

HOUSE BILL REPORT

SB 6213

As Passed House:

March 3, 2004

Title: An act relating to making technical, clarifying, and nonsubstantive changes to mental health advance directive provisions.

Brief Description: Making technical, clarifying, and nonsubstantive changes to mental health advance directive provisions.

Sponsors: By Senators Hargrove, Stevens and Winsley.

Brief History:

Committee Activity:

Judiciary: 2/27/04 [DP].

Floor Activity:

Passed House: 3/3/04, 96-0.

Brief Summary of Bill

- Explicitly states that the provisions regarding inpatient mental health treatment under a mental health advance directive does not preclude the person's detention and treatment under the civil commitment laws.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

An adult with capacity may create a mental health advance directive. Among other things, the person may consent, within the directive, to treatment in an inpatient facility for a limited time. There are specific procedures that a treatment facility must follow before it can admit a person who has consented to inpatient treatment in his or her directive, but who refuses to be admitted while incapacitated. If the person takes action

demonstrating a desire to be discharged and makes statements requesting discharge, the person must be discharged.

A directive may not be interpreted in a manner that interferes with treatment of a principal who is subject to involuntary treatment under the civil commitment laws.

Under the civil commitment laws, a person may be involuntarily committed to a mental health facility if the person, as a result of a mental disorder, presents a likelihood of serious harm to self or others or is gravely disabled. Generally, the county designated mental health professional must petition the court to involuntarily commit the person for evaluation and treatment. There are other numerous procedures that must be followed.

Summary of Bill:

Language is added to explicitly state that nothing in the discharge provisions for a person admitted to inpatient treatment under the person's mental health advance directive shall be construed to prevent detention and evaluation for civil commitment under the civil commitment laws.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill clarifies the intent of the Legislature that the involuntary commitment act may still be used.

Testimony Against: None.

Persons Testifying: Senator Stevens, sponsor.

Persons Signed In To Testify But Not Testifying: None.