
SENATE BILL 5831

State of Washington

56th Legislature

1999 Regular Session

By Senators Hargrove and Costa

Read first time 02/11/1999. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to creating a new division of substance abuse and
2 mental health within the department of social and health services;
3 amending RCW 70.96A.040, 70.96A.043, 70.96A.905, 71.05.020, 71.06.010,
4 71.09.020, 71.12.455, 71.24.025, 71.34.020, 71.36.010, 70.96A.020,
5 70.96A.045, 70.96A.050, 70.96A.070, 70.96A.090, 70.96A.100, and
6 43.20A.060; adding a new section to chapter 41.06 RCW; adding new
7 chapters to Title 71 RCW; creating new sections; recodifying RCW
8 70.96A.040, 70.96A.043, 70.96A.905, 70.96A.010, 70.96A.011, 70.96A.020,
9 70.96A.045, 70.96A.050, 70.96A.070, 70.96A.085, 70.96A.087, 70.96A.090,
10 70.96A.095, 70.96A.097, 70.96A.110, 70.96A.120, 70.96A.140, 70.96A.145,
11 70.96A.150, 70.96A.160, 70.96A.170, 70.96A.180, 70.96A.190, 70.96A.230,
12 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.250, 70.96A.255, 70.96A.260,
13 70.96A.265, 70.96A.300, 70.96A.310, 70.96A.320, 70.96A.330, 70.96A.340,
14 70.96A.400, 70.96A.410, 70.96A.420, 70.96A.430, 70.96A.500, 70.96A.510,
15 70.96A.520, 70.96A.910, 70.96A.915, 70.96A.920, and 70.96A.930; and
16 repealing RCW 70.96A.030, 70.96A.060, and 70.96A.080.

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

18 NEW SECTION. **Sec. 1.** The legislature intends to create a division
19 of substance abuse and mental health within the department of social

1 and health services. By creating this division the legislature intends
2 to consolidate and improve the services delivered to the clients of the
3 existing administratively organized divisions of alcohol and substance
4 abuse and mental health. The legislature intends to reduce costs,
5 improve administrative and programmatic functions and improve training
6 of service providers. The legislature also intends to create a system
7 for providing a unified diagnosis, treatment, prevention, and crisis
8 response system for persons with co-occurring disorders involving
9 substance abuse and mental health. The legislature does not intend
10 this act to be construed to mean that all persons who receive treatment
11 under this act have co-occurring disorders.

12 NEW SECTION. **Sec. 2.** Unless the context clearly requires
13 otherwise, the definitions in this section apply throughout this title.

14 (1) "Acutely mentally ill" means a condition which is limited to a
15 short-term severe crisis episode of:

16 (a) A mental disorder;

17 (b) Being gravely disabled as defined in subsection (19)(b) or (c)
18 of this section;

19 (c) Presenting a likelihood of serious harm.

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

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

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

30 (5) "Chemical dependency program" means expenditures and activities
31 of the division designed and conducted to prevent or treat alcoholism
32 and other drug addiction, including reasonable administration and
33 overhead.

34 (6) "Chemically dependent person" means a person with a chemical
35 dependency.

36 (7) "Child" or "children" means a person or persons under eighteen
37 years of age, except as expressly provided otherwise in federal law.

1 (8) "Chronically mentally ill adult" means an adult who has a
2 mental disorder and meets at least one of the following criteria:

3 (a) Has undergone two or more episodes of hospital care for a
4 mental disorder within the preceding two years;

5 (b) Has experienced a continuous psychiatric hospitalization or
6 residential treatment exceeding six months' duration within the
7 preceding year; or

8 (c) Has been unable to engage in any substantial gainful activity
9 by reason of any mental disorder which has lasted for a continuous
10 period of not less than twelve months. "Substantial gainful activity"
11 shall be defined by the department by rule consistent with P.L. 92-603,
12 as now or hereafter amended.

13 (9) "County authority" means the board of county commissioners,
14 county council, or county executive having authority to establish a
15 community mental health program, or two or more of the county
16 authorities specified in this subsection which have entered into an
17 agreement to provide a community mental health program.

18 (10) "County designated mental health professional" means a mental
19 health professional appointed by the county to perform the duties
20 specified in this title.

21 (11) "Custody" means involuntary detention under the provisions of
22 this title or chapter 10.77 RCW, uninterrupted by any period of
23 unconditional release from a facility providing involuntary care and
24 treatment.

25 (12) "Department" means the department of social and health
26 services.

27 (13) "Designated chemical dependency specialist" or "specialist"
28 means a person appointed by the county to perform the duties specified
29 in this title.

30 (14) "Director" means the director of the division of substance
31 abuse and mental health, or his or her designee.

32 (15) "Division" means the division of substance abuse and mental
33 health.

34 (16) "Drug addict" means a person who suffers from the disease of
35 drug addiction.

36 (17) "Drug addiction" means a disease characterized by a dependency
37 on psychoactive chemicals, loss of control over the amount and
38 circumstances of use, symptoms of tolerance, physiological or
39 psychological withdrawal, or both, if use is reduced or discontinued,

1 and impairment of health or disruption of social or economic
2 functioning.

3 (18) "Evaluation and treatment facility" means:

4 (a) Any public or private facility or unit certified by the
5 department to provide emergency evaluation and treatment, outpatient
6 care, and timely and appropriate inpatient or residential care to
7 persons suffering from a mental disorder, and which is certified as
8 such by the department; or

9 (b) A physically separate and separately operated portion of a
10 state hospital designated by the department as an evaluation and
11 treatment facility.

12 (19) "Gravely disabled" means an individual who, as a result of:

13 (a) The use of alcohol or other drugs; (b) a mental disorder; or (c) a
14 combination of (a) and (b) of this subsection:

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

17 (ii) Manifests severe deterioration in routine functioning
18 evidenced by a repeated and escalating loss of cognitive or volitional
19 control over his or her actions and is not receiving such care as is
20 essential for his or her health or safety.

21 (20) "History of one or more violent acts" refers to the period of
22 time ten years prior to the filing of a petition under this chapter,
23 excluding any time spent, but not any violent acts committed, in a
24 mental health facility or in confinement as a result of a criminal
25 conviction.

26 (21) "Incompetent person" means a person who has been adjudged
27 incompetent by the superior court.

28 (22) "Inpatient treatment" means twenty-four hour per day mental
29 health care provided within a general hospital, psychiatric hospital,
30 or residential treatment facility certified by the department as an
31 evaluation and treatment facility.

32 (23) "Judicial commitment" or "commitment" means a commitment by a
33 court pursuant to the provisions of this title.

34 (24) "Less restrictive alternative" or "less restrictive setting"
35 means outpatient treatment provided to a person who is not residing in
36 a facility providing inpatient treatment as defined in this chapter.

37 (25) "Likelihood of serious harm" means:

38 (a) A substantial risk that: (i) Physical harm will be inflicted
39 by an individual upon his or her own person, as evidenced by threats or

1 attempts to commit suicide or inflict physical harm on oneself; (ii)
2 physical harm will be inflicted by an individual upon another, as
3 evidenced by behavior which has caused such harm or which places
4 another person or persons in reasonable fear of sustaining such harm;
5 or (iii) physical harm will be inflicted by an individual upon the
6 property of others, as evidenced by behavior which has caused
7 substantial loss or damage to the property of others; or

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

10 (26) "Medical necessity" for inpatient care means a requested
11 service which is reasonably calculated to: (a) Diagnose, correct,
12 cure, or alleviate a chemical dependency or a mental disorder; or (b)
13 prevent the worsening of chemical dependency or mental conditions that
14 endanger life or cause suffering and pain, or result in illness or
15 infirmity, or threaten to cause or aggravate a handicap, or cause
16 physical deformity or malfunction, and there is no adequate less
17 restrictive alternative available.

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

21 (28) "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 this title.

25 (29) "Minor" means a person less than eighteen years of age.

26 (30) "Parent" means:

27 (a) A biological or adoptive parent or parents who have legal
28 custody of a child, including either parent if custody is shared under
29 a joint custody agreement; or

30 (b) A person or agency judicially appointed as the legal custodian
31 or guardian of a child.

32 (31) "Mentally ill persons" and "the mentally ill" mean persons and
33 conditions defined in subsections (1), (8), (43), and (44) of this
34 section.

35 (32) "Outpatient treatment" means any of the nonresidential
36 services mandated under chapter 71.24 RCW or identified in chapter
37 71.-- RCW (new chapter created in section 29 of this act) and provided
38 by licensed services providers as identified by RCW 71.24.025(2) or by

1 an approved treatment program as identified by RCW 70.96A.020 (as
2 recodified by this act).

3 (33) "Peace officer" means a law enforcement official of a public
4 agency or governmental unit, and includes persons specifically given
5 peace officer powers by any state law, local ordinance, or judicial
6 order of appointment.

7 (34) "Person" means an individual, including a minor.

8 (35) "Physician" means a person licensed to practice medicine or
9 osteopathic medicine and surgery in the state of Washington.

10 (36) "Private agency" means any person, partnership, corporation,
11 or association not defined as a public agency, whether or not financed
12 in whole or in part by public funds, which constitutes an evaluation
13 and treatment facility or private institution, hospital, or sanitarium,
14 which is conducted for, or includes a department or ward conducted for
15 the care and treatment of persons who are mentally ill.

16 (37) "Psychiatric nurse" means a registered nurse who has a
17 bachelor's degree from an accredited college or university, and who has
18 had, in addition, at least two years' experience in the direct
19 treatment of mentally ill or emotionally disturbed persons, such
20 experience gained under the supervision of a mental health
21 professional. "Psychiatric nurse" shall also mean any other registered
22 nurse who has three years of such experience.

23 (38) "Psychiatrist" means a person having a license as a physician
24 in this state, and who has, in addition, completed three years of
25 graduate training in psychiatry in a program approved by the American
26 medical association or the American osteopathic association, and is
27 certified or eligible to be certified by the American board of
28 psychiatry and neurology or the American osteopathic board of neurology
29 and psychiatry.

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

32 (40) "Public agency" means any evaluation and treatment facility or
33 institution, hospital, or sanitarium which is conducted for, or
34 includes a department or ward conducted for, the care and treatment of
35 persons who are mentally ill or deranged, if the agency is operated
36 directly by federal, state, county, or municipal government, or a
37 combination of such governments.

1 (41) "Regional support network" means a county authority or group
2 of county authorities that have entered into contracts with the
3 secretary pursuant to chapter 71.24 RCW.

4 (42) "Secretary" means the secretary of the department of social
5 and health services, or his or her designee.

6 (43) "Seriously disturbed person" means a person who:

7 (a) Is gravely disabled or presents a likelihood of serious harm to
8 himself or herself or others, or to the property of others, as a result
9 of a mental disorder as defined in this section or as a result of a
10 combination of alcohol or drug abuse and a mental disorder;

11 (b) Has been on conditional release status at some time during the
12 preceding two years from an evaluation and treatment facility or a
13 state mental health hospital;

14 (c) Has a mental disorder which causes major impairment in several
15 areas of daily living;

16 (d) Exhibits suicidal preoccupation or attempts; or

17 (e) Is a child diagnosed by a mental health professional as
18 experiencing a mental disorder which is clearly interfering with the
19 child's functioning in family or school or with peers or is clearly
20 interfering with the child's personality development and learning.

21 (44) "Severely emotionally disturbed child" means a child who has
22 been determined by the regional support network to be experiencing a
23 mental disorder, including those mental disorders that result in a
24 behavioral or conduct disorder, that is clearly interfering with the
25 child's functioning in family or school or with peers and who meets at
26 least one of the following criteria:

27 (a) Has undergone inpatient treatment or placement outside of the
28 home related to a mental disorder within the last two years;

29 (b) Has undergone involuntary treatment under chapter 71.34 RCW
30 within the last two years;

31 (c) Is currently served by at least one of the following child-
32 serving systems: Juvenile justice, child protection, child welfare,
33 special education, or developmental disabilities;

34 (d) Is at risk of escalating maladjustment due to:

35 (i) Chronic family dysfunction involving a mentally ill or
36 inadequate caretaker;

37 (ii) Changes in custodial adult;

38 (iii) Going to, residing in, or returning from any placement
39 outside of the home, for example, psychiatric hospital, short-term

1 inpatient, residential treatment, group or foster home, or a
2 correctional facility;

3 (iv) Repeated physical abuse or neglect;

4 (v) Drug or alcohol abuse; or

5 (vi) Homelessness.

6 (45) "Social worker" means a person with a master's or further
7 advanced degree from an accredited school of social work or a degree
8 deemed equivalent under rules adopted by the secretary.

9 (46) "Violent act" means behavior that resulted in homicide,
10 attempted suicide, nonfatal injuries, or substantial damage to
11 property.

12 NEW SECTION. **Sec. 3.** There is created a division of state
13 government to be known as the division of substance abuse and mental
14 health within the department of social and health services. The
15 division is vested with all powers and duties transferred to it under
16 this chapter and such other powers and duties as may be authorized by
17 law or administratively by the secretary.

18 NEW SECTION. **Sec. 4.** The executive head and appointing authority
19 of the division is the director. The director shall be appointed by
20 the secretary. The director shall be paid a salary to be fixed by the
21 secretary.

22 NEW SECTION. **Sec. 5.** It is the intent of the legislature wherever
23 possible to place the internal affairs of the division under the
24 control of the director, and oversight of the secretary, in order that
25 the director may institute therein the flexible, alert, and intelligent
26 management of its business that changing contemporary circumstances
27 require.

28 Therefore, whenever the director's authority is not specifically
29 limited by law, the director has complete charge and supervisory powers
30 over the division. The director may create such administrative
31 structures as the director considers appropriate, except as otherwise
32 specified by law. The director may employ such assistants and
33 personnel as necessary for the general administration of the division.
34 This employment shall be in accordance with the state civil service
35 law, chapter 41.06 RCW, except as otherwise provided.

1 NEW SECTION. **Sec. 6.** Except as otherwise specified, or as federal
2 requirements may differently require, the division shall be established
3 and organized in accordance with plans to be prepared by the director
4 and approved by the secretary. In preparing such plans, the director
5 shall promote efficient public management, improve programs and service
6 delivery, and take full advantage of the economies, both fiscal and
7 administrative, to be gained from the consolidation of functions and
8 agencies under this chapter.

9 NEW SECTION. **Sec. 7.** The director shall appoint such assistant
10 directors as may be needed to administer the division and submit their
11 names to the secretary for approval.

12 NEW SECTION. **Sec. 8.** Any power or duty vested in or transferred
13 to the director by law, executive order, or by order of the secretary
14 may be delegated by the director to any assistant or subordinate. The
15 director shall be responsible for the official acts of the officers and
16 employees of the division.

17 NEW SECTION. **Sec. 9.** The director may appoint such advisory
18 committees or councils as may be required by any state legislation or
19 by any federal legislation as a condition to the receipt of federal
20 funds by the division. The director may also appoint state-wide
21 committees or councils on such subject matters as are or come within
22 the division's responsibilities. The committees or councils shall be
23 constituted as required by law or, in the absence of legislated
24 requirements, as the director may determine.

25 Members of such state advisory committees or councils may be paid
26 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

27 NEW SECTION. **Sec. 10.** (1) In furtherance of the policy of the
28 state to cooperate with the federal government in all of the programs
29 under the jurisdiction of the division, such rules as may become
30 necessary to entitle the state to participate in federal funds may be
31 adopted, unless expressly prohibited by law. Any internal
32 reorganization carried out under the terms of this chapter shall meet
33 federal requirements that are a necessary condition to state receipt of
34 federal funds. Any section or provision of law dealing with the
35 division that may be susceptible to more than one construction shall be

1 interpreted in favor of the construction most likely to comply with
2 federal laws entitling this state to receive federal funds for the
3 various programs of the department. If any law dealing with the
4 division is ruled to be in conflict with federal requirements that are
5 a prescribed condition of the allocation of federal funds to the state,
6 or to any departments, divisions, or agencies thereof, the conflicting
7 part is declared to be inoperative solely to the extent of the
8 conflict, unless otherwise determined by the legislature.

9 (2) Notwithstanding any provision of subsection (1) of this
10 section, where compliance with federal funding provisions will result
11 in expenditures greater than revenues received or placed at risk under
12 the federal provisions, the division shall not comply without
13 legislative authority.

14 NEW SECTION. **Sec. 11.** A new section is added to chapter 41.06 RCW
15 to read as follows:

16 In addition to the exemptions under RCW 41.06.070, the provisions
17 of this chapter shall not apply in the division of substance abuse and
18 mental health to the director, the director's personal secretary,
19 assistant directors, and one confidential secretary for each of these
20 officers.

21 NEW SECTION. **Sec. 12.** (1) The discrete program of chemical
22 dependency established under RCW 70.96A.030 and the administratively
23 created division of alcohol and substance abuse is hereby abolished and
24 all of its powers, duties, and functions are hereby transferred to the
25 division of substance abuse and mental health. All references to the
26 director or the division of alcohol and substance abuse in the Revised
27 Code of Washington, the Washington Administrative Code, and executive
28 orders issued by any governor prior to the effective date of this
29 section shall be construed to mean the director or the division of
30 substance abuse and mental health.

31 (2)(a) All reports, documents, surveys, books, records, files,
32 papers, or written material in the possession of the division of
33 alcohol and substance abuse shall be delivered to the custody of the
34 division of substance abuse and mental health. All cabinets,
35 furniture, office equipment, motor vehicles, and other tangible
36 property in the possession of the division of alcohol and substance
37 abuse shall be made available to the division of substance abuse and

1 mental health. All funds, credits, or other assets held by the
2 division of alcohol and substance abuse shall be assigned to the
3 division of substance abuse and mental health.

4 (b) Any appropriations made to the division of alcohol and
5 substance abuse shall, on the effective date of this section, be
6 transferred and credited to the division of substance abuse and mental
7 health.

8 (c) If any question arises as to the transfer of any personnel,
9 funds, books, documents, records, papers, files, equipment, or other
10 tangible property used or held in the exercise of the powers and the
11 performance of the duties and functions transferred, the director of
12 financial management shall make a determination as to the proper
13 allocation and certify the same to the state agencies concerned.

14 (3) All employees of the division of alcohol and substance abuse
15 are transferred to the jurisdiction of the division of substance abuse
16 and mental health. All employees classified under chapter 41.06 RCW,
17 the state civil service law, are assigned to the division of substance
18 abuse and mental health to perform their usual duties upon the same
19 terms as formerly, without any loss of rights, subject to any action
20 that may be appropriate thereafter in accordance with the laws and
21 rules governing state civil service.

22 (4) All rules and all pending business before the division of
23 alcohol and substance abuse shall be continued and acted upon by the
24 division of substance abuse and mental health. All existing contracts
25 and obligations shall remain in full force and shall be performed by
26 the division of substance abuse and mental health.

27 (5) The transfer of the powers, duties, functions, and personnel to
28 the division of alcohol and substance abuse shall not affect the
29 validity of any act performed before the effective date of this
30 section.

31 (6) If apportionments of budgeted funds are required because of the
32 transfers directed by this section, the director of financial
33 management shall certify the apportionments to the agencies affected,
34 the state auditor, and the state treasurer. Each of these shall make
35 the appropriate transfer and adjustments in funds and appropriation
36 accounts and equipment records in accordance with the certification.

37 (7) Nothing contained in this section may be construed to alter any
38 existing collective bargaining unit or the provisions of any existing
39 collective bargaining agreement until the agreement has expired or

1 until the bargaining unit has been modified by action of the personnel
2 board as provided by law.

3 NEW SECTION. **Sec. 13.** (1) The administratively created mental
4 health division is hereby abolished and all of its powers, duties, and
5 functions are hereby transferred to the division of substance abuse and
6 mental health. All references to the director or the mental health
7 division in the Revised Code of Washington, the Washington
8 Administrative Code, and executive orders issued by any governor prior
9 to the effective date of this section shall be construed to mean the
10 director or the division of substance abuse and mental health.

11 (2)(a) All reports, documents, surveys, books, records, files,
12 papers, or written material in the possession of the mental health
13 division shall be delivered to the custody of the division of substance
14 abuse and mental health. All cabinets, furniture, office equipment,
15 motor vehicles, and other tangible property in the possession of the
16 mental health division shall be made available to the division of
17 substance abuse and mental health. All funds, credits, or other assets
18 held by the mental health division shall be assigned to the division of
19 substance abuse and mental health.

20 (b) Any appropriations made to the mental health division shall, on
21 the effective date of this section, be transferred and credited to the
22 division of substance abuse and mental health.

23 (c) If any question arises as to the transfer of any personnel,
24 funds, books, documents, records, papers, files, equipment, or other
25 tangible property used or held in the exercise of the powers and the
26 performance of the duties and functions transferred, the director of
27 financial management shall make a determination as to the proper
28 allocation and certify the same to the state agencies concerned.

29 (3) All employees of the mental health division are transferred to
30 the jurisdiction of the division of substance abuse and mental health.
31 All employees classified under chapter 41.06 RCW, the state civil
32 service law, are assigned to the division of substance abuse and mental
33 health to perform their usual duties upon the same terms as formerly,
34 without any loss of rights, subject to any action that may be
35 appropriate thereafter in accordance with the laws and rules governing
36 state civil service.

37 (4) All rules and all pending business before the mental health
38 division shall be continued and acted upon by the division of substance

1 abuse and mental health. All existing contracts and obligations shall
2 remain in full force and shall be performed by the division of
3 substance abuse and mental health.

4 (5) The transfer of the powers, duties, functions, and personnel to
5 the division of substance abuse and mental health shall not affect the
6 validity of any act performed before the effective date of this
7 section.

8 (6) If apportionments of budgeted funds are required because of the
9 transfers directed by this section, the director of financial
10 management shall certify the apportionments to the agencies affected,
11 the state auditor, and the state treasurer. Each of these shall make
12 the appropriate transfer and adjustments in funds and appropriation
13 accounts and equipment records in accordance with the certification.

14 (7) Nothing contained in this section may be construed to alter any
15 existing collective bargaining unit or the provisions of any existing
16 collective bargaining agreement until the agreement has expired or
17 until the bargaining unit has been modified by action of the personnel
18 board as provided by law.

19 **Sec. 14.** RCW 70.96A.040 and 1989 c 270 s 5 are each amended to
20 read as follows:

21 The ~~((department, in the operation of the chemical dependency~~
22 ~~program may))~~ director shall:

23 (1) Plan, establish, and maintain prevention and treatment programs
24 ~~((as necessary or desirable))~~ for chemically dependent persons, persons
25 with mental disorders, persons with co-occurring disorders involving
26 substance abuse and mental health, and persons covered under this
27 chapter or RCW 70.96A.050, 70.96A.090, and 70.96A.100 (as recodified by
28 this act);

29 (2) Make contracts necessary or incidental to the performance of
30 its duties and the execution of its powers, including contracts with
31 public and private agencies, organizations, and individuals to pay them
32 for services ~~((rendered or furnished))~~ provided to ((alcoholics or
33 other drug addicts, persons incapacitated by alcohol or other
34 psychoactive chemicals, or intoxicated persons)) persons identified in
35 subsection (1) of this section;

36 (3) Enter into agreements for monitoring of verification of
37 qualifications of ~~((counselors))~~ persons employed ~~((by approved~~

1 ~~treatment programs))~~ or under contract to provide services to persons
2 identified in subsection (1) of this section;

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

7 (5) Solicit and accept for use any gift of money or property made
8 by will or otherwise, and any grant of money, services, or property
9 from the federal government, the state, or any political subdivision
10 thereof or any private source, and do all things necessary to cooperate
11 with the federal government or any of its agencies in making an
12 application for any grant;

13 (6) Administer or supervise the administration of the provisions
14 relating to (~~alcoholics, other drug addicts, and intoxicated~~) persons
15 identified in subsection (1) of this section of any state plan
16 submitted for federal funding pursuant to federal health, welfare, or
17 treatment legislation;

18 (7) Coordinate its activities and cooperate with chemical
19 dependency programs in this and other states, and make (~~contracts~~
20 ~~and~~) other joint or cooperative arrangements with state, local, or
21 private agencies in this and other states for the treatment of
22 (~~alcoholics and other drug addicts and their families, persons~~
23 ~~incapacitated by alcohol or other psychoactive chemicals, and~~
24 ~~intoxicated persons and for the common advancement of chemical~~
25 ~~dependency programs)) persons identified in subsection (1) of this
26 section;~~

27 (8) Keep records and engage in research and the gathering of
28 relevant statistics;

29 (9) (~~Do other acts and things necessary or convenient to execute~~
30 ~~the authority expressly granted to it;~~

31 (~~10~~)) Acquire, hold, or dispose of real property or any interest
32 therein, and construct, lease, or otherwise provide treatment programs.

33 **Sec. 15.** RCW 70.96A.043 and 1989 c 270 s 7 are each amended to
34 read as follows:

35 Pursuant to (~~the Interlocal Cooperation Act,~~) chapter 39.34 RCW,
36 the department may enter into agreements to accomplish the purposes of
37 this chapter.

1 **Sec. 16.** RCW 70.96A.905 and 1992 c 205 s 306 are each amended to
2 read as follows:

3 The ((department)) secretary shall ensure that the provisions of
4 this ((chapter)) title are applied by the counties in a consistent and
5 uniform manner. ((The department shall also ensure that, to the extent
6 possible within available funds, the county designated chemical
7 dependency specialists are specifically trained in adolescent chemical
8 dependency issues, the chemical dependency commitment laws, and the
9 criteria for commitment.))

10 NEW SECTION. **Sec. 17.** (1) An evaluation and treatment facility
11 which is part of, or operated by, the department or any federal agency
12 shall not require certification.

13 (2) No correctional institution or facility, juvenile court
14 detention facility, or jail may be an evaluation and treatment facility
15 within the meaning of this title.

16 NEW SECTION. **Sec. 18.** The director shall establish minimum
17 training and education requirements for chemical dependency and mental
18 health experts employed by, or under contract with, the department.
19 Experts who are required to take the training and education required by
20 the director shall, upon completion of the training, have sufficient
21 capacity to recognize an individual's need for treatment for mental
22 disorders, chemical dependency, or both.

23 NEW SECTION. **Sec. 19.** In addition to the provisions of this title
24 relating to the establishment of programs for assessment and treatment
25 of persons with disorders either involving chemical dependency or
26 mental health, the director shall establish a system of simultaneous
27 assessment and treatment of persons with co-occurring disorders
28 involving substance abuse and mental health.

29 NEW SECTION. **Sec. 20.** Sections 1 through 10 and 17 through 19 of
30 this act constitute a new chapter in Title 71 RCW.

31 NEW SECTION. **Sec. 21.** RCW 70.96A.040, 70.96A.043, and 70.96A.905
32 are each recodified as sections in the new chapter created by section
33 20 of this act.

1 **Sec. 22.** RCW 71.05.020 and 1998 c 297 s 3 are each amended to read
2 as follows:

3 For the purposes of this chapter:

4 (1) "Antipsychotic medications" means that class of drugs primarily
5 used to treat serious manifestations of mental illness associated with
6 thought disorders, which includes, but is not limited to atypical
7 antipsychotic medications;

8 (2) "Attending staff" means any person on the staff of a public or
9 private agency having responsibility for the care and treatment of a
10 patient;

11 (3) (~~"County designated mental health professional" means a mental~~
12 ~~health professional appointed by the county to perform the duties~~
13 ~~specified in this chapter;~~

14 (4) ~~"Custody" means involuntary detention under the provisions of~~
15 ~~this chapter or chapter 10.77 RCW, uninterrupted by any period of~~
16 ~~unconditional release from a facility providing involuntary care and~~
17 ~~treatment;~~

18 (5) ~~"Department" means the department of social and health~~
19 ~~services;~~

20 (6)) "Developmental disabilities professional" means a person who
21 has specialized training and three years of experience in directly
22 treating or working with persons with developmental disabilities and is
23 a psychiatrist, psychologist, or social worker, and such other
24 developmental disabilities professionals as may be defined by rules
25 adopted by the secretary;

26 (~~(7)~~) (4) "Developmental disability" means that condition defined
27 in RCW 71A.10.020(~~(2)~~) (3);

28 (~~(8)~~) "Evaluation and treatment facility" means any facility which
29 can provide directly, or by direct arrangement with other public or
30 private agencies, emergency evaluation and treatment, outpatient care,
31 and timely and appropriate inpatient care to persons suffering from a
32 mental disorder, and which is certified as such by the department. A
33 physically separate and separately operated portion of a state hospital
34 may be designated as an evaluation and treatment facility. A facility
35 which is part of, or operated by, the department or any federal agency
36 will not require certification. No correctional institution or
37 facility, or jail, shall be an evaluation and treatment facility within
38 the meaning of this chapter;

1 ~~(9) "Gravely disabled" means a condition in which a person, as a~~
2 ~~result of a mental disorder: (a) Is in danger of serious physical harm~~
3 ~~resulting from a failure to provide for his or her essential human~~
4 ~~needs of health or safety; or (b) manifests severe deterioration in~~
5 ~~routine functioning evidenced by repeated and escalating loss of~~
6 ~~cognitive or volitional control over his or her actions and is not~~
7 ~~receiving such care as is essential for his or her health or safety;~~

8 ~~(10))~~ (5) "Habilitative services" means those services provided by
9 program personnel to assist persons in acquiring and maintaining life
10 skills and in raising their levels of physical, mental, social, and
11 vocational functioning. Habilitative services include education,
12 training for employment, and therapy. The habilitative process shall
13 be undertaken with recognition of the risk to the public safety
14 presented by the individual being assisted as manifested by prior
15 charged criminal conduct;

16 ~~((11) "History of one or more violent acts" refers to the period~~
17 ~~of time ten years prior to the filing of a petition under this chapter,~~
18 ~~excluding any time spent, but not any violent acts committed, in a~~
19 ~~mental health facility or in confinement as a result of a criminal~~
20 ~~conviction;~~

21 ~~(12))~~ (6) "Individualized service plan" means a plan prepared by
22 a developmental disabilities professional with other professionals as
23 a team, for an individual with developmental disabilities, which shall
24 state:

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

27 (b) The conditions and strategies necessary to achieve the purposes
28 of habilitation;

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

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

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

34 (f) Where relevant in light of past criminal behavior and due
35 consideration for public safety, the criteria for proposed movement to
36 less-restrictive settings, criteria for proposed eventual discharge
37 from involuntary confinement, and a projected possible date for
38 discharge from involuntary confinement; and

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

3 ~~((13) "Judicial commitment" means a commitment by a court pursuant~~
4 ~~to the provisions of this chapter;~~

5 ~~(14) "Likelihood of serious harm" means:~~

6 ~~(a) A substantial risk that:—(i) Physical harm will be inflicted~~
7 ~~by an individual upon his or her own person, as evidenced by threats or~~
8 ~~attempts to commit suicide or inflict physical harm on oneself; (ii)~~
9 ~~physical harm will be inflicted by an individual upon another, as~~
10 ~~evidenced by behavior which has caused such harm or which places~~
11 ~~another person or persons in reasonable fear of sustaining such harm;~~
12 ~~or (iii) physical harm will be inflicted by an individual upon the~~
13 ~~property of others, as evidenced by behavior which has caused~~
14 ~~substantial loss or damage to the property of others; or~~

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

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

20 ~~(16) "Mental health professional" means a psychiatrist,~~
21 ~~psychologist, psychiatric nurse, or social worker, and such other~~
22 ~~mental health professionals as may be defined by rules adopted by the~~
23 ~~secretary pursuant to the provisions of this chapter;~~

24 ~~(17) "Peace officer" means a law enforcement official of a public~~
25 ~~agency or governmental unit, and includes persons specifically given~~
26 ~~peace officer powers by any state law, local ordinance, or judicial~~
27 ~~order of appointment;~~

28 ~~(18) "Private agency" means any person, partnership, corporation,~~
29 ~~or association not defined as a public agency, whether or not financed~~
30 ~~in whole or in part by public funds, which constitutes an evaluation~~
31 ~~and treatment facility or private institution, hospital, or sanitarium,~~
32 ~~which is conducted for, or includes a department or ward conducted for~~
33 ~~the care and treatment of persons who are mentally ill;~~

34 ~~(19)) (7) "Professional person" means a mental health professional~~
35 ~~and shall also mean a physician, registered nurse, and such others as~~
36 ~~may be defined by rules adopted by the secretary pursuant to the~~
37 ~~provisions of this chapter;~~

38 ~~((20) "Psychiatrist" means a person having a license as a~~
39 ~~physician and surgeon in this state who has in addition completed three~~

1 years of graduate training in psychiatry in a program approved by the
2 American medical association or the American osteopathic association
3 and is certified or eligible to be certified by the American board of
4 psychiatry and neurology;

5 (21) "Psychologist" means a person who has been licensed as a
6 psychologist pursuant to chapter 18.83 RCW;

7 (22) "Public agency" means any evaluation and treatment facility or
8 institution, hospital, or sanitarium which is conducted for, or
9 includes a department or ward conducted for, the care and treatment of
10 persons who are mentally ill or deranged, if the agency is operated
11 directly by, federal, state, county, or municipal government, or a
12 combination of such governments;

13 (23))) (8) "Resource management services" has the meaning given in
14 chapter 71.24 RCW;

15 (((24) "Secretary" means the secretary of the department of social
16 and health services, or his or her designee;

17 (25) "Social worker" means a person with a master's or further
18 advanced degree from an accredited school of social work or a degree
19 deemed equivalent under rules adopted by the secretary;

20 (26) "Violent act" means behavior that resulted in homicide,
21 attempted suicide, nonfatal injuries, or substantial damage to
22 property.))

23 **Sec. 23.** RCW 71.06.010 and 1985 c 354 s 32 are each amended to
24 read as follows:

25 As used in this chapter, the following terms shall have the
26 following meanings:

27 (1) "Psychopathic personality" means the existence in any person of
28 such hereditary, congenital or acquired condition affecting the
29 emotional or volitional rather than the intellectual field and
30 manifested by anomalies of such character as to render satisfactory
31 social adjustment of such person difficult or impossible.

32 (2) "Sexual psychopath" means any person who is affected in a form
33 of psychoneurosis or in a form of psychopathic personality, which form
34 predisposes such person to the commission of sexual offenses in a
35 degree constituting him a menace to the health or safety of others.

36 (3) "Sex offense" means one or more of the following: Abduction,
37 incest, rape, assault with intent to commit rape, indecent assault,
38 contributing to the delinquency of a minor involving sexual misconduct,

1 sodomy, indecent exposure, indecent liberties with children, carnal
2 knowledge of children, soliciting or enticing or otherwise
3 communicating with a child for immoral purposes, vagrancy involving
4 immoral or sexual misconduct, or an attempt to commit any of the said
5 offenses.

6 (~~"Minor" means any person under eighteen years of age.~~
7 ~~"Department" means department of social and health services.~~)

8 (4) "Court" means the superior court of the state of Washington.

9 (5) "Superintendent" means the superintendent of a state
10 institution designated for the custody, care and treatment of sexual
11 psychopaths or psychopathic delinquents.

12 **Sec. 24.** RCW 71.09.020 and 1995 c 216 s 1 are each amended to read
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "Sexually violent predator" means any person who has been
17 convicted of or charged with a crime of sexual violence and who suffers
18 from a mental abnormality or personality disorder which makes the
19 person likely to engage in predatory acts of sexual violence if not
20 confined in a secure facility.

21 (2) "Mental abnormality" means a congenital or acquired condition
22 affecting the emotional or volitional capacity which predisposes the
23 person to the commission of criminal sexual acts in a degree
24 constituting such person a menace to the health and safety of others.

25 (3) "Likely to engage in predatory acts of sexual violence" means
26 that the person more probably than not will engage in such acts. Such
27 likelihood must be evidenced by a recent overt act if the person is not
28 totally confined at the time the petition is filed under RCW 71.09.030.

29 (4) "Predatory" means acts directed towards strangers or
30 individuals with whom a relationship has been established or promoted
31 for the primary purpose of victimization.

32 (5) "Recent overt act" means any act that has either caused harm of
33 a sexually violent nature or creates a reasonable apprehension of such
34 harm.

35 (6) "Sexually violent offense" means an act committed on, before,
36 or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as
37 rape in the first degree, rape in the second degree by forcible
38 compulsion, rape of a child in the first or second degree, statutory

1 rape in the first or second degree, indecent liberties by forcible
2 compulsion, indecent liberties against a child under age fourteen,
3 incest against a child under age fourteen, or child molestation in the
4 first or second degree; (b) a felony offense in effect at any time
5 prior to July 1, 1990, that is comparable to a sexually violent offense
6 as defined in (a) of this subsection, or any federal or out-of-state
7 conviction for a felony offense that under the laws of this state would
8 be a sexually violent offense as defined in this subsection; (c) an act
9 of murder in the first or second degree, assault in the first or second
10 degree, assault of a child in the first or second degree, kidnapping in
11 the first or second degree, burglary in the first degree, residential
12 burglary, or unlawful imprisonment, which act, either at the time of
13 sentencing for the offense or subsequently during civil commitment
14 proceedings pursuant to chapter 71.09 RCW, has been determined beyond
15 a reasonable doubt to have been sexually motivated, as that term is
16 defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28
17 RCW, that is an attempt, criminal solicitation, or criminal conspiracy
18 to commit one of the felonies designated in (a), (b), or (c) of this
19 subsection.

20 (7) "Less restrictive alternative" means court-ordered treatment in
21 a setting less restrictive than total confinement.

22 ~~((8) "Secretary" means the secretary of social and health services
23 or his or her designee.))~~

24 **Sec. 25.** RCW 71.12.455 and 1977 ex.s. c 80 s 43 are each amended
25 to read as follows:

26 As used in this chapter, "establishment" and "institution" mean and
27 include every private hospital, sanitarium, home, or other place
28 receiving or caring for any mentally ill person, ~~((or))~~ mentally
29 incompetent person, or ~~((alcoholic))~~ chemically dependent person.

30 **Sec. 26.** RCW 71.24.025 and 1997 c 112 s 38 are each amended to
31 read as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout this chapter.

34 (1) ~~((("Acutely mentally ill" means a condition which is limited to
35 a short term severe crisis episode of:~~

36 ~~(a) A mental disorder as defined in RCW 71.05.020 or, in the case
37 of a child, as defined in RCW 71.34.020;~~

1 ~~(b) Being gravely disabled as defined in RCW 71.05.020 or, in the~~
2 ~~case of a child, a gravely disabled minor as defined in RCW 71.34.020;~~
3 ~~or~~

4 ~~(c) Presenting a likelihood of serious harm as defined in RCW~~
5 ~~71.05.020 or, in the case of a child, as defined in RCW 71.34.020.~~

6 ~~(2))~~ "Available resources" means those funds which shall be
7 appropriated under this chapter by the legislature during any biennium
8 for the purpose of providing community mental health programs under RCW
9 71.24.045. When regional support networks are established or after
10 July 1, 1995, "available resources" means federal funds, except those
11 provided according to Title XIX of the Social Security Act, and state
12 funds appropriated under this chapter or chapter 71.05 RCW by the
13 legislature during any biennium for the purpose of providing
14 residential services, resource management services, community support
15 services, and other mental health services. This does not include
16 funds appropriated for the purpose of operating and administering the
17 state psychiatric hospitals, except as negotiated according to RCW
18 71.24.300(1)(d).

19 ~~((3))~~ (2) "Licensed service provider" means an entity licensed
20 according to this chapter or chapter 71.05 RCW that meets state minimum
21 standards or individuals licensed under chapter 18.57, 18.71, 18.83, or
22 18.79 RCW, as it applies to registered nurses and advanced registered
23 nurse practitioners.

24 ~~((4) "Child" means a person under the age of eighteen years.~~

25 ~~(5) "Chronically mentally ill adult" means an adult who has a~~
26 ~~mental disorder and meets at least one of the following criteria:~~

27 ~~(a) Has undergone two or more episodes of hospital care for a~~
28 ~~mental disorder within the preceding two years; or~~

29 ~~(b) Has experienced a continuous psychiatric hospitalization or~~
30 ~~residential treatment exceeding six months' duration within the~~
31 ~~preceding year; or~~

32 ~~(c) Has been unable to engage in any substantial gainful activity~~
33 ~~by reason of any mental disorder which has lasted for a continuous~~
34 ~~period of not less than twelve months. "Substantial gainful activity"~~
35 ~~shall be defined by the department by rule consistent with Public Law~~
36 ~~92-603, as amended.~~

37 ~~(6) "Severely emotionally disturbed child" means an infant or child~~
38 ~~who has been determined by the regional support network to be~~
39 ~~experiencing a mental disorder as defined in chapter 71.34 RCW,~~

1 including those mental disorders that result in a behavioral or conduct
2 disorder, that is clearly interfering with the child's functioning in
3 family or school or with peers and who meets at least one of the
4 following criteria:

5 (a) Has undergone inpatient treatment or placement outside of the
6 home related to a mental disorder within the last two years;

7 (b) Has undergone involuntary treatment under chapter 71.34 RCW
8 within the last two years;

9 (c) Is currently served by at least one of the following child-
10 serving systems: Juvenile justice, child protection/welfare, special
11 education, or developmental disabilities;

12 (d) Is at risk of escalating maladjustment due to:

13 (i) Chronic family dysfunction involving a mentally ill or
14 inadequate caretaker;

15 (ii) Changes in custodial adult;

16 (iii) Going to, residing in, or returning from any placement
17 outside of the home, for example, psychiatric hospital, short term
18 inpatient, residential treatment, group or foster home, or a
19 correctional facility;

20 (iv) Subject to repeated physical abuse or neglect;

21 (v) Drug or alcohol abuse; or

22 (vi) Homelessness.

23 ~~(7))~~ (3) "Community mental health service delivery system" means
24 public or private agencies that provide services specifically to
25 persons with mental disorders as defined under RCW 71.05.020 and
26 receive funding from various public sources including: (a) Federal
27 medicare, medicaid, or early periodic screening, diagnostic, and
28 treatment programs; or (b) state funds from the division of mental
29 health, division of children and family services, division of alcohol
30 and substance abuse, or division of vocational rehabilitation of the
31 department of social and health services.

32 ~~((8))~~ (4) "Community mental health program" means all mental
33 health services established by a county authority. After July 1, 1995,
34 or when the regional support networks are established, "community
35 mental health program" means all activities or programs using available
36 resources.

37 ~~((9))~~ (5) "Community support services" means services for acutely
38 mentally ill persons, chronically mentally ill adults, and severely
39 emotionally disturbed children and includes:

1 (a) Discharge planning for clients leaving state mental hospitals,
2 other acute care inpatient facilities, inpatient psychiatric facilities
3 for persons under twenty-one years of age, and other children's mental
4 health residential treatment facilities;

5 (b) Sufficient contacts with clients, families, schools, or
6 significant others to provide for an effective program of community
7 maintenance; and

8 (c) Medication monitoring.

9 After July 1, 1995, (~~or when regional support networks are~~
10 ~~established,~~) for adults and children "community support services"
11 means services authorized, planned, and coordinated through resource
12 management services including, at least, assessment, diagnosis,
13 emergency crisis intervention available twenty-four hours, seven days
14 a week, prescreening determinations for mentally ill persons being
15 considered for placement in nursing homes as required by federal law,
16 screening for patients being considered for admission to residential
17 services, diagnosis and treatment for acutely mentally ill and severely
18 emotionally disturbed children discovered under screening through the
19 federal Title XIX early and periodic screening, diagnosis, and
20 treatment program, investigation, legal, and other nonresidential
21 services under chapter 71.05 RCW, case management services, psychiatric
22 treatment including medication supervision, counseling, psychotherapy,
23 assuring transfer of relevant patient information between service
24 providers, other services determined by regional support networks, and
25 maintenance of a patient tracking system for chronically mentally ill
26 adults and severely emotionally disturbed children.

27 (~~(10)~~) "~~County authority~~" means the board of county commissioners,
28 county council, or county executive having authority to establish a
29 community mental health program, or two or more of the county
30 authorities specified in this subsection which have entered into an
31 agreement to provide a community mental health program.

32 (~~(11)~~) "~~Department~~" means the department of social and health
33 services.

34 (~~(12)~~) (6) "Mental health services" means community services
35 pursuant to RCW 71.24.035(5)(b) and other services provided by the
36 state for the mentally ill. When regional support networks are
37 established, or after July 1, 1995, "mental health services" shall
38 include all services provided by regional support networks.

1 (~~(13)~~) "~~Mentally ill persons~~" and "~~the mentally ill~~" mean persons
2 and conditions defined in subsections ~~(1)~~, ~~(5)~~, ~~(6)~~, and ~~(17)~~ of this
3 section.

4 (~~(14)~~) (7) "Regional support network" means a county authority or
5 group of county authorities recognized by the secretary that enter into
6 joint operating agreements to contract with the secretary pursuant to
7 this chapter.

8 (~~(15)~~) (8) "Residential services" means a facility or distinct
9 part thereof which provides food and shelter, and may include treatment
10 services.

11 (~~When regional support networks are established, or~~) After July
12 1, 1995, for adults and children "residential services" means a
13 complete range of residences and supports authorized by resource
14 management services and which may involve a facility, a distinct part
15 thereof, or services which support community living, for acutely
16 mentally ill persons, chronically mentally ill adults, severely
17 emotionally disturbed children, or seriously disturbed adults
18 determined by the regional support network to be at risk of becoming
19 acutely or chronically mentally ill. The services shall include at
20 least evaluation and treatment services as defined in (~~chapter 71.05~~
21 ~~RCW~~) section 2 of this act, acute crisis respite care, long-term
22 adaptive and rehabilitative care, and supervised and supported living
23 services, and shall also include any residential services developed to
24 service mentally ill persons in nursing homes. Residential services
25 for children in out-of-home placements related to their mental disorder
26 shall not include the costs of food and shelter, except for children's
27 long-term residential facilities existing prior to January 1, 1991.

28 (~~(16)~~) (9) "Resource management services" mean the planning,
29 coordination, and authorization of residential services and community
30 support services administered pursuant to an individual service plan
31 for acutely mentally ill adults and children, chronically mentally ill
32 adults, severely emotionally disturbed children, or seriously disturbed
33 adults determined by the regional support network at their sole
34 discretion to be at risk of becoming acutely or chronically mentally
35 ill. Such planning, coordination, and authorization shall include
36 mental health screening for children eligible under the federal Title
37 XIX early and periodic screening, diagnosis, and treatment program.
38 Resource management services include seven day a week, twenty-four hour
39 a day availability of information regarding mentally ill adults' and

1 children's enrollment in services and their individual service plan to
2 county-designated mental health professionals, evaluation and treatment
3 facilities, and others as determined by the regional support network.

4 ~~((17) "Seriously disturbed person" means a person who:~~

5 ~~(a) Is gravely disabled or presents a likelihood of serious harm to~~
6 ~~himself or herself or others, or to the property of others, as a result~~
7 ~~of a mental disorder as defined in chapter 71.05 RCW;~~

8 ~~(b) Has been on conditional release status at some time during the~~
9 ~~preceding two years from an evaluation and treatment facility or a~~
10 ~~state mental health hospital;~~

11 ~~(c) Has a mental disorder which causes major impairment in several~~
12 ~~areas of daily living;~~

13 ~~(d) Exhibits suicidal preoccupation or attempts; or~~

14 ~~(e) Is a child diagnosed by a mental health professional, as~~
15 ~~defined in RCW 71.05.020, as experiencing a mental disorder which is~~
16 ~~clearly interfering with the child's functioning in family or school or~~
17 ~~with peers or is clearly interfering with the child's personality~~
18 ~~development and learning.~~

19 ~~(18) "Secretary" means the secretary of social and health services.~~

20 ~~(19))~~ (10) "State minimum standards" means: (a) Minimum
21 requirements for delivery of mental health services as established by
22 departmental rules and necessary to implement this chapter, including
23 but not limited to licensing service providers and services; (b)
24 minimum service requirements for licensed service providers for the
25 provision of mental health services as established by departmental
26 rules pursuant to chapter 34.05 RCW as necessary to implement this
27 chapter, including, but not limited to: Qualifications for staff
28 providing services directly to mentally ill persons; the intended
29 result of each service; and the rights and responsibilities of persons
30 receiving mental health services pursuant to this chapter; (c) minimum
31 requirements for residential services as established by the department
32 in rule based on clients' functional abilities and not solely on their
33 diagnoses, limited to health and safety, staff qualifications, and
34 program outcomes. Minimum requirements for residential services are
35 those developed in collaboration with consumers, families, counties,
36 regulators, and residential providers serving the mentally ill.
37 Minimum requirements encourage the development of broad-range
38 residential programs, including integrated housing and cross-systems
39 programs where appropriate, and do not unnecessarily restrict

1 programming flexibility; and (d) minimum standards for community
2 support services and resource management services, including at least
3 qualifications for resource management services, client tracking
4 systems, and the transfer of patient information between service
5 providers.

6 ~~((+20))~~ (11) "Tribal authority," for the purposes of this section
7 and RCW 71.24.300 only, means: The federally recognized Indian tribes
8 and the major Indian organizations recognized by the secretary insofar
9 as these organizations do not have a financial relationship with any
10 regional support network that would present a conflict of interest.

11 **Sec. 27.** RCW 71.34.020 and 1998 c 296 s 8 are each amended to read
12 as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Child psychiatrist" means a person having a license as a
16 physician and surgeon in this state, who has had graduate training in
17 child psychiatry in a program approved by the American Medical
18 Association or the American Osteopathic Association, and who is board
19 eligible or board certified in child psychiatry.

20 (2) "Children's mental health specialist" means:

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

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

28 ~~(3) ("Commitment" means a determination by a judge or court
29 commissioner, made after a commitment hearing, that the minor is in
30 need of inpatient diagnosis, evaluation, or treatment or that the minor
31 is in need of less restrictive alternative treatment.~~

32 ~~(4) "County-designated mental health professional" means a mental
33 health professional designated by one or more counties to perform the
34 functions of a county-designated mental health professional described
35 in this chapter.~~

36 ~~(5) "Department" means the department of social and health
37 services.~~

1 ~~(6) "Evaluation and treatment facility" means a public or private~~
2 ~~facility or unit that is certified by the department to provide~~
3 ~~emergency, inpatient, residential, or outpatient mental health~~
4 ~~evaluation and treatment services for minors. A physically separate~~
5 ~~and separately operated portion of a state hospital may be designated~~
6 ~~as an evaluation and treatment facility for minors. A facility which~~
7 ~~is part of or operated by the department or federal agency does not~~
8 ~~require certification. No correctional institution or facility,~~
9 ~~juvenile court detention facility, or jail may be an evaluation and~~
10 ~~treatment facility within the meaning of this chapter.~~

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

15 ~~((8) "Gravely disabled minor" means a minor who, as a result of a~~
16 ~~mental disorder, is in danger of serious physical harm resulting from~~
17 ~~a failure to provide for his or her essential human needs of health or~~
18 ~~safety, or manifests severe deterioration in routine functioning~~
19 ~~evidenced by repeated and escalating loss of cognitive or volitional~~
20 ~~control over his or her actions and is not receiving such care as is~~
21 ~~essential for his or her health or safety.~~

22 ~~(9) "Inpatient treatment" means twenty-four hour per day mental~~
23 ~~health care provided within a general hospital, psychiatric hospital,~~
24 ~~or residential treatment facility certified by the department as an~~
25 ~~evaluation and treatment facility for minors.~~

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

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

1 ~~(12) "Medical necessity" for inpatient care means a requested~~
2 ~~service which is reasonably calculated to: (a) Diagnose, correct,~~
3 ~~cure, or alleviate a mental disorder; or (b) prevent the worsening of~~
4 ~~mental conditions that endanger life or cause suffering and pain, or~~
5 ~~result in illness or infirmity or threaten to cause or aggravate a~~
6 ~~handicap, or cause physical deformity or malfunction, and there is no~~
7 ~~adequate less restrictive alternative available.~~

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

14 ~~(14) "Mental health professional" means a psychiatrist,~~
15 ~~psychologist, psychiatric nurse, or social worker, and such other~~
16 ~~mental health professionals as may be defined by rules adopted by the~~
17 ~~secretary under this chapter.~~

18 ~~(15) "Minor" means any person under the age of eighteen years.~~

19 ~~(16) "Outpatient treatment" means any of the nonresidential~~
20 ~~services mandated under chapter 71.24 RCW and provided by licensed~~
21 ~~services providers as identified by RCW 71.24.025(3).~~

22 ~~(17) "Parent" means:~~

23 ~~(a) A biological or adoptive parent who has legal custody of the~~
24 ~~child, including either parent if custody is shared under a joint~~
25 ~~custody agreement; or~~

26 ~~(b) A person or agency judicially appointed as legal guardian or~~
27 ~~custodian of the child.~~

28 ~~((18))) (4) "Professional person in charge" or "professional person"~~
29 ~~means a physician or other mental health professional empowered by an~~
30 ~~evaluation and treatment facility with authority to make admission and~~
31 ~~discharge decisions on behalf of that facility.~~

32 ~~((19) "Psychiatric nurse" means a registered nurse who has a~~
33 ~~bachelor's degree from an accredited college or university, and who has~~
34 ~~had, in addition, at least two years' experience in the direct~~
35 ~~treatment of mentally ill or emotionally disturbed persons, such~~
36 ~~experience gained under the supervision of a mental health~~
37 ~~professional. "Psychiatric nurse" shall also mean any other registered~~
38 ~~nurse who has three years of such experience.~~

1 ~~(20) "Psychiatrist" means a person having a license as a physician~~
2 ~~in this state who has completed residency training in psychiatry in a~~
3 ~~program approved by the American Medical Association or the American~~
4 ~~Osteopathic Association, and is board eligible or board certified in~~
5 ~~psychiatry.~~

6 ~~(21) "Psychologist" means a person licensed as a psychologist under~~
7 ~~chapter 18.83 RCW.~~

8 ~~(22))~~ (5) "Responsible other" means the minor, the minor's parent
9 or estate, or any other person legally responsible for support of the
10 minor.

11 ~~((23) "Secretary" means the secretary of the department or~~
12 ~~secretary's designee.~~

13 ~~(24))~~ (6) "Start of initial detention" means the time of arrival
14 of the minor at the first evaluation and treatment facility offering
15 inpatient treatment if the minor is being involuntarily detained at the
16 time. With regard to voluntary patients, "start of initial detention"
17 means the time at which the minor gives notice of intent to leave under
18 the provisions of this chapter.

19 **Sec. 28.** RCW 71.36.010 and 1991 c 326 s 12 are each amended to
20 read as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section apply throughout this chapter.

23 ~~((1) "Agency" means a state or local governmental entity or a~~
24 ~~private not for profit organization.~~

25 ~~(2) "Child" means a person under eighteen years of age, except as~~
26 ~~expressly provided otherwise in federal law.~~

27 ~~(3) "County authority" means the board of county commissioners or~~
28 ~~county executive.~~

29 ~~(4) "Department" means the department of social and health~~
30 ~~services.~~

31 ~~(5))~~ "Early periodic screening, diagnosis, and treatment" means
32 the component of the federal medicaid program established pursuant to
33 42 U.S.C. Sec. 1396d(r), as amended.

34 ~~((6) "Regional support network" means a county authority or group~~
35 ~~of county authorities that have entered into contracts with the~~
36 ~~secretary pursuant to chapter 71.24 RCW.~~

37 ~~(7) "Secretary" means the secretary of social and health~~
38 ~~services.))~~

1 NEW SECTION. **Sec. 29.** The following acts or parts of acts are
2 each recodified as a new chapter in Title 71 RCW:

3 RCW 70.96A.010, 70.96A.011, 70.96A.020 as amended by this act,
4 70.96A.045 as amended by this act, 70.96A.050 as amended by this act,
5 70.96A.070 as amended by this act, 70.96A.085, 70.96A.087, 70.96A.090
6 as amended by this act, 70.96A.095, 70.96A.097, 70.96A.100 as amended
7 by this act, 70.96A.110, 70.96A.120, 70.96A.140, 70.96A.145,
8 70.96A.150, 70.96A.160, 70.96A.170, 70.96A.180, 70.96A.190, 70.96A.230,
9 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.250, 70.96A.255, 70.96A.260,
10 70.96A.265, 70.96A.300, 70.96A.310, 70.96A.320, 70.96A.330, 70.96A.340,
11 70.96A.400, 70.96A.410, 70.96A.420, 70.96A.430, 70.96A.500, 70.96A.510,
12 70.96A.520, 70.96A.910, 70.96A.915, 70.96A.920, and 70.96A.930.

13 **Sec. 30.** RCW 70.96A.020 and 1998 c 296 s 22 are each amended to
14 read as follows:

15 For the purposes of this chapter the following words and phrases
16 shall have the following meanings unless the context clearly requires
17 otherwise:

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

20 ~~(2) "Alcoholism" means a disease, characterized by a dependency on~~
21 ~~alcoholic beverages, loss of control over the amount and circumstances~~
22 ~~of use, symptoms of tolerance, physiological or psychological~~
23 ~~withdrawal, or both, if use is reduced or discontinued, and impairment~~
24 ~~of health or disruption of social or economic functioning.~~

25 ~~(3))~~ "Approved treatment program" means a ~~((discrete))~~ program of
26 chemical dependency treatment provided by a treatment program certified
27 by the department ~~((of social and health services))~~ as meeting
28 standards adopted under this chapter.

29 ~~((4) "Chemical dependency" means alcoholism or drug addiction, or~~
30 ~~dependence on alcohol and one or more other psychoactive chemicals, as~~
31 ~~the context requires.~~

32 ~~(5) "Chemical dependency program" means expenditures and activities~~
33 ~~of the department designed and conducted to prevent or treat alcoholism~~
34 ~~and other drug addiction, including reasonable administration and~~
35 ~~overhead.~~

36 ~~(6) "Department" means the department of social and health~~
37 ~~services.~~

1 ~~(7) "Designated chemical dependency specialist" means a person~~
2 ~~designated by the county alcoholism and other drug addiction program~~
3 ~~coordinator designated under RCW 70.96A.310 to perform the commitment~~
4 ~~duties described in RCW 70.96A.140 and qualified to do so by meeting~~
5 ~~standards adopted by the department.~~

6 ~~(8) "Director" means the person administering the chemical~~
7 ~~dependency program within the department.~~

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

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

16 ~~(11)) (2) "Emergency service patrol" means a patrol established~~
17 ~~under RCW 70.96A.170 (as recodified by this act).~~

18 ~~((12) "Gravely disabled by alcohol or other drugs" means that a~~
19 ~~person, as a result of the use of alcohol or other drugs: (a) Is in~~
20 ~~danger of serious physical harm resulting from a failure to provide for~~
21 ~~his or her essential human needs of health or safety; or (b) manifests~~
22 ~~severe deterioration in routine functioning evidenced by a repeated and~~
23 ~~escalating loss of cognition or volitional control over his or her~~
24 ~~actions and is not receiving care as essential for his or her health or~~
25 ~~safety.~~

26 ~~(13)) (3) "Incapacitated by alcohol or other psychoactive~~
27 ~~chemicals" means that a person, as a result of the use of alcohol or~~
28 ~~other psychoactive chemicals, has his or her judgment so impaired that~~
29 ~~he or she is incapable of realizing and making a rational decision with~~
30 ~~respect to his or her need for treatment and presents a likelihood of~~
31 ~~serious harm to himself or herself, to any other person, or to~~
32 ~~property.~~

33 ~~((14) "Incompetent person" means a person who has been adjudged~~
34 ~~incompetent by the superior court.~~

35 ~~(15)) (4) "Intoxicated person" means a person whose mental or~~
36 ~~physical functioning is substantially impaired as a result of the use~~
37 ~~of alcohol or other psychoactive chemicals.~~

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

4 ~~(17) "Likelihood of serious harm" means either: (a) A substantial~~
5 ~~risk that physical harm will be inflicted by an individual upon his or~~
6 ~~her own person, as evidenced by threats or attempts to commit suicide~~
7 ~~or inflict physical harm on one's self; (b) a substantial risk that~~
8 ~~physical harm will be inflicted by an individual upon another, as~~
9 ~~evidenced by behavior that has caused the harm or that places another~~
10 ~~person or persons in reasonable fear of sustaining the harm; or (c) a~~
11 ~~substantial risk that physical harm will be inflicted by an individual~~
12 ~~upon the property of others, as evidenced by behavior that has caused~~
13 ~~substantial loss or damage to the property of others.~~

14 ~~(18) "Medical necessity" for inpatient care of a minor means a~~
15 ~~requested certified inpatient service that is reasonably calculated to:~~
16 ~~(a) Diagnose, arrest, or alleviate a chemical dependency; or (b)~~
17 ~~prevent the worsening of chemical dependency conditions that endanger~~
18 ~~life or cause suffering and pain, or result in illness or infirmity or~~
19 ~~threaten to cause or aggravate a handicap, or cause physical deformity~~
20 ~~or malfunction, and there is no adequate less restrictive alternative~~
21 ~~available.~~

22 ~~(19) "Minor" means a person less than eighteen years of age.~~

23 ~~(20) "Parent" means the parent or parents who have the legal right~~
24 ~~to custody of the child. Parent includes custodian or guardian.~~

25 ~~(21) "Peace officer" means a law enforcement official of a public~~
26 ~~agency or governmental unit, and includes persons specifically given~~
27 ~~peace officer powers by any state law, local ordinance, or judicial~~
28 ~~order of appointment.~~

29 ~~(22) "Person" means an individual, including a minor.~~

30 ~~(23)) (5) "Professional person in charge" or "professional person"~~
31 ~~means a physician or chemical dependency counselor as defined in rule~~
32 ~~by the department, who is empowered by a certified treatment program~~
33 ~~with authority to make assessment, admission, continuing care, and~~
34 ~~discharge decisions on behalf of the certified program.~~

35 ~~((24) "Secretary" means the secretary of the department of social~~
36 ~~and health services.~~

37 ~~(25)) (6) "Treatment" means the broad range of emergency,~~
38 ~~detoxification, residential, and outpatient services and care,~~
39 ~~including diagnostic evaluation, chemical dependency education and~~

1 counseling, medical, psychiatric, psychological, and social service
2 care, vocational rehabilitation and career counseling, which may be
3 extended to alcoholics and other drug addicts and their families,
4 persons incapacitated by alcohol or other psychoactive chemicals, and
5 intoxicated persons.

6 ~~((+26+))~~ (7) "Treatment program" means an organization,
7 institution, or corporation, public or private, engaged in the care,
8 treatment, or rehabilitation of alcoholics or other drug addicts.

9 **Sec. 31.** RCW 70.96A.045 and 1989 c 270 s 10 are each amended to
10 read as follows:

11 All facilities, plans, or programs receiving financial assistance
12 under RCW 70.96A.040 (as recodified by this act) must be approved by
13 the department before any state funds may be used to provide the
14 financial assistance. If the facilities, plans, or programs have not
15 been approved as required or do not receive the required approval, the
16 funds set aside for the facility, plan, or program shall be made
17 available for allocation to facilities, plans, or programs that have
18 received the required approval of the department. In addition,
19 whenever there is an excess of funds set aside for a particular
20 approved facility, plan, or program, the excess shall be made available
21 for allocation to other approved facilities, plans, or programs.

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

24 The ~~((department))~~ secretary shall:

25 (1) Develop, encourage, and foster state-wide, regional, and local
26 plans and programs for the prevention of alcoholism and other drug
27 addiction, treatment of alcoholics and other drug addicts and their
28 families, persons incapacitated by alcohol or other psychoactive
29 chemicals, and intoxicated persons in cooperation with public and
30 private agencies, organizations, and individuals and provide technical
31 assistance and consultation services for these purposes;

32 (2) Coordinate the efforts and enlist the assistance of all public
33 and private agencies, organizations, and individuals interested in
34 prevention of alcoholism and drug addiction, and treatment of
35 alcoholics and other drug addicts and their families, persons
36 incapacitated by alcohol or other psychoactive chemicals, and
37 intoxicated persons;

1 (3) Cooperate with public and private agencies in establishing and
2 conducting programs to provide treatment for alcoholics and other drug
3 addicts and their families, persons incapacitated by alcohol or other
4 psychoactive chemicals, and intoxicated persons who are clients of the
5 correctional system;

6 (4) Cooperate with the superintendent of public instruction, state
7 board of education, schools, police departments, courts, and other
8 public and private agencies, organizations and individuals in
9 establishing programs for the prevention of alcoholism and other drug
10 addiction, treatment of alcoholics or other drug addicts and their
11 families, persons incapacitated by alcohol and other psychoactive
12 chemicals, and intoxicated persons, and preparing curriculum materials
13 thereon for use at all levels of school education;

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

17 (6) Develop and implement, as an integral part of treatment
18 programs, an educational program for use in the treatment of alcoholics
19 or other drug addicts, persons incapacitated by alcohol and other
20 psychoactive chemicals, and intoxicated persons, which program shall
21 include the dissemination of information concerning the nature and
22 effects of alcohol and other psychoactive chemicals, the consequences
23 of their use, the principles of recovery, and HIV and AIDS;

24 (7) Organize and foster training programs for persons engaged in
25 treatment of alcoholics or other drug addicts, persons incapacitated by
26 alcohol and other psychoactive chemicals, and intoxicated persons;

27 (8) Sponsor and encourage research into the causes and nature of
28 alcoholism and other drug addiction, treatment of alcoholics and other
29 drug addicts, persons incapacitated by alcohol and other psychoactive
30 chemicals, and intoxicated persons, and serve as a clearing house for
31 information relating to alcoholism or other drug addiction;

32 (9) Specify uniform methods for keeping statistical information by
33 public and private agencies, organizations, and individuals, and
34 collect and make available relevant statistical information, including
35 number of persons treated, frequency of admission and readmission, and
36 frequency and duration of treatment;

37 (10) Advise the governor in the preparation of a comprehensive plan
38 for treatment of alcoholics and other drug addicts, persons
39 incapacitated by alcohol or other psychoactive chemicals, and

1 intoxicated persons for inclusion in the state's comprehensive health
2 plan;

3 (11) Review all state health, welfare, and treatment plans to be
4 submitted for federal funding under federal legislation, and advise the
5 governor on provisions to be included relating to alcoholism and other
6 drug addiction, persons incapacitated by alcohol or other psychoactive
7 chemicals, and intoxicated persons;

8 (12) Assist in the development of, and cooperate with, programs for
9 alcohol and other psychoactive chemical education and treatment for
10 employees of state and local governments and businesses and industries
11 in the state;

12 (13) Use the support and assistance of interested persons in the
13 community to encourage alcoholics and other drug addicts voluntarily to
14 undergo treatment;

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

18 (15) Encourage general hospitals and other appropriate health
19 facilities to admit without discrimination alcoholics and other drug
20 addicts, persons incapacitated by alcohol or other psychoactive
21 chemicals, and intoxicated persons and to provide them with adequate
22 and appropriate treatment;

23 (16) Encourage all health and disability insurance programs to
24 include alcoholism and other drug addiction as a covered illness; and

25 (17) Organize and sponsor a state-wide program to help court
26 personnel, including judges, better understand the disease of
27 alcoholism and other drug addiction and the uses of chemical dependency
28 treatment programs.

29 **Sec. 33.** RCW 70.96A.070 and 1994 c 231 s 2 are each amended to
30 read as follows:

31 Pursuant to the provisions of RCW 43.20A.360, there shall be a
32 citizens advisory council composed of not less than seven nor more than
33 fifteen members. It is the intent of the legislature that the citizens
34 advisory council broadly represent citizens who have been recipients of
35 voluntary or involuntary treatment for alcoholism or other drug
36 addiction and who have been in recovery from chemical dependency for a
37 minimum of two years. To meet this intent, at least two-thirds of the
38 council's members shall be former recipients of these services and not

1 employed in an occupation relating to alcoholism or drug addiction.
2 The remaining members shall be broadly representative of the community,
3 shall include representation from business and industry, organized
4 labor, the judiciary, and minority groups, chosen for their
5 demonstrated concern with alcoholism and other drug addiction problems.
6 Members shall be appointed by the secretary. ~~((In addition to advising
7 the department in carrying out the purposes of this chapter, the
8 council shall develop and propose to the secretary for his or her
9 consideration the rules for the implementation of the chemical
10 dependency program of the department.))~~ Rules and policies governing
11 treatment programs shall be developed in collaboration among the
12 council, department staff, local government, and administrators of
13 voluntary and involuntary treatment programs. ~~((The secretary shall
14 thereafter adopt such rules that, in his or her judgment properly
15 implement the chemical dependency program of the department consistent
16 with the welfare of those to be served, the legislative intent, and the
17 public good.))~~

18 **Sec. 34.** RCW 70.96A.090 and 1995 c 312 s 46 are each amended to
19 read as follows:

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

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

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

36 (4) Certification as an approved treatment program is effective for
37 one calendar year from the date of issuance of the certificate. The
38 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 treatment services for which the approved
7 treatment program has not been certified. Approved treatment programs
8 may provide services for which approval has been sought and is pending,
9 if approval for the services has not been previously revoked or denied.

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

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

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

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

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

1 **Sec. 35.** RCW 70.96A.100 and 1989 c 270 s 23 are each amended to
2 read as follows:

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

10 (1) If possible a patient shall be treated on a voluntary rather
11 than an involuntary basis.

12 (2) A patient shall be initially assigned or transferred to
13 outpatient treatment, unless he or she is found to require residential
14 treatment.

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

18 (4) An individualized treatment plan shall be prepared and
19 maintained on a current basis for each patient.

20 (5) Provision shall be made for a continuum of coordinated
21 treatment services for persons identified by RCW 70.96A.040 (as
22 recodified by this act), so that a person who leaves a facility or a
23 form of treatment will have available and use other appropriate
24 treatment.

25 **Sec. 36.** RCW 43.20A.060 and 1989 1st ex.s. c 9 s 213 are each
26 amended to read as follows:

27 The department of social and health services shall be subdivided
28 into divisions, including a division of vocational rehabilitation and
29 a division of substance abuse and mental health. Except as otherwise
30 specified or as federal requirements may differently require, these
31 divisions shall be established and organized in accordance with plans
32 to be prepared by the secretary and approved by the governor. In
33 preparing such plans, the secretary shall endeavor to promote efficient
34 public management, to improve programs, and to take full advantage of
35 the economies, both fiscal and administrative, to be gained from the
36 consolidation of the departments of public assistance, institutions,
37 the veterans' rehabilitation council, and the division of vocational
38 rehabilitation of the coordinating council on occupational education.

1 NEW SECTION. **Sec. 37.** The code reviser shall rename Title 71 RCW
2 "Substance Abuse and Mental Health."

3 NEW SECTION. **Sec. 38.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 70.96A.030 (Chemical dependency program) and 1989 c 270 s
6 4 & 1972 ex.s. c 122 s 3;

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

9 (3) RCW 70.96A.080 (Comprehensive program for treatment--Regional
10 facilities) and 1989 c 270 s 18 & 1972 ex.s. c 122 s 8.

11 NEW SECTION. **Sec. 39.** The code reviser shall correct all cross-
12 references to sections recodified or amended in this act and
13 alphabetize the definitions in this act prior to codification.

--- END ---