating to (~~alcoholism and~~  
25 ~~other drug addiction~~) chemical dependency, chemically dependent  
26 persons, persons incapacitated by alcohol or other psychoactive  
27 chemicals, and intoxicated persons;

28 (12) Assist in the development of, and cooperate with, programs for  
29 (~~alcohol and other psychoactive chemical~~) chemical dependency  
30 education and treatment for employees of state and local governments  
31 and businesses and industries in the state;

32 (13) Use the support and assistance of interested persons in the  
33 community to encourage (~~alcoholics and other drug addicts~~) chemically  
34 dependent persons voluntarily to undergo treatment;

35 (14) Cooperate with public and private agencies in establishing and  
36 conducting programs designed to deal with the problem of persons  
37 operating motor vehicles while intoxicated;

38 (15) Encourage general hospitals and other appropriate health  
39 facilities to admit without discrimination (~~alcoholics and other drug~~

1 addicts)) chemically dependent persons, persons incapacitated by  
2 alcohol or other psychoactive chemicals, and intoxicated persons and to  
3 provide them with adequate and appropriate treatment;

4 (16) Encourage all health and disability insurance programs to  
5 include ((~~alcoholism and other drug addiction~~)) chemical dependency as  
6 a covered illness; and

7 (17) Organize and sponsor a state-wide program to help judges and  
8 court personnel((~~, including judges,~~)) better understand ((~~the disease~~  
9 ~~of alcoholism and other drug addiction~~)) chemical dependency and the  
10 uses of chemical dependency treatment programs.

11 **Sec. 9.** RCW 70.96A.070 and 1994 c 231 s 2 are each amended to read  
12 as follows:

13 Pursuant to the provisions of RCW 43.20A.360, there shall be a  
14 citizens advisory council composed of not less than seven nor more than  
15 fifteen members. It is the intent of the legislature that the citizens  
16 advisory council broadly represent citizens who have been recipients of  
17 voluntary or involuntary treatment for ((~~alcoholism or other drug~~  
18 ~~addiction~~)) chemical dependency and who have been in recovery from  
19 chemical dependency for a minimum of two years. To meet this intent,  
20 at least two-thirds of the council's members shall be former recipients  
21 of these services and not employed in an occupation relating to  
22 ((~~alcoholism or drug addiction~~)) chemical dependency. The remaining  
23 members shall be broadly representative of the community, shall include  
24 representation from business and industry, organized labor, the  
25 judiciary, and minority groups, chosen for their demonstrated concern  
26 with ((~~alcoholism and other drug addiction~~)) chemical dependency  
27 problems. Members shall be appointed by the secretary.

28 In addition to advising the department in carrying out the purposes  
29 of this chapter, the council shall develop and propose to the secretary  
30 for his or her consideration the rules for the implementation of the  
31 chemical dependency program of the department. Rules and policies  
32 governing treatment programs shall be developed in collaboration among  
33 the council, department staff, local government, and administrators of  
34 voluntary and involuntary treatment programs. The secretary shall  
35 thereafter adopt such rules that, in his or her judgment properly  
36 implement the chemical dependency program of the department consistent  
37 with the welfare of those to be served, the legislative intent, and the  
38 public good.

1       **Sec. 10.** RCW 70.96A.085 and 1989 c 270 s 12 are each amended to  
2 read as follows:

3       A city, town, or county that does not have its own facility or  
4 program for the treatment and rehabilitation of (~~alcoholics and other~~  
5 ~~drug addicts~~) chemically dependent persons may share in the use of a  
6 facility or program maintained by another city or county so long as it  
7 contributes no less than two percent of its share of liquor taxes and  
8 profits to the support of the facility or program.

9       **Sec. 11.** RCW 70.96A.087 and 1989 c 270 s 13 are each amended to  
10 read as follows:

11       To be eligible to receive its share of liquor taxes and profits,  
12 each city and county shall devote no less than two percent of its share  
13 of liquor taxes and profits to the support of a chemical dependency  
14 program (~~of alcoholism and other drug addiction~~) approved by the  
15 (~~alcoholism and other drug addiction~~) chemical dependency board  
16 authorized by RCW 70.96A.300 and the secretary.

17       **Sec. 12.** RCW 70.96A.090 and 1995 c 312 s 46 are each amended to  
18 read as follows:

19       (1) The (~~department~~) secretary shall adopt rules establishing  
20 standards for approved treatment programs, the process for the review  
21 and inspection of programs applying to the department for certification  
22 as an approved treatment program, and fixing the fees to be charged by  
23 the department for the required inspections. The standards may concern  
24 the health standards to be met and standards of services and treatment  
25 to be afforded patients.

26       (2) The department may suspend, revoke, limit, restrict, or modify  
27 an approval, or refuse to grant approval, for failure to meet the  
28 provisions of this chapter, or the standards adopted under this  
29 chapter. RCW 43.20A.205 governs notice of a license denial,  
30 revocation, suspension, or modification and provides the right to an  
31 adjudicative proceeding.

32       (3) No treatment program may advertise or represent itself as an  
33 approved treatment program if approval has not been granted, has been  
34 denied, suspended, revoked, or canceled.

35       (4) Certification as an approved treatment program is effective for  
36 one calendar year from the date of issuance of the certificate. The  
37 certification shall specify the types of services provided by the

1 approved treatment program that meet the standards adopted under this  
2 chapter. Renewal of certification shall be made in accordance with  
3 this section for initial approval and in accordance with the standards  
4 set forth in rules adopted by the secretary.

5 (5) Approved treatment programs shall not provide (~~alcoholism or~~  
6 ~~other drug addiction~~) chemical dependency treatment services for which  
7 the approved treatment program has not been certified. Approved  
8 treatment programs may provide services for which approval has been  
9 sought and is pending, if approval for the services has not been  
10 previously revoked or denied.

11 (6) The department periodically shall inspect and evaluate approved  
12 public and private treatment programs at reasonable times and in a  
13 reasonable manner.

14 (7) The department shall maintain and periodically publish a  
15 current list of approved treatment programs.

16 (8) Each approved treatment program shall file with the department  
17 on request, data, statistics, schedules, and information the department  
18 reasonably requires. An approved treatment program that, without good  
19 cause, fails to furnish any data, statistics, schedules, or information  
20 as requested, or files fraudulent returns thereof, may be removed from  
21 the list of approved treatment programs(~~(7)~~) and its certification  
22 revoked or suspended.

23 (9) In addition to the requirements of subsection (6) of this  
24 section, the department shall use the data provided in subsection (8)  
25 of this section to evaluate each program that admits children to  
26 inpatient treatment upon application of their parents. The evaluation  
27 shall be done at least once every twelve months. In addition, the  
28 department shall randomly select and review the information on  
29 individual children who are admitted on application of the child's  
30 parent for the purpose of determining whether the child was  
31 appropriately placed into treatment based on an objective evaluation of  
32 the child's condition and the outcome of the child's treatment.

33 (10) Upon petition of the department and after a hearing held upon  
34 reasonable notice to the facility, the superior court may issue a  
35 warrant to an officer or employee of the department authorizing him or  
36 her to enter and inspect at reasonable times, and examine the books and  
37 accounts of, any approved public or private treatment program refusing  
38 to consent to inspection or examination by the department or which the

1 department has reasonable cause to believe is operating in violation of  
2 this chapter.

3 **Sec. 13.** RCW 70.96A.100 and 1989 c 270 s 23 are each amended to  
4 read as follows:

5 The secretary shall adopt and may amend and repeal rules for  
6 acceptance of persons into the approved treatment program, considering  
7 available treatment resources and facilities, for the purpose of early  
8 and effective treatment of ~~((alcoholics and other drug addicts))~~  
9 chemically dependent persons, persons incapacitated by alcohol or other  
10 psychoactive chemicals, and intoxicated persons. In ~~((establishing))~~  
11 adopting the rules, the secretary shall be guided by the following  
12 standards:

13 (1) If possible a ~~((patient))~~ person shall be treated on a  
14 voluntary rather than an involuntary basis.

15 (2) A ~~((patient))~~ person shall be initially assigned or transferred  
16 to outpatient treatment, unless he or she is found to require  
17 residential treatment.

18 (3) A person shall not be denied treatment solely because he or she  
19 has withdrawn from treatment against medical advice on a prior occasion  
20 or because he or she has relapsed after earlier treatment.

21 (4) An individualized treatment plan shall be prepared and  
22 maintained on a current basis for each ~~((patient))~~ person.

23 (5) Provision shall be made for a continuum of coordinated  
24 treatment services, so that a person who leaves a facility or a form of  
25 treatment will have available and use other appropriate treatment.

26 **Sec. 14.** RCW 70.96A.110 and 1990 c 151 s 7 are each amended to  
27 read as follows:

28 (1) ~~((An alcoholic or other drug addict))~~ A chemically dependent  
29 person may apply for voluntary treatment directly to an approved  
30 treatment program. If the ~~((proposed patient))~~ person is a minor or an  
31 incompetent person, he or she, a parent, a legal guardian, or other  
32 legal representative may make the application.

33 (2) Subject to rules adopted by the secretary, the administrator in  
34 charge of an approved treatment program may determine who shall be  
35 admitted for treatment. If a person is refused admission to an  
36 approved treatment program, the administrator, subject to rules adopted

1 by the secretary, shall refer the person to another approved treatment  
2 program for treatment if possible and appropriate.

3 (3) If a ~~((patient))~~ person receiving inpatient ~~((care))~~ treatment  
4 leaves an approved treatment program, he or she shall be encouraged to  
5 consent to appropriate outpatient treatment.

6 If it appears to the administrator in charge of the treatment  
7 program that the ~~((patient is an alcoholic or other drug addict))~~  
8 person is a chemically dependent person who requires ~~((help))~~  
9 additional services, the department may arrange for assistance in  
10 obtaining supportive services and residential programs.

11 (4) ~~((If a patient))~~ The secretary shall adopt rules and develop  
12 working agreements which will ensure that chemically dependent persons  
13 assisted under subsection (3) of this section will be assisted in  
14 making application for medicaid, housing, and other resources necessary  
15 for continuation of services.

16 (5) When a person leaves an approved public treatment program,  
17 ~~((with or against the advice of the administrator in charge of the~~  
18 ~~program,))~~ the department may make reasonable provisions for his or her  
19 transportation to another program or to his or her home or services  
20 provided under subsection (4) of this section. ~~((If the patient has no~~  
21 ~~home he or she should be assisted in obtaining shelter.))~~ If the  
22 ~~((patient))~~ person is less than fourteen years of age or an incompetent  
23 person the request for discharge from an inpatient program shall be  
24 made by a parent, legal guardian, or other legal representative or by  
25 the minor or incompetent if he or she was the original applicant.

26 **Sec. 15.** RCW 70.96A.120 and 1991 c 290 s 6 are each amended to  
27 read as follows:

28 (1) An intoxicated person may come voluntarily to an approved  
29 treatment program for treatment. A person who appears to be  
30 intoxicated in a public place and to be in need of help, if ~~((he or~~  
31 ~~she))~~ the person consents to the proffered help, may be assisted to his  
32 or her home, an approved treatment program, or other health facility.

33 (2) ~~((Except for a person who may be apprehended for possible~~  
34 ~~violation of laws not relating to alcoholism, drug addiction, or~~  
35 ~~intoxication and except for a person who may be apprehended for~~  
36 ~~possible violation of laws relating to driving or being in physical~~  
37 ~~control of a vehicle while under the influence of intoxicating liquor~~  
38 ~~or any drug and except for a person who may wish to avail himself or~~

1 herself of the provisions of RCW 46.20.308, a person who appears to be  
2 incapacitated or gravely disabled by alcohol or other drugs and who is  
3 in a public place or who has threatened, attempted, or inflicted  
4 physical harm on himself, herself, or another, shall be taken into  
5 protective custody by a peace officer or staff designated by the county  
6 and as soon as practicable, but in no event beyond eight hours brought  
7 to an approved treatment program for treatment. If no approved  
8 treatment program is readily available he or she shall be taken to an  
9 emergency medical service customarily used for incapacitated persons.  
10 The peace officer or staff designated by the county, in detaining the  
11 person and in taking him or her to an approved treatment program, is  
12 taking him or her into protective custody and shall make every  
13 reasonable effort to protect his or her health and safety. In taking  
14 the person into protective custody, the detaining peace officer or  
15 staff designated by the county may take reasonable steps including  
16 reasonable force if necessary to protect himself or herself or effect  
17 the custody. A taking into protective custody under this section is  
18 not an arrest. No entry or other record shall be made to indicate that  
19 the person has been arrested or charged with a crime.))

20 (a) A peace officer or staff designated by the county shall take  
21 into protective custody a person who appears to be incapacitated or  
22 gravely disabled by alcohol or other psychoactive chemicals and who:

23 (i) Is in a public place; or

24 (ii) Has threatened, attempted, or inflicted physical harm on  
25 himself, herself, or another; or

26 (iii) Is not in a public place, if directed by the designated  
27 chemical dependency specialist pursuant to (b) of this subsection.

28 (b) A designated chemical dependency specialist may take into  
29 protective custody, or may cause a peace officer or staff designated by  
30 the county to take into protective custody, a person who is at imminent  
31 risk of harm and appears to be incapacitated or gravely disabled by  
32 alcohol or other psychoactive chemicals and who is not in a public  
33 place.

34 (c) This subsection does not apply to a person who:

35 (i) May be apprehended for possible violation of laws not relating  
36 to chemical dependency or intoxication;

37 (ii) May be apprehended for possible violation of laws relating to  
38 driving or being in physical control of a vehicle while under the  
39 influence of intoxicating liquor or any psychoactive chemical; or

1        (iii) May wish to avail himself or herself of the provisions of RCW  
2 46.20.308.

3        (d) A person taken into protective custody must be taken to an  
4 approved treatment program as soon as practicable, but in any event  
5 within eight hours. If no approved treatment program is available the  
6 person shall be taken to an emergency medical service customarily used  
7 for incapacitated persons.

8        (e) In taking a person into protective custody, the detaining  
9 police officer or staff designated by the county shall make every  
10 reasonable effort to protect the person's health and safety and may  
11 take reasonable steps, including reasonable force, if necessary, to  
12 protect himself or herself or to effect the custody.

13        (f) Taking a person into protective custody under this subsection  
14 is not an arrest. No entry or other record shall be made to indicate  
15 that the person has been arrested or charged with a crime.

16        (3) A person who comes voluntarily or is brought to an approved  
17 treatment program shall be examined by a qualified person. (~~He or~~  
18 ~~she~~) The person may then be admitted as a patient or referred to  
19 another health facility, which provides emergency medical treatment,  
20 where it appears that such treatment may be necessary. The referring  
21 approved treatment program shall arrange for (~~his or her~~) the  
22 person's transportation.

23        (4) A person who is found to be incapacitated or gravely disabled  
24 by alcohol or other (~~drugs~~) psychoactive chemicals at the time of  
25 (~~his or her~~) the person's admission or to have become incapacitated  
26 or gravely disabled at any time after his or her admission, may not be  
27 detained at the program for more than seventy-two hours after admission  
28 as a patient, unless a petition is filed under RCW 70.96A.140(~~, as now~~  
29 ~~or hereafter amended~~): PROVIDED, That the treatment personnel at an  
30 approved treatment program are authorized to use such reasonable  
31 physical restraint as may be necessary to retain an incapacitated or  
32 gravely disabled person for up to seventy-two hours from the time of  
33 admission. The seventy-two hour periods specified in this section  
34 shall be computed by excluding Saturdays, Sundays, and holidays. A  
35 person may consent to remain in the program as long as the physician in  
36 charge believes appropriate.

37        (5) A person who: (a) Is not admitted to an approved treatment  
38 program, (b) is not referred to another health facility, and (c) has no  
39 funds, may be taken to his or her home(~~, if any~~). If (~~he or she~~)



1 the person has no home, the approved treatment program shall provide  
2 him or her with information and assistance to access available  
3 community shelter resources.

4 (6) If a (~~(patient)~~) person is admitted to an approved treatment  
5 program, (~~(his or her)~~) the person's family or next of kin shall be  
6 notified as promptly as possible by the treatment program. If an adult  
7 patient who is not incapacitated or gravely disabled requests that  
8 there be no notification, his or her request shall be respected.

9 (7) The peace officer, staff designated by the county, or treatment  
10 facility personnel, who act in compliance with this chapter and are  
11 performing in the course of their official duty are not criminally or  
12 civilly liable therefor.

13 (8) If the person in charge of the approved treatment program  
14 determines that appropriate treatment is available, the patient shall  
15 be encouraged to agree to further diagnosis and appropriate voluntary  
16 treatment.

17 NEW SECTION. **Sec. 16.** A new section is added to chapter 70.96A  
18 RCW to read as follows:

19 (1) When a designated chemical dependency specialist receives  
20 information alleging that a person is incapacitated or gravely disabled  
21 by alcohol or other psychoactive chemicals, if the specialist, after  
22 investigating and evaluating the specific facts alleged and the  
23 reliability and credibility of any person providing the information to  
24 initiate a commitment, is satisfied that the allegations are true and  
25 that the person will not voluntarily seek appropriate evaluation and  
26 treatment, the specialist may file a petition for involuntary  
27 commitment. Before filing the petition, the specialist must personally  
28 interview the person, unless the person refuses an interview, and  
29 determine whether the person will voluntarily receive appropriate  
30 evaluation and treatment at an approved treatment program.

31 (2) If a petition for commitment is not filed in the case of a  
32 minor, the parent, guardian, or custodian who has custody of the minor  
33 may seek review of that decision made by the specialist in superior or  
34 district court. The parent, guardian, or custodian shall file notice  
35 with the court and provide a copy of the specialist's report.

36 NEW SECTION. **Sec. 17.** A new section is added to chapter 70.96A  
37 RCW to read as follows:

1 If the designated chemical dependency specialist finds that the  
2 initial needs of a person identified under section 16 of this act would  
3 be better served by placement within the mental health system, the  
4 person shall be referred to an evaluation and treatment facility as  
5 defined in RCW 71.05.020 or 71.34.020.

6 NEW SECTION. **Sec. 18.** A new section is added to chapter 70.96A  
7 RCW to read as follows:

8 (1) A petition filed under section 16 of this act shall allege that  
9 the person is chemically dependent and:

10 (a) Is incapacitated or gravely disabled by alcohol or other  
11 psychoactive chemicals; or

12 (b) Has twice before in the preceding twelve months been admitted  
13 for detoxification or chemical dependency treatment pursuant to RCW  
14 70.96A.110 or 70.96A.120, and is in need of a more sustained treatment  
15 program; or

16 (c) Presents a likelihood of serious harm.

17 (2) The petition shall be accompanied by a certificate of a  
18 licensed physician who has examined the person within five days before  
19 submission of the petition, unless the person whose commitment is  
20 sought has refused to submit to a medical examination, in which case  
21 the fact of refusal shall be alleged in the petition. The certificate  
22 shall set forth the licensed physician's findings in support of the  
23 allegations of the petition. A physician employed by the petitioning  
24 program or the department is eligible to be the certifying physician.

25 (3) A refusal to undergo treatment, by itself, does not constitute  
26 evidence of lack of judgment as to the need for treatment.

27 NEW SECTION. **Sec. 19.** A new section is added to chapter 70.96A  
28 RCW to read as follows:

29 Upon filing the petition, the court shall fix a date for a hearing  
30 no less than two and no more than seven days after the date the  
31 petition was filed unless the person petitioned against is presently  
32 being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or  
33 71.34.050, in which case the hearing shall be held within seventy-two  
34 hours of the filing of the petition, excluding Saturdays, Sundays, and  
35 holidays. The court may, upon motion of the person whose commitment is  
36 sought, or upon motion of the petitioner with written permission of the  
37 person whose commitment is sought, or his or her counsel, and upon good

1 cause shown, extend the date for the hearing. A copy of the petition,  
2 the certificate, and the notice of the hearing, including the date  
3 fixed by the court, shall be served by the designated chemical  
4 dependency specialist on the person whose commitment is sought, his or  
5 her next of kin, a parent or his or her legal guardian if he or she is  
6 a minor, and any other person the court finds advisable.

7 NEW SECTION. **Sec. 20.** A new section is added to chapter 70.96A  
8 RCW to read as follows:

9 (1)(a) At the hearing the court shall hear all relevant testimony,  
10 including, if possible, the testimony of at least one licensed  
11 physician who has examined the person whose commitment is sought. The  
12 testimony of the licensed physician may be telephonic. Communications  
13 otherwise deemed privileged under the laws of this state are deemed to  
14 be waived in proceedings under this chapter when a court of competent  
15 jurisdiction determines that the waiver is necessary to protect either  
16 the detained person or the public. The waiver of a privilege under  
17 this section is limited to records or testimony relevant to evaluation  
18 of the detained person for purposes of a proceeding under this chapter.  
19 Upon motion by the detained person, or on its own motion, the court  
20 shall examine a record or testimony sought by a petitioner to determine  
21 whether it is within the scope of the waiver.

22 (b) The record maker shall not be required to testify in order to  
23 introduce medical, nursing, or psychological records of detained  
24 persons so long as the requirements of RCW 5.45.020 are met. Portions  
25 of the record that contain opinions as to whether the detained person  
26 is chemically dependent shall be deleted from the records unless the  
27 person offering the opinions is available for cross-examination. The  
28 detained person shall be present unless the court believes that the  
29 detained person's presence is likely to be injurious to himself or  
30 herself. In this event the court may deem it appropriate to appoint a  
31 guardian ad litem to represent the person throughout the proceeding.  
32 If deemed advisable, the court may examine the person out of the  
33 courtroom. If the person has refused to be examined by a licensed  
34 physician, the person shall be given an opportunity to be examined by  
35 a court-appointed licensed physician. If the person refuses and there  
36 is sufficient evidence to believe that the allegations of the petition  
37 are true, or if the court believes that more medical evidence is  
38 necessary, the court may make a temporary order committing the person

1 to an approved treatment program for a period of not more than five  
2 days for purposes of a diagnostic examination.

3 (2) If after hearing all relevant evidence, including the results  
4 of any diagnostic examination, the court finds that grounds for  
5 involuntary commitment have been established by clear, cogent, and  
6 convincing evidence, it shall enter an order of commitment to an  
7 approved treatment program.

8 NEW SECTION. **Sec. 21.** A new section is added to chapter 70.96A  
9 RCW to read as follows:

10 In making a determination of whether there is a likelihood of  
11 serious harm in a hearing conducted under section 19 of this act, the  
12 court shall give great weight to any evidence before the court  
13 regarding whether the person has: (1) A recent history of one or more  
14 violent acts; or (2) a recent history of one or more commitments under  
15 this chapter or its equivalent provisions under the laws of another  
16 state which were based on a likelihood of serious harm. The existence  
17 of prior violent acts or commitments under this chapter or its  
18 equivalent shall not be the sole basis for determining whether a person  
19 presents a likelihood of serious harm.

20 For the purposes of this section "recent" refers to the period of  
21 time not exceeding three years prior to the current hearing.

22 NEW SECTION. **Sec. 22.** A new section is added to chapter 70.96A  
23 RCW to read as follows:

24 (1)(a) A person committed under section 20 of this act shall remain  
25 in the program for treatment for a period of sixty days unless sooner  
26 discharged. At the end of the sixty-day period, the person shall be  
27 discharged automatically unless the program, before expiration of the  
28 period, files a petition for his or her recommitment upon the grounds  
29 set forth in section 16 of this act for a further period of ninety days  
30 unless sooner discharged.

31 (b) If a petition for recommitment is not filed in the case of a  
32 minor, the parent, guardian, or custodian who has custody of the minor  
33 may seek review of that decision made by the designated chemical  
34 dependency specialist in superior or district court. The parent,  
35 guardian, or custodian shall file notice with the court and provide a  
36 copy of the treatment progress report.

1 (c) If a person has been committed pursuant to section 18(1)(c) of  
2 this act, the program shall apply for recommitment if, after  
3 examination, it is determined that the likelihood still exists.

4 (2) Upon the filing of a petition for recommitment under subsection  
5 (1) of this section, the court shall fix a date for hearing no less  
6 than two and no more than seven days after the date the petition was  
7 filed. The court may, upon motion of the person whose commitment is  
8 sought and upon good cause shown, extend the date for the hearing. A  
9 copy of the petition and of the notice of hearing, including the date  
10 fixed by the court, shall be served by the treatment program on the  
11 person whose commitment is sought, the person's next of kin, the  
12 original petitioner under section 16 of this act if different from the  
13 petitioner for recommitment, one of the person's parents or the  
14 person's legal guardian if the person is a minor, the person's  
15 attorney, and any other person the court finds advisable. At the  
16 hearing the court shall proceed as provided in section 20 of this act.

17 NEW SECTION. **Sec. 23.** A new section is added to chapter 70.96A  
18 RCW to read as follows:

19 (1) The approved treatment program shall provide for adequate and  
20 appropriate treatment of a person committed or recommitted to its  
21 custody. A person committed under this section may be transferred from  
22 one approved public treatment program to another if transfer is  
23 medically advisable.

24 (2) A person committed to the custody of a program for treatment  
25 shall be discharged at any time before the end of the period for which  
26 the person has been committed and shall be discharged by order of the  
27 court if:

28 (a) The person was committed pursuant to section 18(1)(c) of this  
29 act and: (i) No longer presents a likelihood of serious harm; (ii) is  
30 unlikely to experience significant improvement in his or her condition;  
31 or (iii) is unable to obtain adequate or appropriate treatment at the  
32 facility; or

33 (b) The person was committed pursuant to section 18(1)(a) or (b) of  
34 this act and the incapacity, grave disability, or need for treatment no  
35 longer exists.

36 NEW SECTION. **Sec. 24.** A new section is added to chapter 70.96A  
37 RCW to read as follows:

1 (1) The court shall inform the person whose commitment or  
2 recommitment is sought of the person's right to contest the  
3 application, be represented by counsel at every stage of any  
4 proceedings relating to his or her commitment and recommitment, and  
5 have counsel appointed by the court or provided by the court, if the  
6 person wants the assistance of counsel and is unable to obtain counsel.  
7 If the court believes that the person needs the assistance of counsel,  
8 the court shall require, by appointment if necessary, counsel for the  
9 person. The person shall, if financially able, bear the costs of such  
10 legal service; otherwise such legal service shall be at public expense.  
11 The person whose commitment or recommitment is sought shall be informed  
12 of the right to be examined by a licensed physician of the person's  
13 choice. If the person is unable to obtain a licensed physician and  
14 requests examination by a physician, the court shall employ a licensed  
15 physician.

16 (2) A person committed under this chapter may at any time seek to  
17 be discharged from commitment by writ of habeas corpus in a court of  
18 competent jurisdiction.

19 (3) The venue for proceedings under this section is the county in  
20 which the person for whom commitment is sought resides or is present.

21 NEW SECTION. **Sec. 25.** A new section is added to chapter 70.96A  
22 RCW to read as follows:

23 (1) When, in the opinion of the professional person, the committed  
24 person can be appropriately served by less restrictive treatment before  
25 expiration of the period of commitment, the less restrictive treatment  
26 may be required as a condition for early release. The period of early  
27 release, when added to the initial treatment period, may not exceed the  
28 period of commitment ordered by the court. If the program designated  
29 to provide the less restrictive treatment is not the program providing  
30 the initial involuntary treatment, the designated program must agree in  
31 writing to accept the person for treatment. A copy of the conditions  
32 for early release shall be given to the person, the designated  
33 treatment program, the designated chemical dependency specialist of  
34 original commitment, and the court of original commitment. The program  
35 designated to provide less restrictive treatment may modify the  
36 conditions for continued release when the modifications are in the best  
37 interests of the person.

1 (2) If the program providing less restrictive treatment and the  
2 designated chemical dependency specialist determine that a  
3 conditionally released patient is failing to adhere to the terms and  
4 conditions of release, or that substantial deterioration in the  
5 person's functioning due to the use of alcohol or psychoactive  
6 substances has occurred, the designated chemical dependency specialist  
7 shall notify the court of original commitment and request a hearing to  
8 be held no less than two and no more than seven days after the date of  
9 the request to determine whether or not the person should be returned  
10 to more restrictive treatment. The designated chemical dependency  
11 specialist shall file a petition with the court stating the facts  
12 substantiating the need for the hearing along with the treatment  
13 recommendations. The conditionally released person shall have the same  
14 rights with respect to notice, hearing, and counsel as for the original  
15 involuntary treatment proceedings.

16 (3) The issues to be determined at the hearing are whether:

17 (a) The conditionally released person did or did not adhere to the  
18 terms and conditions of the person's release to less restrictive  
19 treatment;

20 (b) Substantial deterioration of the patient's functioning has  
21 occurred; and

22 (c) The conditions of release should be modified or the person  
23 should be returned to a more restrictive program.

24 (4) The hearing may be waived by the person and his or her counsel,  
25 guardian, or conservator, if any, but may not be waived unless all such  
26 persons agree to the waiver. Upon waiver, the person may be returned  
27 for involuntary treatment or continued on conditional release on the  
28 same or modified conditions.

29 **Sec. 26.** RCW 70.96A.145 and 1993 c 137 s 1 are each amended to  
30 read as follows:

31 (~~The prosecuting attorney of the county in which such action is  
32 taken may, at the discretion of the prosecuting attorney, represent the  
33 designated chemical dependency specialist or treatment program in  
34 judicial proceedings under RCW 70.96A.140 for the involuntary  
35 commitment or recommitment of an individual, including any judicial  
36 proceeding where the individual sought to be committed or recommitted  
37 challenges the action.~~)

1 In any judicial proceeding for involuntary commitment or  
2 recommitment, or in any proceeding challenging a commitment or  
3 recommitment, the prosecuting attorney for the county in which the  
4 proceeding was initiated shall represent the individuals or agencies  
5 petitioning for commitment and shall defend all challenges to the  
6 commitment.

7 **Sec. 27.** RCW 70.96A.150 and 1990 c 151 s 1 are each amended to  
8 read as follows:

9 (1) The registration and other records of treatment programs shall  
10 remain confidential. Records may be disclosed (a) in accordance with  
11 the prior written consent of the ((patient)) person with respect to  
12 whom such record is maintained, (b) if authorized by an appropriate  
13 order of a court of competent jurisdiction granted after application  
14 showing good cause, (c) to comply with state laws mandating the  
15 reporting of suspected child abuse or neglect, or (d) when a patient  
16 commits a crime on program premises or against program personnel, or  
17 threatens to do so.

18 (2) Notwithstanding subsection (1) of this section, the secretary  
19 may receive information from patients' records for purposes of research  
20 into the causes and treatment of alcoholism and other drug addiction,  
21 verification of eligibility and appropriateness of reimbursement, and  
22 the evaluation of ((alcoholism and other drug treatment)) chemical  
23 dependency programs. Information under this subsection shall not be  
24 published in a way that discloses patients' names or otherwise  
25 discloses their identities.

26 (3) Nothing contained in this chapter relieves a person or firm  
27 from the requirements under federal regulations for the confidentiality  
28 of alcohol and drug abuse patient records. Obligations imposed on drug  
29 and alcohol treatment programs and protections afforded alcohol and  
30 drug abuse patients under federal regulations apply to all programs  
31 approved by the department under RCW 70.96A.090.

32 **Sec. 28.** RCW 70.96A.160 and 1989 c 270 s 29 are each amended to  
33 read as follows:

34 ((1) Subject to reasonable rules regarding hours of visitation  
35 which the secretary may adopt, patients in any approved treatment  
36 program shall be granted opportunities for adequate consultation with



1 counsel, and for continuing contact with family and friends consistent  
2 with an effective treatment program.

3 (2) ~~Neither mail nor other communication to or from a patient in  
4 any approved treatment program may be intercepted, read, or censored.  
5 The secretary may adopt reasonable rules regarding the use of telephone  
6 by patients in approved treatment programs.)~~

7 The secretary shall adopt rules regarding visitation with and  
8 communication to and by patients in an approved treatment program. The  
9 rules shall permit access to counsel, contact with family and friends,  
10 and unrestricted communication to family and other persons. The rules  
11 shall be consistent with an effective treatment program and may include  
12 limitations on the use of facilities.

13 **Sec. 29.** RCW 70.96A.180 and 1990 c 151 s 6 are each amended to  
14 read as follows:

15 (1) If treatment is provided by an approved treatment program and  
16 the ((patient)) person has not paid or is unable to pay the charge  
17 therefor, the program is entitled to any payment (a) received by the  
18 ((patient)) person or to which ((he)) the person may be entitled  
19 because of the services rendered, and (b) from any public or private  
20 source available to the program because of the treatment provided to  
21 the ((patient)) person.

22 (2) A ((patient)) person in a program, or the estate of the  
23 ((patient)) person, or a person obligated to provide for the cost of  
24 treatment and having sufficient financial ability, is liable to the  
25 program for cost of maintenance and treatment of the ((patient)) person  
26 therein in accordance with rates established.

27 (3) The secretary shall adopt rules governing financial ability  
28 that take into consideration the income, savings, and other personal  
29 and real property of the person required to pay, and any support being  
30 furnished by ((him)) the person to any other person he or she is  
31 required by law to support.

32 **Sec. 30.** RCW 70.96A.265 and 1998 c 296 s 32 are each amended to  
33 read as follows:

34 For purposes of eligibility for medical assistance under chapter  
35 74.09 RCW, minors in inpatient chemical dependency treatment shall be  
36 considered to be part of their parent's or legal guardian's household,  
37 unless the minor has been assessed by the department or its designee as

1 likely to require such treatment for at least ninety consecutive days,  
2 or is in out-of-home care in accordance with chapter 13.34 RCW, or the  
3 parents are found to not be exercising responsibility for care and  
4 control of the minor. Payment for such ~~((care))~~ treatment by the  
5 department shall be made only in accordance with rules, guidelines, and  
6 clinical criteria applicable to inpatient treatment of minors  
7 established by the department.

8 **Sec. 31.** RCW 70.96A.300 and 1989 c 270 s 15 are each amended to  
9 read as follows:

10 (1) A county or combination of counties acting jointly by  
11 agreement, referred to as "county" in this chapter, may create ~~((an~~  
12 ~~alcoholism and other drug addiction))~~ a chemical dependency board.  
13 This board may also be designated as a board for other related  
14 purposes.

15 (2) The board shall be composed of not less than seven nor more  
16 than fifteen members, who shall be chosen for their demonstrated  
17 concern for ~~((alcoholism and other drug addiction))~~ chemical dependency  
18 problems. Members of the board shall be representative of the  
19 community, shall include at least one-quarter recovered alcoholics or  
20 other recovered drug addicts, and shall include minority group  
21 representation. No member may be a provider of ~~((alcoholism and other~~  
22 ~~drug addiction))~~ chemical dependency treatment services. No more than  
23 four elected or appointed city or county officials may serve on the  
24 board at the same time. Members of the board shall serve three-year  
25 terms and hold office until their successors are appointed and  
26 qualified. They shall not be compensated for the performance of their  
27 duties as members of the board, but may be reimbursed for travel  
28 expenses.

29 (3) The ~~((alcoholism and other drug addiction))~~ chemical dependency  
30 board shall:

31 (a) Conduct public hearings and other investigations to determine  
32 the needs and priorities of county citizens;

33 (b) Prepare and recommend to the county legislative authority for  
34 approval, all plans, budgets, and applications by the county to the  
35 department and other state agencies on behalf of the county  
36 ~~((alcoholism and other drug addiction))~~ chemical dependency program;

37 (c) Monitor the implementation of the ~~((alcoholism and other drug~~  
38 ~~addiction))~~ chemical dependency plan and evaluate the performance of

1 the (~~alcoholism and drug addiction~~) chemical dependency program at  
2 least annually;

3 (d) Advise the county legislative authority and county (~~alcoholism~~  
4 ~~and other drug addiction~~) chemical dependency program coordinator on  
5 matters relating to the (~~alcoholism and other drug addiction~~)  
6 chemical dependency program, including prevention and education;

7 (e) Nominate individuals to the county legislative authority for  
8 the position of county (~~alcoholism and other drug addiction~~) chemical  
9 dependency program coordinator. The nominees should have training and  
10 experience in the administration of (~~alcoholism and other drug~~  
11 ~~addiction~~) chemical dependency services and shall meet the minimum  
12 qualifications established by rule of the (~~department~~) secretary;

13 (f) Carry out other duties that the (~~department~~) secretary may  
14 prescribe by rule.

15 **Sec. 32.** RCW 70.96A.310 and 1989 c 270 s 16 are each amended to  
16 read as follows:

17 (1) The chief executive officer of the county (~~alcoholism and~~  
18 ~~other drug addiction~~) chemical dependency program shall be the county  
19 (~~alcoholism and other drug addiction~~) chemical dependency program  
20 coordinator. The coordinator shall:

21 (a) In consultation with the county (~~alcoholism and other drug~~  
22 ~~addiction~~) chemical dependency board, provide general supervision over  
23 the county (~~alcoholism and other drug addiction~~) chemical dependency  
24 program;

25 (b) Prepare plans and applications for funds to support the  
26 (~~alcoholism and other drug addiction~~) chemical dependency program in  
27 consultation with the county (~~alcoholism and other drug addiction~~)  
28 chemical dependency board;

29 (c) Monitor the delivery of services to assure conformance with  
30 plans and contracts and, at the discretion of the board, but at least  
31 annually, report to the (~~alcoholism and other drug addiction~~)  
32 chemical dependency board the results of the monitoring;

33 (d) Provide staff support to the county (~~alcoholism and other drug~~  
34 ~~addiction~~) chemical dependency board.

35 (2) The county (~~alcoholism and other drug addiction~~) chemical  
36 dependency program coordinator shall be appointed by the county  
37 legislative authority from nominations by the (~~alcoholism and other~~  
38 ~~drug addiction program~~) chemical dependency board. The coordinator

1 may serve on either a full-time or part-time basis. Only with the  
2 prior approval of the secretary may the coordinator be an employee of  
3 a government or private agency under contract with the department to  
4 provide ~~((alcoholism or other drug addiction))~~ chemical dependency  
5 services.

6 **Sec. 33.** RCW 70.96A.320 and 1990 c 151 s 9 are each amended to  
7 read as follows:

8 (1) A county legislative authority, or two or more counties acting  
9 jointly, may establish ~~((an alcoholism and other drug addiction))~~ a  
10 chemical dependency program. If two or more counties jointly establish  
11 the program, they shall designate one county to provide administrative  
12 and financial services.

13 (2) To be eligible for funds from the department for the support of  
14 the county ~~((alcoholism and other drug addiction))~~ chemical dependency  
15 program, the county legislative authority shall establish a ~~((county~~  
16 ~~alcoholism and other drug addiction))~~ chemical dependency board under  
17 RCW 70.96A.300 and appoint a county ~~((alcoholism and other drug~~  
18 ~~addiction))~~ chemical dependency program coordinator under RCW  
19 70.96A.310.

20 (3) The county legislative authority may apply to the department  
21 for financial support for the county chemical dependency program ~~((of~~  
22 ~~alcoholism and other drug addiction))~~. To receive financial support,  
23 the county legislative authority shall submit a plan that ~~((meets the~~  
24 ~~following conditions))~~:

25 (a) ~~((It shall))~~ Describes the services and activities to be  
26 provided;

27 (b) ~~((It shall))~~ Includes anticipated expenditures and revenues;

28 (c) ~~((It shall be))~~ Is prepared by the county ~~((alcoholism and~~  
29 ~~other drug addiction program))~~ chemical dependency board and be adopted  
30 by the county legislative authority;

31 (d) ~~((It shall))~~ Reflects maximum effective use of existing  
32 services and programs; and

33 (e) ~~((It shall))~~ Meets other conditions that the secretary may  
34 require.

35 (4) The county may accept and spend gifts, grants, and fees, from  
36 public and private sources, to implement its chemical dependency  
37 program ~~((of alcoholism and other drug addiction))~~.

1 (5) The county may subcontract for detoxification, residential  
2 treatment, or outpatient treatment with approved treatment programs  
3 (~~that are approved treatment programs~~). The county may subcontract  
4 for other services with individuals or organizations approved by the  
5 department.

6 (6) To continue to be eligible for financial support from the  
7 department for the county (~~alcoholism and other drug addiction~~)  
8 chemical dependency program, an increase in state financial support  
9 shall not be used to supplant local funds from a source that was used  
10 to support the county (~~alcoholism and other drug addiction~~) chemical  
11 dependency program before the effective date of the increase.

12 NEW SECTION. **Sec. 34.** A new section is added to chapter 70.96A  
13 RCW to read as follows:

14 The department shall develop state-wide protocols to be utilized by  
15 professional persons and county-designated chemical dependency  
16 specialists in administration of this chapter and chapter 74.50 RCW.  
17 The protocols shall be updated at least every three years. The  
18 protocols shall provide uniform development and application of criteria  
19 in evaluation and commitment recommendations, of persons who have, or  
20 are alleged to have, chemical dependency disorders and are subject to  
21 this chapter.

22 The initial protocols shall be developed not later than September  
23 1, 2000. The department shall develop and update the protocols in  
24 consultation with representatives of county-designated chemical  
25 dependency specialists, local government, law enforcement, county and  
26 city prosecutors, public defenders, and groups concerned with chemical  
27 dependency. The protocols shall be submitted to the governor and  
28 legislature upon adoption by the department.

29 **Sec. 35.** RCW 70.96A.430 and 1989 c 271 s 308 are each reenacted to  
30 read as follows:

31 The department shall not refuse admission for diagnosis,  
32 evaluation, guidance or treatment to any applicant because it is  
33 determined that the applicant is financially unable to contribute fully  
34 or in part to the cost of any services or facilities available under  
35 the program on alcoholism.

36 The department may limit admissions of such applicants or modify  
37 its programs in order to ensure that expenditures for services or

1 programs do not exceed amounts appropriated by the legislature and are  
2 allocated by the department for such services or programs. The  
3 department may establish admission priorities in the event that the  
4 number of eligible applicants exceeds the limits set by the department.

5 NEW SECTION. **Sec. 36.** RCW 70.96A.430 is recodified to immediately  
6 follow RCW 70.96A.180.

7 NEW SECTION. **Sec. 37.** The following acts or parts of acts are  
8 each repealed:

9 (1) RCW 70.96A.060 (Interdepartmental coordinating committee) and  
10 1989 c 270 s 8, 1979 c 158 s 220, & 1972 ex.s. c 122 s 6;

11 (2) RCW 70.96A.080 (Comprehensive program for treatment--Regional  
12 facilities) and 1989 c 270 s 18 & 1972 ex.s. c 122 s 8;

13 (3) RCW 70.96A.140 (Involuntary commitment of persons incapacitated  
14 by chemical dependency) and 1995 c 312 s 49, 1993 c 362 s 1, 1991 c 364  
15 s 10, 1990 c 151 s 3, 1989 c 271 s 307, 1987 c 439 s 14, 1977 ex.s. c  
16 129 s 1, 1974 ex.s. c 175 s 2, & 1972 ex.s. c 122 s 14; and

17 (4) RCW 70.96.150 (Inability to contribute to cost no bar to  
18 admission--Department may limit admissions) and 1989 c 271 s 308 & 1959  
19 c 85 s 15.

20 NEW SECTION. **Sec. 38.** This act takes effect January 1, 2001.

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