

2SHB 1357 - S COMM AMD

By Committee on Human Services & Corrections

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) The practice of social work by persons in the public and
5 private sectors improves the lives of many people throughout the state
6 through the application of a broad spectrum of social sciences to
7 enhance the quality of life and develop the full potential of each
8 client;

9 (b) The practice of social work is a complex discipline that,
10 appropriately undertaken, can address client problems, needs, and
11 concerns, with the goal that clients achieve the maximum possible
12 enhancement of their quality of life and develop to their full
13 potential. However, improper assessment of client problems and needs
14 by unqualified persons can lead to client harm;

15 (c) It is in the state's interest to take steps to safeguard state
16 residents from misrepresentations about qualifications for practicing
17 social work. Because such misrepresentations could lead to the
18 improper practice of social work by unqualified persons, those who
19 represent themselves as social workers should have a qualifying degree
20 from an accredited and approved social work program.

21 (2) The legislature declares that this act to regulate social
22 workers constitutes an exercise of the state's police power to protect
23 and promote the health, safety, and welfare of the residents of the
24 state in general. Accordingly, while this act is intended to protect
25 the public generally, it does not create a duty owed by the state or
26 its instrumentalities to any individual or entity.

27 NEW SECTION. **Sec. 2.** (1) To address the goal of safeguarding
28 Washington residents from the unqualified or improper practice of

1 social work, a person may not represent himself or herself as a social
2 worker unless qualified as a social worker as defined in this section.

3 (2) For purposes of this section, "social worker" means a person
4 who meets one of the following qualifications:

5 (a) Is licensed under RCW 18.225.090(1)(a) or 18.225.145(1)(a); or

6 (b) Has graduated with at least a bachelor's degree from a social
7 work educational program accredited by the council on social work
8 education and approved by the secretary of the department of health
9 based on nationally recognized standards.

10 (3) A public agency or private entity doing business in Washington
11 may not use the title of social worker, or a form of the title, for
12 describing or designating volunteer or employment positions or within
13 contracts for services, reference materials, manuals, or other
14 documents, unless the volunteers or employees working in those
15 positions are qualified as a social worker as defined in this section.

16 (4) This section does not apply to:

17 (a) Persons employed in Washington on the effective date of this
18 section under the job title of social worker so long as the person
19 continues to be employed by the same agency on the effective date of
20 this section, who shall continue to have the same layoff and reversion
21 opportunities as defined by contract and promotional opportunities as
22 defined in the department of personnel job specifications;

23 (b) Individuals employed by the government of the United States
24 while engaged in the performance of duties prescribed by the laws of
25 the United States; or

26 (c) Persons providing services as an educational staff associate
27 who are certified by the Washington professional educator standards
28 board. However, this section applies to a certified educational staff
29 associate providing services outside the school setting.

30 (5) As used in subsection (4) of this section, "agency" means any
31 private employer or any agency of state government.

32 NEW SECTION. **Sec. 3.** (1) The legislature finds that the practices
33 covered by this chapter are matters vitally affecting the public
34 interest for the purpose of applying the consumer protection act,
35 chapter 19.86 RCW. A violation of this chapter is not reasonable in
36 relation to the development and preservation of business and is an

1 unfair or deceptive act in trade or commerce and an unfair method of
2 competition for the purpose of applying the consumer protection act,
3 chapter 19.86 RCW.

4 (2) Remedies available under chapter 19.86 RCW for a violation of
5 this chapter do not affect any other remedy available under the law.

6 **Sec. 4.** RCW 10.77.010 and 2005 c 504 s 106 are each amended to
7 read as follows:

8 As used in this chapter:

9 (1) "Admission" means acceptance based on medical necessity, of a
10 person as a patient.

11 (2) "Commitment" means the determination by a court that a person
12 should be detained for a period of either evaluation or treatment, or
13 both, in an inpatient or a less-restrictive setting.

14 (3) "Conditional release" means modification of a court-ordered
15 commitment, which may be revoked upon violation of any of its terms.

16 (4) A "criminally insane" person means any person who has been
17 acquitted of a crime charged by reason of insanity, and thereupon found
18 to be a substantial danger to other persons or to present a substantial
19 likelihood of committing criminal acts jeopardizing public safety or
20 security unless kept under further control by the court or other
21 persons or institutions.

22 (5) "Department" means the state department of social and health
23 services.

24 (6) "Designated mental health professional" has the same meaning as
25 provided in RCW 71.05.020.

26 (7) "Detention" or "detain" means the lawful confinement of a
27 person, under the provisions of this chapter, pending evaluation.

28 (8) "Developmental disabilities professional" means a person who
29 has specialized training and three years of experience in directly
30 treating or working with persons with developmental disabilities and is
31 a psychiatrist or psychologist, or a social worker, and such other
32 developmental disabilities professionals as may be defined by rules
33 adopted by the secretary.

34 (9) "Developmental disability" means the condition as defined in
35 RCW 71A.10.020(3).

36 (10) "Discharge" means the termination of hospital medical

1 authority. The commitment may remain in place, be terminated, or be
2 amended by court order.

3 (11) "Furlough" means an authorized leave of absence for a resident
4 of a state institution operated by the department designated for the
5 custody, care, and treatment of the criminally insane, consistent with
6 an order of conditional release from the court under this chapter,
7 without any requirement that the resident be accompanied by, or be in
8 the custody of, any law enforcement or institutional staff, while on
9 such unescorted leave.

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

18 (13) "History of one or more violent acts" means violent acts
19 committed during: (a) The ten-year period of time prior to the filing
20 of criminal charges; plus (b) the amount of time equal to time spent
21 during the ten-year period in a mental health facility or in
22 confinement as a result of a criminal conviction.

23 (14) "Incompetency" means a person lacks the capacity to understand
24 the nature of the proceedings against him or her or to assist in his or
25 her own defense as a result of mental disease or defect.

26 (15) "Indigent" means any person who is financially unable to
27 obtain counsel or other necessary expert or professional services
28 without causing substantial hardship to the person or his or her
29 family.

30 (16) "Individualized service plan" means a plan prepared by a
31 developmental disabilities professional with other professionals as a
32 team, for an individual with developmental disabilities, which shall
33 state:

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

36 (b) The conditions and strategies necessary to achieve the purposes
37 of habilitation;

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

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

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

6 (f) Where relevant in light of past criminal behavior and due
7 consideration for public safety, the criteria for proposed movement to
8 less-restrictive settings, criteria for proposed eventual release, and
9 a projected possible date for release; and

10 (g) The type of residence immediately anticipated for the person
11 and possible future types of residences.

12 (17) "Professional person" means:

13 (a) A psychiatrist licensed as a physician and surgeon in this
14 state who has, in addition, completed three years of graduate training
15 in psychiatry in a program approved by the American medical association
16 or the American osteopathic association and is certified or eligible to
17 be certified by the American board of psychiatry and neurology or the
18 American osteopathic board of neurology and psychiatry;

19 (b) A psychologist licensed as a psychologist pursuant to chapter
20 18.83 RCW; or

21 (c) A social worker with a master's or further advanced degree from
22 (~~(an accredited school of social work or a degree deemed equivalent~~
23 ~~under rules adopted by the secretary)) a social work educational
24 program accredited and approved as provided in section 2 of this act.~~

25 (18) "Registration records" include all the records of the
26 department, regional support networks, treatment facilities, and other
27 persons providing services to the department, county departments, or
28 facilities which identify persons who are receiving or who at any time
29 have received services for mental illness.

30 (19) "Release" means legal termination of the court-ordered
31 commitment under the provisions of this chapter.

32 (20) "Secretary" means the secretary of the department of social
33 and health services or his or her designee.

34 (21) "Treatment" means any currently standardized medical or mental
35 health procedure including medication.

36 (22) "Treatment records" include registration and all other records
37 concerning persons who are receiving or who at any time have received
38 services for mental illness, which are maintained by the department, by

1 regional support networks and their staffs, and by treatment
2 facilities. Treatment records do not include notes or records
3 maintained for personal use by a person providing treatment services
4 for the department, regional support networks, or a treatment facility
5 if the notes or records are not available to others.

6 (23) "Violent act" means behavior that: (a)(i) Resulted in; (ii)
7 if completed as intended would have resulted in; or (iii) was
8 threatened to be carried out by a person who had the intent and
9 opportunity to carry out the threat and would have resulted in,
10 homicide, nonfatal injuries, or substantial damage to property; or (b)
11 recklessly creates an immediate risk of serious physical injury to
12 another person. As used in this subsection, "nonfatal injuries" means
13 physical pain or injury, illness, or an impairment of physical
14 condition. "Nonfatal injuries" shall be construed to be consistent
15 with the definition of "bodily injury," as defined in RCW 9A.04.110.

16 **Sec. 5.** RCW 13.34.260 and 2009 c 491 s 5 are each amended to read
17 as follows:

18 (1) In an attempt to minimize the inherent intrusion in the lives
19 of families involved in the foster care system and to maintain parental
20 authority where appropriate, the department, absent good cause, shall
21 follow the wishes of the natural parent regarding the placement of the
22 child with a relative or other suitable person pursuant to RCW
23 13.34.130. Preferences such as family constellation, sibling
24 relationships, ethnicity, and religion shall be considered when
25 matching children to foster homes. Parental authority is appropriate
26 in areas that are not connected with the abuse or neglect that resulted
27 in the dependency and shall be integrated through the foster care team.

28 (2) When a child is placed in out-of-home care, relatives, other
29 suitable persons, and foster parents are encouraged to:

30 (a) Provide consultation to the foster care team based upon their
31 experience with the child placed in their care;

32 (b) Assist the birth parents by helping them understand their
33 child's needs and correlating appropriate parenting responses;

34 (c) Participate in educational activities, and enter into
35 community-building activities with birth families and other foster
36 families;

1 (d) Transport children to family time visits with birth families
2 and assist children and their families in maximizing the purposefulness
3 of family time.

4 (3) For purposes of this section((7)):

5 (a) "Foster care team" means the relative, other suitable person,
6 or foster parent currently providing care, the currently assigned
7 department social services case worker, and the parent or parents; and

8 (b) "Birth family" means the persons described in RCW
9 74.15.020(2)(a).

10 **Sec. 6.** RCW 26.09.191 and 2007 c 496 s 303 are each amended to
11 read as follows:

12 (1) The permanent parenting plan shall not require mutual decision-
13 making or designation of a dispute resolution process other than court
14 action if it is found that a parent has engaged in any of the following
15 conduct: (a) Willful abandonment that continues for an extended period
16 of time or substantial refusal to perform parenting functions; (b)
17 physical, sexual, or a pattern of emotional abuse of a child; or (c) a
18 history of acts of domestic violence as defined in RCW 26.50.010(1) or
19 an assault or sexual assault which causes grievous bodily harm or the
20 fear of such harm.

21 (2)(a) The parent's residential time with the child shall be
22 limited if it is found that the parent has engaged in any of the
23 following conduct: (i) Willful abandonment that continues for an
24 extended period of time or substantial refusal to perform parenting
25 functions; (ii) physical, sexual, or a pattern of emotional abuse of a
26 child; (iii) a history of acts of domestic violence as defined in RCW
27 26.50.010(1) or an assault or sexual assault which causes grievous
28 bodily harm or the fear of such harm; or (iv) the parent has been
29 convicted as an adult of a sex offense under:

30 (A) RCW 9A.44.076 if, because of the difference in age between the
31 offender and the victim, no rebuttable presumption exists under (d) of
32 this subsection;

33 (B) RCW 9A.44.079 if, because of the difference in age between the
34 offender and the victim, no rebuttable presumption exists under (d) of
35 this subsection;

36 (C) RCW 9A.44.086 if, because of the difference in age between the

1 offender and the victim, no rebuttable presumption exists under (d) of
2 this subsection;

3 (D) RCW 9A.44.089;

4 (E) RCW 9A.44.093;

5 (F) RCW 9A.44.096;

6 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
7 between the offender and the victim, no rebuttable presumption exists
8 under (d) of this subsection;

9 (H) Chapter 9.68A RCW;

10 (I) Any predecessor or antecedent statute for the offenses listed
11 in (a)(iv)(A) through (H) of this subsection;

12 (J) Any statute from any other jurisdiction that describes an
13 offense analogous to the offenses listed in (a)(iv)(A) through (H) of
14 this subsection.

15 This subsection (2)(a) shall not apply when (c) or (d) of this
16 subsection applies.

17 (b) The parent's residential time with the child shall be limited
18 if it is found that the parent resides with a person who has engaged in
19 any of the following conduct: (i) Physical, sexual, or a pattern of
20 emotional abuse of a child; (ii) a history of acts of domestic violence
21 as defined in RCW 26.50.010(1) or an assault or sexual assault that
22 causes grievous bodily harm or the fear of such harm; or (iii) the
23 person has been convicted as an adult or as a juvenile has been
24 adjudicated of a sex offense under:

25 (A) RCW 9A.44.076 if, because of the difference in age between the
26 offender and the victim, no rebuttable presumption exists under (e) of
27 this subsection;

28 (B) RCW 9A.44.079 if, because of the difference in age between the
29 offender and the victim, no rebuttable presumption exists under (e) of
30 this subsection;

31 (C) RCW 9A.44.086 if, because of the difference in age between the
32 offender and the victim, no rebuttable presumption exists under (e) of
33 this subsection;

34 (D) RCW 9A.44.089;

35 (E) RCW 9A.44.093;

36 (F) RCW 9A.44.096;

37 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age

1 between the offender and the victim, no rebuttable presumption exists
2 under (e) of this subsection;

3 (H) Chapter 9.68A RCW;

4 (I) Any predecessor or antecedent statute for the offenses listed
5 in (b)(iii)(A) through (H) of this subsection;

6 (J) Any statute from any other jurisdiction that describes an
7 offense analogous to the offenses listed in (b)(iii)(A) through (H) of
8 this subsection.

9 This subsection (2)(b) shall not apply when (c) or (e) of this
10 subsection applies.

11 (c) If a parent has been found to be a sexual predator under
12 chapter 71.09 RCW or under an analogous statute of any other
13 jurisdiction, the court shall restrain the parent from contact with a
14 child that would otherwise be allowed under this chapter. If a parent
15 resides with an adult or a juvenile who has been found to be a sexual
16 predator under chapter 71.09 RCW or under an analogous statute of any
17 other jurisdiction, the court shall restrain the parent from contact
18 with the parent's child except contact that occurs outside that
19 person's presence.

20 (d) There is a rebuttable presumption that a parent who has been
21 convicted as an adult of a sex offense listed in (d)(i) through (ix) of
22 this subsection poses a present danger to a child. Unless the parent
23 rebuts this presumption, the court shall restrain the parent from
24 contact with a child that would otherwise be allowed under this
25 chapter:

26 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
27 was at least five years older than the other person;

28 (ii) RCW 9A.44.073;

29 (iii) RCW 9A.44.076, provided that the person convicted was at
30 least eight years older than the victim;

31 (iv) RCW 9A.44.079, provided that the person convicted was at least
32 eight years older than the victim;

33 (v) RCW 9A.44.083;

34 (vi) RCW 9A.44.086, provided that the person convicted was at least
35 eight years older than the victim;

36 (vii) RCW 9A.44.100;

37 (viii) Any predecessor or antecedent statute for the offenses
38 listed in (d)(i) through (vii) of this subsection;

1 (ix) Any statute from any other jurisdiction that describes an
2 offense analogous to the offenses listed in (d)(i) through (vii) of
3 this subsection.

4 (e) There is a rebuttable presumption that a parent who resides
5 with a person who, as an adult, has been convicted, or as a juvenile
6 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)
7 of this subsection places a child at risk of abuse or harm when that
8 parent exercises residential time in the presence of the convicted or
9 adjudicated person. Unless the parent rebuts the presumption, the
10 court shall restrain the parent from contact with the parent's child
11 except for contact that occurs outside of the convicted or adjudicated
12 person's presence:

13 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
14 was at least five years older than the other person;

15 (ii) RCW 9A.44.073;

16 (iii) RCW 9A.44.076, provided that the person convicted was at
17 least eight years older than the victim;

18 (iv) RCW 9A.44.079, provided that the person convicted was at least
19 eight years older than the victim;

20 (v) RCW 9A.44.083;

21 (vi) RCW 9A.44.086, provided that the person convicted was at least
22 eight years older than the victim;

23 (vii) RCW 9A.44.100;

24 (viii) Any predecessor or antecedent statute for the offenses
25 listed in (e)(i) through (vii) of this subsection;

26 (ix) Any statute from any other jurisdiction that describes an
27 offense analogous to the offenses listed in (e)(i) through (vii) of
28 this subsection.

29 (f) The presumption established in (d) of this subsection may be
30 rebutted only after a written finding that:

31 (i) If the child was not the victim of the sex offense committed by
32 the parent requesting residential time, (A) contact between the child
33 and the offending parent is appropriate and poses minimal risk to the
34 child, and (B) the offending parent has successfully engaged in
35 treatment for sex offenders or is engaged in and making progress in
36 such treatment, if any was ordered by a court, and the treatment
37 provider believes such contact is appropriate and poses minimal risk to
38 the child; or

1 (ii) If the child was the victim of the sex offense committed by
2 the parent requesting residential time, (A) contact between the child
3 and the offending parent is appropriate and poses minimal risk to the
4 child, (B) if the child is in or has been in therapy for victims of
5 sexual abuse, the child's counselor believes such contact between the
6 child and the offending parent is in the child's best interest, and (C)
7 the offending parent has successfully engaged in treatment for sex
8 offenders or is engaged in and making progress in such treatment, if
9 any was ordered by a court, and the treatment provider believes such
10 contact is appropriate and poses minimal risk to the child.

11 (g) The presumption established in (e) of this subsection may be
12 rebutted only after a written finding that:

13 (i) If the child was not the victim of the sex offense committed by
14 the person who is residing with the parent requesting residential time,
15 (A) contact between the child and the parent residing with the
16 convicted or adjudicated person is appropriate and that parent is able
17 to protect the child in the presence of the convicted or adjudicated
18 person, and (B) the convicted or adjudicated person has successfully
19 engaged in treatment for sex offenders or is engaged in and making
20 progress in such treatment, if any was ordered by a court, and the
21 treatment provider believes such contact is appropriate and poses
22 minimal risk to the child; or

23 (ii) If the child was the victim of the sex offense committed by
24 the person who is residing with the parent requesting residential time,
25 (A) contact between the child and the parent in the presence of the
26 convicted or adjudicated person is appropriate and poses minimal risk
27 to the child, (B) if the child is in or has been in therapy for victims
28 of sexual abuse, the child's counselor believes such contact between
29 the child and the parent residing with the convicted or adjudicated
30 person in the presence of the convicted or adjudicated person is in the
31 child's best interest, and (C) the convicted or adjudicated person has
32 successfully engaged in treatment for sex offenders or is engaged in
33 and making progress in such treatment, if any was ordered by a court,
34 and the treatment provider believes contact between the parent and
35 child in the presence of the convicted or adjudicated person is
36 appropriate and poses minimal risk to the child.

37 (h) If the court finds that the parent has met the burden of
38 rebutting the presumption under (f) of this subsection, the court may

1 allow a parent who has been convicted as an adult of a sex offense
2 listed in (d)(i) through (ix) of this subsection to have residential
3 time with the child supervised by a neutral and independent adult and
4 pursuant to an adequate plan for supervision of such residential time.
5 The court shall not approve of a supervisor for contact between the
6 child and the parent unless the court finds, based on the evidence,
7 that the supervisor is willing and capable of protecting the child from
8 harm. The court shall revoke court approval of the supervisor upon
9 finding, based on the evidence, that the supervisor has failed to
10 protect the child or is no longer willing or capable of protecting the
11 child.

12 (i) If the court finds that the parent has met the burden of
13 rebutting the presumption under (g) of this subsection, the court may
14 allow a parent residing with a person who has been adjudicated as a
15 juvenile of a sex offense listed in (e)(i) through (ix) of this
16 subsection to have residential time with the child in the presence of
17 the person adjudicated as a juvenile, supervised by a neutral and
18 independent adult and pursuant to an adequate plan for supervision of
19 such residential time. The court shall not approve of a supervisor for
20 contact between the child and the parent unless the court finds, based
21 on the evidence, that the supervisor is willing and capable of
22 protecting the child from harm. The court shall revoke court approval
23 of the supervisor upon finding, based on the evidence, that the
24 supervisor has failed to protect the child or is no longer willing or
25 capable of protecting the child.

26 (j) If the court finds that the parent has met the burden of
27 rebutting the presumption under (g) of this subsection, the court may
28 allow a parent residing with a person who, as an adult, has been
29 convicted of a sex offense listed in (e)(i) through (ix) of this
30 subsection to have residential time with the child in the presence of
31 the convicted person supervised by a neutral and independent adult and
32 pursuant to an adequate plan for supervision of such residential time.
33 The court shall not approve of a supervisor for contact between the
34 child and the parent unless the court finds, based on the evidence,
35 that the supervisor is willing and capable of protecting the child from
36 harm. The court shall revoke court approval of the supervisor upon
37 finding, based on the evidence, that the supervisor has failed to

1 protect the child or is no longer willing or capable of protecting the
2 child.

3 (k) A court shall not order unsupervised contact between the
4 offending parent and a child of the offending parent who was sexually
5 abused by that parent. A court may order unsupervised contact between
6 the offending parent and a child who was not sexually abused by the
7 parent after the presumption under (d) of this subsection has been
8 rebutted and supervised residential time has occurred for at least two
9 years with no further arrests or convictions of sex offenses involving
10 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW
11 and (i) the sex offense of the offending parent was not committed
12 against a child of the offending parent, and (ii) the court finds that
13 unsupervised contact between the child and the offending parent is
14 appropriate and poses minimal risk to the child, after consideration of
15 the testimony of a state-certified therapist, mental health counselor,
16 or social worker with expertise in treating child sexual abuse victims
17 who has supervised at least one period of residential time between the
18 parent and the child, and after consideration of evidence of the
19 offending parent's compliance with community supervision requirements,
20 if any. If the offending parent was not ordered by a court to
21 participate in treatment for sex offenders, then the parent shall
22 obtain a psychosexual evaluation conducted by a certified sex offender
23 treatment provider or a certified affiliate sex offender treatment
24 provider indicating that the offender has the lowest likelihood of risk
25 to reoffend before the court grants unsupervised contact between the
26 parent and a child.

27 (l) A court may order unsupervised contact between the parent and
28 a child which may occur in the presence of a juvenile adjudicated of a
29 sex offense listed in (e)(i) through (ix) of this subsection who
30 resides with the parent after the presumption under (e) of this
31 subsection has been rebutted and supervised residential time has
32 occurred for at least two years during which time the adjudicated
33 juvenile has had no further arrests, adjudications, or convictions of
34 sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020,
35 or chapter 9.68A RCW, and (i) the court finds that unsupervised contact
36 between the child and the parent that may occur in the presence of the
37 adjudicated juvenile is appropriate and poses minimal risk to the
38 child, after consideration of the testimony of a state-certified

1 therapist, mental health counselor, or social worker with expertise in
2 treatment of child sexual abuse victims who has supervised at least one
3 period of residential time between the parent and the child in the
4 presence of the adjudicated juvenile, and after consideration of
5 evidence of the adjudicated juvenile's compliance with community
6 supervision or parole requirements, if any. If the adjudicated
7 juvenile was not ordered by a court to participate in treatment for sex
8 offenders, then the adjudicated juvenile shall obtain a psychosexual
9 evaluation conducted by a certified sex offender treatment provider or
10 a certified affiliate sex offender treatment provider indicating that
11 the adjudicated juvenile has the lowest likelihood of risk to reoffend
12 before the court grants unsupervised contact between the parent and a
13 child which may occur in the presence of the adjudicated juvenile who
14 is residing with the parent.

15 (m)(i) The limitations imposed by the court under (a) or (b) of
16 this subsection shall be reasonably calculated to protect the child
17 from the physical, sexual, or emotional abuse or harm that could result
18 if the child has contact with the parent requesting residential time.
19 The limitations shall also be reasonably calculated to provide for the
20 safety of the parent who may be at risk of physical, sexual, or
21 emotional abuse or harm that could result if the parent has contact
22 with the parent requesting residential time. The limitations the court
23 may impose include, but are not limited to: Supervised contact between
24 the child and the parent or completion of relevant counseling or
25 treatment. If the court expressly finds based on the evidence that
26 limitations on the residential time with the child will not adequately
27 protect the child from the harm or abuse that could result if the child
28 has contact with the parent requesting residential time, the court
29 shall restrain the parent requesting residential time from all contact
30 with the child.

31 (ii) The court shall not enter an order under (a) of this
32 subsection allowing a parent to have contact with a child if the parent
33 has been found by clear and convincing evidence in a civil action or by
34 a preponderance of the evidence in a dependency action to have sexually
35 abused the child, except upon recommendation by an evaluator or
36 therapist for the child that the child is ready for contact with the
37 parent and will not be harmed by the contact. The court shall not
38 enter an order allowing a parent to have contact with the child in the

1 offender's presence if the parent resides with a person who has been
2 found by clear and convincing evidence in a civil action or by a
3 preponderance of the evidence in a dependency action to have sexually
4 abused a child, unless the court finds that the parent accepts that the
5 person engaged in the harmful conduct and the parent is willing to and
6 capable of protecting the child from harm from the person.

7 (iii) If the court limits residential time under (a) or (b) of this
8 subsection to require supervised contact between the child and the
9 parent, the court shall not approve of a supervisor for contact between
10 a child and a parent who has engaged in physical, sexual, or a pattern
11 of emotional abuse of the child unless the court finds based upon the
12 evidence that the supervisor accepts that the harmful conduct occurred
13 and is willing to and capable of protecting the child from harm. The
14 court shall revoke court approval of the supervisor upon finding, based
15 on the evidence, that the supervisor has failed to protect the child or
16 is no longer willing to or capable of protecting the child.

17 (n) If the court expressly finds based on the evidence that
18 contact between the parent and the child will not cause physical,
19 sexual, or emotional abuse or harm to the child and that the
20 probability that the parent's or other person's harmful or abusive
21 conduct will recur is so remote that it would not be in the child's
22 best interests to apply the limitations of (a), (b), and (m)(i) and
23 (iii) of this subsection, or if the court expressly finds that the
24 parent's conduct did not have an impact on the child, then the court
25 need not apply the limitations of (a), (b), and (m)(i) and (iii) of
26 this subsection. The weight given to the existence of a protection
27 order issued under chapter 26.50 RCW as to domestic violence is within
28 the discretion of the court. This subsection shall not apply when (c),
29 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this
30 subsection apply.

31 (3) A parent's involvement or conduct may have an adverse effect on
32 the child's best interests, and the court may preclude or limit any
33 provisions of the parenting plan, if any of the following factors
34 exist:

35 (a) A parent's neglect or substantial nonperformance of parenting
36 functions;

37 (b) A long-term emotional or physical impairment which interferes

1 with the parent's performance of parenting functions as defined in RCW
2 26.09.004;

3 (c) A long-term impairment resulting from drug, alcohol, or other
4 substance abuse that interferes with the performance of parenting
5 functions;

6 (d) The absence or substantial impairment of emotional ties between
7 the parent and the child;

8 (e) The abusive use of conflict by the parent which creates the
9 danger of serious damage to the child's psychological development;

10 (f) A parent has withheld from the other parent access to the child
11 for a protracted period without good cause; or

12 (g) Such other factors or conduct as the court expressly finds
13 adverse to the best interests of the child.

14 (4) In cases involving allegations of limiting factors under
15 subsection (2)(a)(ii) and (iii) of this section, both parties shall be
16 screened to determine the appropriateness of a comprehensive assessment
17 regarding the impact of the limiting factor on the child and the
18 parties.

19 (5) In entering a permanent parenting plan, the court shall not
20 draw any presumptions from the provisions of the temporary parenting
21 plan.

22 (6) In determining whether any of the conduct described in this
23 section has occurred, the court shall apply the civil rules of
24 evidence, proof, and procedure.

25 (7) For the purposes of this section(~~(7)~~):

26 (a) "A parent's child" means that parent's natural child, adopted
27 child, or stepchild; and

28 (b) "Social worker" means a person with a master's or further
29 advanced degree from a social work educational program accredited and
30 approved as provided in section 2 of this act.

31 **Sec. 7.** RCW 26.10.160 and 2004 c 38 s 13 are each amended to read
32 as follows:

33 (1) A parent not granted custody of the child is entitled to
34 reasonable visitation rights except as provided in subsection (2) of
35 this section.

36 (2)(a) Visitation with the child shall be limited if it is found
37 that the parent seeking visitation has engaged in any of the following

1 conduct: (i) Willful abandonment that continues for an extended period
2 of time or substantial refusal to perform parenting functions; (ii)
3 physical, sexual, or a pattern of emotional abuse of a child; (iii) a
4 history of acts of domestic violence as defined in RCW 26.50.010(1) or
5 an assault or sexual assault which causes grievous bodily harm or the
6 fear of such harm; or (iv) the parent has been convicted as an adult of
7 a sex offense under:

8 (A) RCW 9A.44.076 if, because of the difference in age between the
9 offender and the victim, no rebuttable presumption exists under (d) of
10 this subsection;

11 (B) RCW 9A.44.079 if, because of the difference in age between the
12 offender and the victim, no rebuttable presumption exists under (d) of
13 this subsection;

14 (C) RCW 9A.44.086 if, because of the difference in age between the
15 offender and the victim, no rebuttable presumption exists under (d) of
16 this subsection;

17 (D) RCW 9A.44.089;

18 (E) RCW 9A.44.093;

19 (F) RCW 9A.44.096;

20 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
21 between the offender and the victim, no rebuttable presumption exists
22 under (d) of this subsection;

23 (H) Chapter 9.68A RCW;

24 (I) Any predecessor or antecedent statute for the offenses listed
25 in (a)(iv)(A) through (H) of this subsection;

26 (J) Any statute from any other jurisdiction that describes an
27 offense analogous to the offenses listed in (a)(iv)(A) through (H) of
28 this subsection.

29 This subsection (2)(a) shall not apply when (c) or (d) of this
30 subsection applies.

31 (b) The parent's visitation with the child shall be limited if it
32 is found that the parent resides with a person who has engaged in any
33 of the following conduct: (i) Physical, sexual, or a pattern of
34 emotional abuse of a child; (ii) a history of acts of domestic violence
35 as defined in RCW 26.50.010(1) or an assault or sexual assault that
36 causes grievous bodily harm or the fear of such harm; or (iii) the
37 person has been convicted as an adult or as a juvenile has been
38 adjudicated of a sex offense under:

1 (A) RCW 9A.44.076 if, because of the difference in age between the
2 offender and the victim, no rebuttable presumption exists under (e) of
3 this subsection;

4 (B) RCW 9A.44.079 if, because of the difference in age between the
5 offender and the victim, no rebuttable presumption exists under (e) of
6 this subsection;

7 (C) RCW 9A.44.086 if, because of the difference in age between the
8 offender and the victim, no rebuttable presumption exists under (e) of
9 this subsection;

10 (D) RCW 9A.44.089;

11 (E) RCW 9A.44.093;

12 (F) RCW 9A.44.096;

13 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
14 between the offender and the victim, no rebuttable presumption exists
15 under (e) of this subsection;

16 (H) Chapter 9.68A RCW;

17 (I) Any predecessor or antecedent statute for the offenses listed
18 in (b)(iii)(A) through (H) of this subsection;

19 (J) Any statute from any other jurisdiction that describes an
20 offense analogous to the offenses listed in (b)(iii)(A) through (H) of
21 this subsection.

22 This subsection (2)(b) shall not apply when (c) or (e) of this
23 subsection applies.

24 (c) If a parent has been found to be a sexual predator under
25 chapter 71.09 RCW or under an analogous statute of any other
26 jurisdiction, the court shall restrain the parent from contact with a
27 child that would otherwise be allowed under this chapter. If a parent
28 resides with an adult or a juvenile who has been found to be a sexual
29 predator under chapter 71.09 RCW or under an analogous statute of any
30 other jurisdiction, the court shall restrain the parent from contact
31 with the parent's child except contact that occurs outside that
32 person's presence.

33 (d) There is a rebuttable presumption that a parent who has been
34 convicted as an adult of a sex offense listed in (d)(i) through (ix) of
35 this subsection poses a present danger to a child. Unless the parent
36 rebuts this presumption, the court shall restrain the parent from
37 contact with a child that would otherwise be allowed under this
38 chapter:

1 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
2 was at least five years older than the other person;
3 (ii) RCW 9A.44.073;
4 (iii) RCW 9A.44.076, provided that the person convicted was at
5 least eight years older than the victim;
6 (iv) RCW 9A.44.079, provided that the person convicted was at least
7 eight years older than the victim;
8 (v) RCW 9A.44.083;
9 (vi) RCW 9A.44.086, provided that the person convicted was at least
10 eight years older than the victim;
11 (vii) RCW 9A.44.100;
12 (viii) Any predecessor or antecedent statute for the offenses
13 listed in (d)(i) through (vii) of this subsection;
14 (ix) Any statute from any other jurisdiction that describes an
15 offense analogous to the offenses listed in (d)(i) through (vii) of
16 this subsection.
17 (e) There is a rebuttable presumption that a parent who resides
18 with a person who, as an adult, has been convicted, or as a juvenile
19 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)
20 of this subsection places a child at risk of abuse or harm when that
21 parent exercises visitation in the presence of the convicted or
22 adjudicated person. Unless the parent rebuts the presumption, the
23 court shall restrain the parent from contact with the parent's child
24 except for contact that occurs outside of the convicted or adjudicated
25 person's presence:
26 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
27 was at least five years older than the other person;
28 (ii) RCW 9A.44.073;
29 (iii) RCW 9A.44.076, provided that the person convicted was at
30 least eight years older than the victim;
31 (iv) RCW 9A.44.079, provided that the person convicted was at least
32 eight years older than the victim;
33 (v) RCW 9A.44.083;
34 (vi) RCW 9A.44.086, provided that the person convicted was at least
35 eight years older than the victim;
36 (vii) RCW 9A.44.100;
37 (viii) Any predecessor or antecedent statute for the offenses
38 listed in (e)(i) through (vii) of this subsection;

1 (ix) Any statute from any other jurisdiction that describes an
2 offense analogous to the offenses listed in (e)(i) through (vii) of
3 this subsection.

4 (f) The presumption established in (d) of this subsection may be
5 rebutted only after a written finding that:

6 (i) If the child was not the victim of the sex offense committed by
7 the parent requesting visitation, (A) contact between the child and the
8 offending parent is appropriate and poses minimal risk to the child,
9 and (B) the offending parent has successfully engaged in treatment for
10 sex offenders or is engaged in and making progress in such treatment,
11 if any was ordered by a court, and the treatment provider believes such
12 contact is appropriate and poses minimal risk to the child; or

13 (ii) If the child was the victim of the sex offense committed by
14 the parent requesting visitation, (A) contact between the child and the
15 offending parent is appropriate and poses minimal risk to the child,
16 (B) if the child is in or has been in therapy for victims of sexual
17 abuse, the child's counselor believes such contact between the child
18 and the offending parent is in the child's best interest, and (C) the
19 offending parent has successfully engaged in treatment for sex
20 offenders or is engaged in and making progress in such treatment, if
21 any was ordered by a court, and the treatment provider believes such
22 contact is appropriate and poses minimal risk to the child.

23 (g) The presumption established in (e) of this subsection may be
24 rebutted only after a written finding that:

25 (i) If the child was not the victim of the sex offense committed by
26 the person who is residing with the parent requesting visitation, (A)
27 contact between the child and the parent residing with the convicted or
28 adjudicated person is appropriate and that parent is able to protect
29 the child in the presence of the convicted or adjudicated person, and
30 (B) the convicted or adjudicated person has successfully engaged in
31 treatment for sex offenders or is engaged in and making progress in
32 such treatment, if any was ordered by a court, and the treatment
33 provider believes such contact is appropriate and poses minimal risk to
34 the child; or

35 (ii) If the child was the victim of the sex offense committed by
36 the person who is residing with the parent requesting visitation, (A)
37 contact between the child and the parent in the presence of the
38 convicted or adjudicated person is appropriate and poses minimal risk

1 to the child, (B) if the child is in or has been in therapy for victims
2 of sexual abuse, the child's counselor believes such contact between
3 the child and the parent residing with the convicted or adjudicated
4 person in the presence of the convicted or adjudicated person is in the
5 child's best interest, and (C) the convicted or adjudicated person has
6 successfully engaged in treatment for sex offenders or is engaged in
7 and making progress in such treatment, if any was ordered by a court,
8 and the treatment provider believes contact between the parent and
9 child in the presence of the convicted or adjudicated person is
10 appropriate and poses minimal risk to the child.

11 (h) If the court finds that the parent has met the burden of
12 rebutting the presumption under (f) of this subsection, the court may
13 allow a parent who has been convicted as an adult of a sex offense
14 listed in (d)(i) through (ix) of this subsection to have visitation
15 with the child supervised by a neutral and independent adult and
16 pursuant to an adequate plan for supervision of such visitation. The
17 court shall not approve of a supervisor for contact between the child
18 and the parent unless the court finds, based on the evidence, that the
19 supervisor is willing and capable of protecting the child from harm.
20 The court shall revoke court approval of the supervisor upon finding,
21 based on the evidence, that the supervisor has failed to protect the
22 child or is no longer willing or capable of protecting the child.

23 (i) If the court finds that the parent has met the burden of
24 rebutting the presumption under (g) of this subsection, the court may
25 allow a parent residing with a person who has been adjudicated as a
26 juvenile of a sex offense listed in (e)(i) through (ix) of this
27 subsection to have visitation with the child in the presence of the
28 person adjudicated as a juvenile, supervised by a neutral and
29 independent adult and pursuant to an adequate plan for supervision of
30 such visitation. The court shall not approve of a supervisor for
31 contact between the child and the parent unless the court finds, based
32 on the evidence, that the supervisor is willing and capable of
33 protecting the child from harm. The court shall revoke court approval
34 of the supervisor upon finding, based on the evidence, that the
35 supervisor has failed to protect the child or is no longer willing or
36 capable of protecting the child.

37 (j) If the court finds that the parent has met the burden of
38 rebutting the presumption under (g) of this subsection, the court may

1 allow a parent residing with a person who, as an adult, has been
2 convicted of a sex offense listed in (e)(i) through (ix) of this
3 subsection to have visitation with the child in the presence of the
4 convicted person supervised by a neutral and independent adult and
5 pursuant to an adequate plan for supervision of such visitation. The
6 court shall not approve of a supervisor for contact between the child
7 and the parent unless the court finds, based on the evidence, that the
8 supervisor is willing and capable of protecting the child from harm.
9 The court shall revoke court approval of the supervisor upon finding,
10 based on the evidence, that the supervisor has failed to protect the
11 child or is no longer willing or capable of protecting the child.

12 (k) A court shall not order unsupervised contact between the
13 offending parent and a child of the offending parent who was sexually
14 abused by that parent. A court may order unsupervised contact between
15 the offending parent and a child who was not sexually abused by the
16 parent after the presumption under (d) of this subsection has been
17 rebutted and supervised visitation has occurred for at least two years
18 with no further arrests or convictions of sex offenses involving
19 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW
20 and (i) the sex offense of the offending parent was not committed
21 against a child of the offending parent, and (ii) the court finds that
22 unsupervised contact between the child and the offending parent is
23 appropriate and poses minimal risk to the child, after consideration of
24 the testimony of a state-certified therapist, mental health counselor,
25 or social worker with expertise in treating child sexual abuse victims
26 who has supervised at least one period of visitation between the parent
27 and the child, and after consideration of evidence of the offending
28 parent's compliance with community supervision requirements, if any.
29 If the offending parent was not ordered by a court to participate in
30 treatment for sex offenders, then the parent shall obtain a
31 psychosexual evaluation conducted by a certified sex offender treatment
32 provider or a certified affiliate sex offender treatment provider
33 indicating that the offender has the lowest likelihood of risk to
34 reoffend before the court grants unsupervised contact between the
35 parent and a child.

36 (l) A court may order unsupervised contact between the parent and
37 a child which may occur in the presence of a juvenile adjudicated of a
38 sex offense listed in (e)(i) through (ix) of this subsection who

1 resides with the parent after the presumption under (e) of this
2 subsection has been rebutted and supervised visitation has occurred for
3 at least two years during which time the adjudicated juvenile has had
4 no further arrests, adjudications, or convictions of sex offenses
5 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter
6 9.68A RCW, and (i) the court finds that unsupervised contact between
7 the child and the parent that may occur in the presence of the
8 adjudicated juvenile is appropriate and poses minimal risk to the
9 child, after consideration of the testimony of a state-certified
10 therapist, mental health counselor, or social worker with expertise in
11 treatment of child sexual abuse victims who has supervised at least one
12 period of visitation between the parent and the child in the presence
13 of the adjudicated juvenile, and after consideration of evidence of the
14 adjudicated juvenile's compliance with community supervision or parole
15 requirements, if any. If the adjudicated juvenile was not ordered by
16 a court to participate in treatment for sex offenders, then the
17 adjudicated juvenile shall obtain a psychosexual evaluation conducted
18 by a certified sex offender treatment provider or a certified affiliate
19 sex offender treatment provider indicating that the adjudicated
20 juvenile has the lowest likelihood of risk to reoffend before the court
21 grants unsupervised contact between the parent and a child which may
22 occur in the presence of the adjudicated juvenile who is residing with
23 the parent.

24 (m)(i) The limitations imposed by the court under (a) or (b) of
25 this subsection shall be reasonably calculated to protect the child
26 from the physical, sexual, or emotional abuse or harm that could result
27 if the child has contact with the parent requesting visitation. If the
28 court expressly finds based on the evidence that limitations on
29 visitation with the child will not adequately protect the child from
30 the harm or abuse that could result if the child has contact with the
31 parent requesting visitation, the court shall restrain the person
32 seeking visitation from all contact with the child.

33 (ii) The court shall not enter an order under (a) of this
34 subsection allowing a parent to have contact with a child if the parent
35 has been found by clear and convincing evidence in a civil action or by
36 a preponderance of the evidence in a dependency action to have sexually
37 abused the child, except upon recommendation by an evaluator or
38 therapist for the child that the child is ready for contact with the

1 parent and will not be harmed by the contact. The court shall not
2 enter an order allowing a parent to have contact with the child in the
3 offender's presence if the parent resides with a person who has been
4 found by clear and convincing evidence in a civil action or by a
5 preponderance of the evidence in a dependency action to have sexually
6 abused a child, unless the court finds that the parent accepts that the
7 person engaged in the harmful conduct and the parent is willing to and
8 capable of protecting the child from harm from the person.

9 (iii) If the court limits visitation under (a) or (b) of this
10 subsection to require supervised contact between the child and the
11 parent, the court shall not approve of a supervisor for contact between
12 a child and a parent who has engaged in physical, sexual, or a pattern
13 of emotional abuse of the child unless the court finds based upon the
14 evidence that the supervisor accepts that the harmful conduct occurred
15 and is willing to and capable of protecting the child from harm. The
16 court shall revoke court approval of the supervisor upon finding, based
17 on the evidence, that the supervisor has failed to protect the child or
18 is no longer willing to or capable of protecting the child.

19 (n) If the court expressly finds based on the evidence that
20 contact between the parent and the child will not cause physical,
21 sexual, or emotional abuse or harm to the child and that the
22 probability that the parent's or other person's harmful or abusive
23 conduct will recur is so remote that it would not be in the child's
24 best interests to apply the limitations of (a), (b), and (m)(i) and
25 (iii) of this subsection, or if the court expressly finds that the
26 parent's conduct did not have an impact on the child, then the court
27 need not apply the limitations of (a), (b), and (m)(i) and (iii) of
28 this subsection. The weight given to the existence of a protection
29 order issued under chapter 26.50 RCW as to domestic violence is within
30 the discretion of the court. This subsection shall not apply when (c),
31 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this
32 subsection apply.

33 (3) Any person may petition the court for visitation rights at any
34 time including, but not limited to, custody proceedings. The court may
35 order visitation rights for any person when visitation may serve the
36 best interest of the child whether or not there has been any change of
37 circumstances.

1 (4) The court may modify an order granting or denying visitation
2 rights whenever modification would serve the best interests of the
3 child. Modification of a parent's visitation rights shall be subject
4 to the requirements of subsection (2) of this section.

5 (5) For the purposes of this section(~~(7)~~):

6 (a) "A parent's child" means that parent's natural child, adopted
7 child, or stepchild; and

8 (b) "Social worker" means a person with a master's or further
9 advanced degree from a social work educational program accredited and
10 approved as provided in section 2 of this act.

11 **Sec. 8.** RCW 28A.170.080 and 2005 c 497 s 213 are each amended to
12 read as follows:

13 (1) Grants provided under RCW 28A.170.090 may be used solely for
14 services provided by a substance abuse intervention specialist or for
15 dedicated staff time for counseling and intervention services provided
16 by any school district certificated employee who has been trained by
17 and has access to consultation with a substance abuse intervention
18 specialist. Services shall be directed at assisting students in
19 kindergarten through twelfth grade in overcoming problems of drug and
20 alcohol abuse, and in preventing abuse and addiction to such
21 substances, including nicotine. The grants shall require local
22 matching funds so that the grant amounts support a maximum of eighty
23 percent of the costs of the services funded. The services of a
24 substance abuse intervention specialist may be obtained by means of a
25 contract with a state or community services agency or a drug treatment
26 center. Services provided by a substance abuse intervention specialist
27 may include:

28 (a) Individual and family counseling, including preventive
29 counseling;

30 (b) Assessment and referral for treatment;

31 (c) Referral to peer support groups;

32 (d) Aftercare;

33 (e) Development and supervision of student mentor programs;

34 (f) Staff training, including training in the identification of
35 high-risk children and effective interaction with those children in the
36 classroom; and

1 (g) Development and coordination of school drug and alcohol core
2 teams, involving staff, students, parents, and community members.

3 (2) For the purposes of this section, "substance abuse intervention
4 specialist" means any one of the following, except that diagnosis and
5 assessment, counseling and aftercare specifically identified with
6 treatment of chemical dependency shall be performed only by personnel
7 who meet the same qualifications as are required of a qualified
8 chemical dependency counselor employed by an alcoholism or drug
9 treatment program approved by the department of social and health
10 services.

11 (a) An educational staff associate employed by a school district or
12 educational service district who holds certification as a school
13 counselor, school psychologist, school nurse, or school social worker
14 under Washington professional educator standards board rules adopted
15 pursuant to RCW 28A.410.210;

16 (b) An individual who meets the definition of a qualified drug or
17 alcohol counselor established by the bureau of alcohol and substance
18 abuse;

19 (c) A counselor, social services case worker, or other qualified
20 professional employed by the department of social and health services;

21 (d) A psychologist licensed under chapter 18.83 RCW; or

22 (e) A children's mental health specialist as defined in RCW
23 71.34.020.

24 **Sec. 9.** RCW 70.96A.037 and 2009 c 579 s 1 are each amended to read
25 as follows:

26 (1) The department of social and health services shall contract for
27 chemical dependency specialist services at division of children and
28 family services offices to enhance the timeliness and quality of child
29 protective services assessments and to better connect families to
30 needed treatment services.

31 (2) The chemical dependency specialist's duties may include, but
32 are not limited to: Conducting on-site chemical dependency screening
33 and assessment, facilitating progress reports to department social
34 services case workers, in-service training of department social
35 services case workers and staff on substance abuse issues, referring
36 clients from the department to treatment providers, and providing
37 consultation on cases to department social services case workers.

1 (3) The department of social and health services shall provide
2 training in and ensure that each case-carrying social services case
3 worker is trained in uniform screening for mental health and chemical
4 dependency.

5 **Sec. 10.** RCW 70.96B.010 and 2008 c 320 s 3 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Admission" or "admit" means a decision by a physician that a
10 person should be examined or treated as a patient in a hospital, an
11 evaluation and treatment facility, or other inpatient facility, or a
12 decision by a professional person in charge or his or her designee that
13 a person should be detained as a patient for evaluation and treatment
14 in a secure detoxification facility or other certified chemical
15 dependency provider.

16 (2) "Antipsychotic medications" means that class of drugs primarily
17 used to treat serious manifestations of mental illness associated with
18 thought disorders, which includes but is not limited to atypical
19 antipsychotic medications.

20 (3) "Approved treatment program" means a discrete program of
21 chemical dependency treatment provided by a treatment program certified
22 by the department as meeting standards adopted under chapter 70.96A
23 RCW.

24 (4) "Attending staff" means any person on the staff of a public or
25 private agency having responsibility for the care and treatment of a
26 patient.

27 (5) "Chemical dependency" means:

- 28 (a) Alcoholism;
- 29 (b) Drug addiction; or
- 30 (c) Dependence on alcohol and one or more other psychoactive
31 chemicals, as the context requires.

32 (6) "Chemical dependency professional" means a person certified as
33 a chemical dependency professional by the department of health under
34 chapter 18.205 RCW.

35 (7) "Commitment" means the determination by a court that a person
36 should be detained for a period of either evaluation or treatment, or
37 both, in an inpatient or a less restrictive setting.

1 (8) "Conditional release" means a revocable modification of a
2 commitment that may be revoked upon violation of any of its terms.

3 (9) "Custody" means involuntary detention under either chapter
4 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of
5 unconditional release from commitment from a facility providing
6 involuntary care and treatment.

7 (10) "Department" means the department of social and health
8 services.

9 (11) "Designated chemical dependency specialist" or "specialist"
10 means a person designated by the county alcoholism and other drug
11 addiction program coordinator designated under RCW 70.96A.310 to
12 perform the commitment duties described in RCW 70.96A.140 and this
13 chapter, and qualified to do so by meeting standards adopted by the
14 department.

15 (12) "Designated crisis responder" means a person designated by the
16 county or regional support network to perform the duties specified in
17 this chapter.

18 (13) "Designated mental health professional" means a mental health
19 professional designated by the county or other authority authorized in
20 rule to perform the duties specified in this chapter.

21 (14) "Detention" or "detain" means the lawful confinement of a
22 person under this chapter, or chapter 70.96A or 71.05 RCW.

23 (15) "Developmental disabilities professional" means a person who
24 has specialized training and three years of experience in directly
25 treating or working with individuals with developmental disabilities
26 and is a psychiatrist, psychologist, or social worker, and such other
27 developmental disabilities professionals as may be defined by rules
28 adopted by the secretary.

29 (16) "Developmental disability" means that condition defined in RCW
30 71A.10.020.

31 (17) "Discharge" means the termination of facility authority. The
32 commitment may remain in place, be terminated, or be amended by court
33 order.

34 (18) "Evaluation and treatment facility" means any facility that
35 can provide directly, or by direct arrangement with other public or
36 private agencies, emergency evaluation and treatment, outpatient care,
37 and timely and appropriate inpatient care to persons suffering from a
38 mental disorder, and that is certified as such by the department. A

1 physically separate and separately operated portion of a state hospital
2 may be designated as an evaluation and treatment facility. A facility
3 that is part of, or operated by, the department or any federal agency
4 does not require certification. No correctional institution or
5 facility, or jail, may be an evaluation and treatment facility within
6 the meaning of this chapter.

7 (19) "Facility" means either an evaluation and treatment facility
8 or a secure detoxification facility.

9 (20) "Gravely disabled" means a condition in which a person, as a
10 result of a mental disorder, or as a result of the use of alcohol or
11 other psychoactive chemicals:

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

14 (b) Manifests severe deterioration in routine functioning evidenced
15 by repeated and escalating loss of cognitive or volitional control over
16 his or her actions and is not receiving such care as is essential for
17 his or her health or safety.

18 (21) "History of one or more violent acts" refers to the period of
19 time ten years before the filing of a petition under this chapter, or
20 chapter 70.96A or 71.05 RCW, excluding any time spent, but not any
21 violent acts committed, in a mental health facility or a long-term
22 alcoholism or drug treatment facility, or in confinement as a result of
23 a criminal conviction.

24 (22) "Imminent" means the state or condition of being likely to
25 occur at any moment or near at hand, rather than distant or remote.

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

29 (24) "Judicial commitment" means a commitment by a court under this
30 chapter.

31 (25) "Licensed physician" means a person licensed to practice
32 medicine or osteopathic medicine and surgery in the state of
33 Washington.

34 (26) "Likelihood of serious harm" means:

35 (a) A substantial risk that:

36 (i) Physical harm will be inflicted by a person upon his or her own
37 person, as evidenced by threats or attempts to commit suicide or
38 inflict physical harm on oneself;

1 (ii) Physical harm will be inflicted by a person upon another, as
2 evidenced by behavior that has caused such harm or that places another
3 person or persons in reasonable fear of sustaining such harm; or

4 (iii) Physical harm will be inflicted by a person upon the property
5 of others, as evidenced by behavior that has caused substantial loss or
6 damage to the property of others; or

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

9 (27) "Mental disorder" means any organic, mental, or emotional
10 impairment that has substantial adverse effects on a person's cognitive
11 or volitional functions.

12 (28) "Mental health professional" means a psychiatrist,
13 psychologist, psychiatric nurse, or social worker, and such other
14 mental health professionals as may be defined by rules adopted by the
15 secretary under the authority of chapter 71.05 RCW.

16 (29) "Peace officer" means a law enforcement official of a public
17 agency or governmental unit, and includes persons specifically given
18 peace officer powers by any state law, local ordinance, or judicial
19 order of appointment.

20 (30) "Person in charge" means a physician or chemical dependency
21 counselor as defined in rule by the department, who is empowered by a
22 certified treatment program with authority to make assessment,
23 admission, continuing care, and discharge decisions on behalf of the
24 certified program.

25 (31) "Private agency" means any person, partnership, corporation,
26 or association that is not a public agency, whether or not financed in
27 whole or in part by public funds, that constitutes an evaluation and
28 treatment facility or private institution, or hospital, or approved
29 treatment program, that is conducted for, or includes a department or
30 ward conducted for, the care and treatment of persons who are mentally
31 ill and/or chemically dependent.

32 (32) "Professional person" means a mental health professional or
33 chemical dependency professional and shall also mean a physician,
34 registered nurse, and such others as may be defined by rules adopted by
35 the secretary pursuant to the provisions of this chapter.

36 (33) "Psychiatrist" means a person having a license as a physician
37 and surgeon in this state who has in addition completed three years of
38 graduate training in psychiatry in a program approved by the American

1 medical association or the American osteopathic association and is
2 certified or eligible to be certified by the American board of
3 psychiatry and neurology.

4 (34) "Psychologist" means a person who has been licensed as a
5 psychologist under chapter 18.83 RCW.

6 (35) "Public agency" means any evaluation and treatment facility or
7 institution, or hospital, or approved treatment program that is
8 conducted for, or includes a department or ward conducted for, the care
9 and treatment of persons who are mentally ill and/or chemically
10 dependent, if the agency is operated directly by federal, state,
11 county, or municipal government, or a combination of such governments.

12 (36) "Registration records" means all the records of the
13 department, regional support networks, treatment facilities, and other
14 persons providing services to the department, county departments, or
15 facilities which identify persons who are receiving or who at any time
16 have received services for mental illness.

17 (37) "Release" means legal termination of the commitment under
18 chapter 70.96A or 71.05 RCW or this chapter.

19 (38) "Secretary" means the secretary of the department or the
20 secretary's designee.

21 (39) "Secure detoxification facility" means a facility operated by
22 either a public or private agency or by the program of an agency that
23 serves the purpose of providing evaluation and assessment, and acute
24 and/or subacute detoxification services for intoxicated persons and
25 includes security measures sufficient to protect the patients, staff,
26 and community.

27 (40) "Social worker" means a person with a master's or further
28 advanced degree from (~~(an accredited school of social work or a degree~~
29 ~~deemed equivalent under rules adopted by the secretary)) a social work
30 educational program accredited and approved as provided in section 2 of
31 this act.~~

32 (41) "Treatment records" means registration records and all other
33 records concerning persons who are receiving or who at any time have
34 received services for mental illness, which are maintained by the
35 department, by regional support networks and their staffs, and by
36 treatment facilities. Treatment records do not include notes or
37 records maintained for personal use by a person providing treatment

1 services for the department, regional support networks, or a treatment
2 facility if the notes or records are not available to others.

3 (42) "Violent act" means behavior that resulted in homicide,
4 attempted suicide, nonfatal injuries, or substantial damage to
5 property.

6 **Sec. 11.** RCW 70.97.010 and 2005 c 504 s 403 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Antipsychotic medications" means that class of drugs primarily
11 used to treat serious manifestations of mental illness associated with
12 thought disorders, which includes but is not limited to atypical
13 antipsychotic medications.

14 (2) "Attending staff" means any person on the staff of a public or
15 private agency having responsibility for the care and treatment of a
16 patient.

17 (3) "Chemical dependency" means alcoholism, drug addiction, or
18 dependence on alcohol and one or more other psychoactive chemicals, as
19 the context requires and as those terms are defined in chapter 70.96A
20 RCW.

21 (4) "Chemical dependency professional" means a person certified as
22 a chemical dependency professional by the department of health under
23 chapter 18.205 RCW.

24 (5) "Commitment" means the determination by a court that an
25 individual should be detained for a period of either evaluation or
26 treatment, or both, in an inpatient or a less restrictive setting.

27 (6) "Conditional release" means a modification of a commitment that
28 may be revoked upon violation of any of its terms.

29 (7) "Custody" means involuntary detention under chapter 71.05 or
30 70.96A RCW, uninterrupted by any period of unconditional release from
31 commitment from a facility providing involuntary care and treatment.

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

34 (9) "Designated responder" means a designated mental health
35 professional, a designated chemical dependency specialist, or a
36 designated crisis responder as those terms are defined in chapter
37 70.96A, 71.05, or 70.96B RCW.

1 (10) "Detention" or "detain" means the lawful confinement of an
2 individual under chapter 70.96A or 71.05 RCW.

3 (11) "Discharge" means the termination of facility authority. The
4 commitment may remain in place, be terminated, or be amended by court
5 order.

6 (12) "Enhanced services facility" means a facility that provides
7 treatment and services to persons for whom acute inpatient treatment is
8 not medically necessary and who have been determined by the department
9 to be inappropriate for placement in other licensed facilities due to
10 the complex needs that result in behavioral and security issues.

11 (13) "Expanded community services program" means a nonsecure
12 program of enhanced behavioral and residential support provided to
13 long-term and residential care providers serving specifically eligible
14 clients who would otherwise be at risk for hospitalization at state
15 hospital geriatric units.

16 (14) "Facility" means an enhanced services facility.

17 (15) "Gravely disabled" means a condition in which an individual,
18 as a result of a mental disorder, as a result of the use of alcohol or
19 other psychoactive chemicals, or both:

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

22 (b) Manifests severe deterioration in routine functioning evidenced
23 by repeated and escalating loss of cognitive or volitional control over
24 his or her actions and is not receiving such care as is essential for
25 his or her health or safety.

26 (16) "History of one or more violent acts" refers to the period of
27 time ten years before the filing of a petition under this chapter, or
28 chapter 70.96A or 71.05 RCW, excluding any time spent, but not any
29 violent acts committed, in a mental health facility or a long-term
30 alcoholism or drug treatment facility, or in confinement as a result of
31 a criminal conviction.

32 (17) "Licensed physician" means a person licensed to practice
33 medicine or osteopathic medicine and surgery in the state of
34 Washington.

35 (18) "Likelihood of serious harm" means:

36 (a) A substantial risk that:

37 (i) Physical harm will be inflicted by an individual upon his or

1 her own person, as evidenced by threats or attempts to commit suicide
2 or inflict physical harm on oneself;

3 (ii) Physical harm will be inflicted by an individual upon another,
4 as evidenced by behavior that has caused such harm or that places
5 another person or persons in reasonable fear of sustaining such harm;
6 or

7 (iii) Physical harm will be inflicted by an individual upon the
8 property of others, as evidenced by behavior that has caused
9 substantial loss or damage to the property of others; or

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

12 (19) "Mental disorder" means any organic, mental, or emotional
13 impairment that has substantial adverse effects on an individual's
14 cognitive or volitional functions.

15 (20) "Mental health professional" means a psychiatrist,
16 psychologist, psychiatric nurse, or social worker, and such other
17 mental health professionals as may be defined by rules adopted by the
18 secretary under the authority of chapter 71.05 RCW.

19 (21) "Professional person" means a mental health professional and
20 also means a physician, registered nurse, and such others as may be
21 defined in rules adopted by the secretary pursuant to the provisions of
22 this chapter.

23 (22) "Psychiatrist" means a person having a license as a physician
24 and surgeon in this state 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.

29 (23) "Psychologist" means a person who has been licensed as a
30 psychologist under chapter 18.83 RCW.

31 (24) "Registration records" include all the records of the
32 department, regional support networks, treatment facilities, and other
33 persons providing services to the department, county departments, or
34 facilities which identify individuals who are receiving or who at any
35 time have received services for mental illness.

36 (25) "Release" means legal termination of the commitment under
37 chapter 70.96A or 71.05 RCW.

1 (26) "Resident" means a person admitted to an enhanced services
2 facility.

3 (27) "Secretary" means the secretary of the department or the
4 secretary's designee.

5 (28) "Significant change" means:

6 (a) A deterioration in a resident's physical, mental, or
7 psychosocial condition that has caused or is likely to cause clinical
8 complications or life-threatening conditions; or

9 (b) An improvement in the resident's physical, mental, or
10 psychosocial condition that may make the resident eligible for release
11 or for treatment in a less intensive or less secure setting.

12 (29) "Social worker" means a person with a master's or further
13 advanced degree from (~~(an accredited school of social work or a degree~~
14 ~~deemed equivalent under rules adopted by the secretary)) a social work
15 educational program accredited and approved as provided in section 2 of
16 this act.~~

17 (30) "Treatment" means the broad range of emergency,
18 detoxification, residential, inpatient, and outpatient services and
19 care, including diagnostic evaluation, mental health or chemical
20 dependency education and counseling, medical, psychiatric,
21 psychological, and social service care, vocational rehabilitation, and
22 career counseling, which may be extended to persons with mental
23 disorders, chemical dependency disorders, or both, and their families.

24 (31) "Treatment records" include registration and all other records
25 concerning individuals who are receiving or who at any time have
26 received services for mental illness, which are maintained by the
27 department, by regional support networks and their staffs, and by
28 treatment facilities. "Treatment records" do not include notes or
29 records maintained for personal use by an individual providing
30 treatment services for the department, regional support networks, or a
31 treatment facility if the notes or records are not available to others.

32 (32) "Violent act" means behavior that resulted in homicide,
33 attempted suicide, nonfatal injuries, or substantial damage to
34 property.

35 **Sec. 12.** RCW 70.126.020 and 1984 c 22 s 5 are each amended to read
36 as follows:

1 (1) Home health care shall be provided by a home health agency and
2 shall:

3 (a) Be delivered by a registered nurse, physical therapist,
4 occupational therapist, speech therapist, or home health aide on a
5 part-time or intermittent basis;

6 (b) Include, as applicable under the written plan, supplies and
7 equipment such as:

8 (i) Drugs and medicines that are legally obtainable only upon a
9 physician's written prescription, and insulin;

10 (ii) Rental of durable medical apparatus and medical equipment such
11 as wheelchairs, hospital beds, respirators, splints, trusses, braces,
12 or crutches needed for treatment;

13 (iii) Supplies normally used for hospital inpatients and dispensed
14 by the home health agency such as oxygen, catheters, needles, syringes,
15 dressings, materials used in aseptic techniques, irrigation solutions,
16 and intravenous fluids.

17 (2) The following services may be included when medically
18 necessary, ordered by the attending physician, and included in the
19 approved plan of treatment:

20 (a) Licensed practical nurses;

21 (b) Respiratory therapists;

22 (c) Social workers holding a master's degree or further advanced
23 degree from a social work educational program accredited and approved
24 as provided in section 2 of this act;

25 (d) Ambulance service that is certified by the physician as
26 necessary in the approved plan of treatment because of the patient's
27 physical condition or for unexpected emergency situations.

28 (3) Services not included in home health care include:

29 (a) Nonmedical, custodial, or housekeeping services except by home
30 health aides as ordered in the approved plan of treatment;

31 (b) "Meals on Wheels" or similar food services;

32 (c) Nutritional guidance;

33 (d) Services performed by family members;

34 (e) Services not included in an approved plan of treatment;

35 (f) Supportive environmental materials such as handrails, ramps,
36 telephones, air conditioners, and similar appliances and devices.

1 **Sec. 13.** RCW 70.127.010 and 2003 c 140 s 7 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Administrator" means an individual responsible for managing
6 the operation of an agency.

7 (2) "Department" means the department of health.

8 (3) "Director of clinical services" means an individual responsible
9 for nursing, therapy, nutritional, social, and related services that
10 support the plan of care provided by in-home health and hospice
11 agencies.

12 (4) "Family" means individuals who are important to, and designated
13 by, the patient or client and who need not be relatives.

14 (5) "Home care agency" means a person administering or providing
15 home care services directly or through a contract arrangement to
16 individuals in places of temporary or permanent residence. A home care
17 agency that provides delegated tasks of nursing under RCW
18 18.79.260(3)(e) is not considered a home health agency for the purposes
19 of this chapter.

20 (6) "Home care services" means nonmedical services and assistance
21 provided to ill, disabled, or vulnerable individuals that enable them
22 to remain in their residences. Home care services include, but are not
23 limited to: Personal care such as assistance with dressing, feeding,
24 and personal hygiene to facilitate self-care; homemaker assistance with
25 household tasks, such as housekeeping, shopping, meal planning and
26 preparation, and transportation; respite care assistance and support
27 provided to the family; or other nonmedical services or delegated tasks
28 of nursing under RCW 18.79.260(3)(e).

29 (7) "Home health agency" means a person administering or providing
30 two or more home health services directly or through a contract
31 arrangement to individuals in places of temporary or permanent
32 residence. A person administering or providing nursing services only
33 may elect to be designated a home health agency for purposes of
34 licensure.

35 (8) "Home health services" means services provided to ill,
36 disabled, or vulnerable individuals. These services include but are
37 not limited to nursing services, home health aide services, physical

1 therapy services, occupational therapy services, speech therapy
2 services, respiratory therapy services, nutritional services, medical
3 social services, and home medical supplies or equipment services.

4 (9) "Home health aide services" means services provided by a home
5 health agency or a hospice agency under the supervision of a registered
6 nurse, physical therapist, occupational therapist, or speech therapist
7 who is employed by or under contract to a home health or hospice
8 agency. Such care includes ambulation and exercise, assistance with
9 self-administered medications, reporting changes in patients'
10 conditions and needs, completing appropriate records, and personal care
11 or homemaker services.

12 (10) "Home medical supplies" or "equipment services" means
13 diagnostic, treatment, and monitoring equipment and supplies provided
14 for the direct care of individuals within a plan of care.

15 (11) "Hospice agency" means a person administering or providing
16 hospice services directly or through a contract arrangement to
17 individuals in places of temporary or permanent residence under the
18 direction of an interdisciplinary team composed of at least a nurse,
19 social worker, physician, spiritual counselor, and a volunteer.

20 (12) "Hospice care center" means a homelike, noninstitutional
21 facility where hospice services are provided, and that meets the
22 requirements for operation under RCW 70.127.280.

23 (13) "Hospice services" means symptom and pain management provided
24 to a terminally ill individual, and emotional, spiritual, and
25 bereavement support for the individual and family in a place of
26 temporary or permanent residence, and may include the provision of home
27 health and home care services for the terminally ill individual.

28 (14) "In-home services agency" means a person licensed to
29 administer or provide home health, home care, hospice services, or
30 hospice care center services directly or through a contract arrangement
31 to individuals in a place of temporary or permanent residence.

32 (15) "Person" means any individual, business, firm, partnership,
33 corporation, company, association, joint stock association, public or
34 private agency or organization, or the legal successor thereof that
35 employs or contracts with two or more individuals.

36 (16) "Plan of care" means a written document based on assessment of
37 individual needs that identifies services to meet these needs.

1 (17) "Quality improvement" means reviewing and evaluating
2 appropriateness and effectiveness of services provided under this
3 chapter.

4 (18) "Service area" means the geographic area in which the
5 department has given prior approval to a licensee to provide home
6 health, hospice, or home care services.

7 (19) "Social worker" means a person with a master's or further
8 advanced degree from a social work educational program accredited and
9 approved as provided in section 2 of this act.

10 (20) "Survey" means an inspection conducted by the department to
11 evaluate and monitor an agency's compliance with this chapter.

12 **Sec. 14.** RCW 71.05.020 and 2009 c 320 s 1 and 2009 c 217 s 20 are
13 each reenacted and amended to read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Admission" or "admit" means a decision by a physician or
17 psychiatric advanced registered nurse practitioner that a person should
18 be examined or treated as a patient in a hospital;

19 (2) "Antipsychotic medications" means that class of drugs primarily
20 used to treat serious manifestations of mental illness associated with
21 thought disorders, which includes, but is not limited to atypical
22 antipsychotic medications;

23 (3) "Attending staff" means any person on the staff of a public or
24 private agency having responsibility for the care and treatment of a
25 patient;

26 (4) "Commitment" means the determination by a court that a person
27 should be detained for a period of either evaluation or treatment, or
28 both, in an inpatient or a less restrictive setting;

29 (5) "Conditional release" means a revocable modification of a
30 commitment, which may be revoked upon violation of any of its terms;

31 (6) "Crisis stabilization unit" means a short-term facility or a
32 portion of a facility licensed by the department of health and
33 certified by the department of social and health services under RCW
34 71.24.035, such as an evaluation and treatment facility or a hospital,
35 which has been designed to assess, diagnose, and treat individuals
36 experiencing an acute crisis without the use of long-term
37 hospitalization;

1 (7) "Custody" means involuntary detention under the provisions of
2 this chapter or chapter 10.77 RCW, uninterrupted by any period of
3 unconditional release from commitment from a facility providing
4 involuntary care and treatment;

5 (8) "Department" means the department of social and health
6 services;

7 (9) "Designated chemical dependency specialist" means a person
8 designated by the county alcoholism and other drug addiction program
9 coordinator designated under RCW 70.96A.310 to perform the commitment
10 duties described in chapters 70.96A and 70.96B RCW;

11 (10) "Designated crisis responder" means a mental health
12 professional appointed by the county or the regional support network to
13 perform the duties specified in this chapter;

14 (11) "Designated mental health professional" means a mental health
15 professional designated by the county or other authority authorized in
16 rule to perform the duties specified in this chapter;

17 (12) "Detention" or "detain" means the lawful confinement of a
18 person, under the provisions of this chapter;

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

26 (14) "Developmental disability" means that condition defined in RCW
27 71A.10.020(3);

28 (15) "Discharge" means the termination of hospital medical
29 authority. The commitment may remain in place, be terminated, or be
30 amended by court order;

31 (16) "Evaluation and treatment facility" means any facility which
32 can provide directly, or by direct arrangement with other public or
33 private agencies, emergency evaluation and treatment, outpatient care,
34 and timely and appropriate inpatient care to persons suffering from a
35 mental disorder, and which is certified as such by the department. A
36 physically separate and separately operated portion of a state hospital
37 may be designated as an evaluation and treatment facility. A facility
38 which is part of, or operated by, the department or any federal agency

1 will not require certification. No correctional institution or
2 facility, or jail, shall be an evaluation and treatment facility within
3 the meaning of this chapter;

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

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

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

24 (20) "Imminent" means the state or condition of being likely to
25 occur at any moment or near at hand, rather than distant or remote;

26 (21) "Individualized service plan" means a plan prepared by a
27 developmental disabilities professional with other professionals as a
28 team, for a person with developmental disabilities, which shall state:

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

31 (b) The conditions and strategies necessary to achieve the purposes
32 of habilitation;

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

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

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

1 (f) Where relevant in light of past criminal behavior and due
2 consideration for public safety, the criteria for proposed movement to
3 less-restrictive settings, criteria for proposed eventual discharge or
4 release, and a projected possible date for discharge or release; and

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

7 (22) "Information related to mental health services" means all
8 information and records compiled, obtained, or maintained in the course
9 of providing services to either voluntary or involuntary recipients of
10 services by a mental health service provider. This may include
11 documents of legal proceedings under this chapter or chapter 71.34 or
12 10.77 RCW, or somatic health care information;

13 (23) "Judicial commitment" means a commitment by a court pursuant
14 to the provisions of this chapter;

15 (24) "Legal counsel" means attorneys and staff employed by county
16 prosecutor offices or the state attorney general acting in their
17 capacity as legal representatives of public mental health service
18 providers under RCW 71.05.130;

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

20 (a) A substantial risk that: (i) Physical harm will be inflicted
21 by a person upon his or her own person, as evidenced by threats or
22 attempts to commit suicide or inflict physical harm on oneself; (ii)
23 physical harm will be inflicted by a person upon another, as evidenced
24 by behavior which has caused such harm or which places another person
25 or persons in reasonable fear of sustaining such harm; or (iii)
26 physical harm will be inflicted by a person upon the property of
27 others, as evidenced by behavior which has caused substantial loss or
28 damage to the property of others; or

29 (b) The person has threatened the physical safety of another and
30 has a history of one or more violent acts;

31 (26) "Mental disorder" means any organic, mental, or emotional
32 impairment which has substantial adverse effects on a person's
33 cognitive or volitional functions;

34 (27) "Mental health professional" means a psychiatrist,
35 psychologist, psychiatric advanced registered nurse practitioner,
36 psychiatric nurse, or social worker, and such other mental health
37 professionals as may be defined by rules adopted by the secretary
38 pursuant to the provisions of this chapter;

1 (28) "Mental health service provider" means a public or private
2 agency that provides mental health services to persons with mental
3 disorders as defined under this section and receives funding from
4 public sources. This includes, but is not limited to, hospitals
5 licensed under chapter 70.41 RCW, evaluation and treatment facilities
6 as defined in this section, community mental health service delivery
7 systems or community mental health programs as defined in RCW
8 71.24.025, facilities conducting competency evaluations and restoration
9 under chapter 10.77 RCW, and correctional facilities operated by state
10 and local governments;

11 (29) "Peace officer" means a law enforcement official of a public
12 agency or governmental unit, and includes persons specifically given
13 peace officer powers by any state law, local ordinance, or judicial
14 order of appointment;

15 (30) "Private agency" means any person, partnership, corporation,
16 or association that is not a public agency, whether or not financed in
17 whole or in part by public funds, which constitutes an evaluation and
18 treatment facility or private institution, or hospital, which is
19 conducted for, or includes a department or ward conducted for, the care
20 and treatment of persons who are mentally ill;

21 (31) "Professional person" means a mental health professional and
22 shall also mean a physician, psychiatric advanced registered nurse
23 practitioner, registered nurse, and such others as may be defined by
24 rules adopted by the secretary pursuant to the provisions of this
25 chapter;

26 (32) "Psychiatric advanced registered nurse practitioner" means a
27 person who is licensed as an advanced registered nurse practitioner
28 pursuant to chapter 18.79 RCW; and who is board certified in advanced
29 practice psychiatric and mental health nursing;

30 (33) "Psychiatrist" means a person having a license as a physician
31 and surgeon in this state who has in addition completed three years of
32 graduate training in psychiatry in a program approved by the American
33 medical association or the American osteopathic association and is
34 certified or eligible to be certified by the American board of
35 psychiatry and neurology;

36 (34) "Psychologist" means a person who has been licensed as a
37 psychologist pursuant to chapter 18.83 RCW;

1 (35) "Public agency" means any evaluation and treatment facility or
2 institution, or hospital which is conducted for, or includes a
3 department or ward conducted for, the care and treatment of persons
4 with mental illness, if the agency is operated directly by, federal,
5 state, county, or municipal government, or a combination of such
6 governments;

7 (36) "Registration records" include all the records of the
8 department, regional support networks, treatment facilities, and other
9 persons providing services to the department, county departments, or
10 facilities which identify persons who are receiving or who at any time
11 have received services for mental illness;

12 (37) "Release" means legal termination of the commitment under the
13 provisions of this chapter;

14 (38) "Resource management services" has the meaning given in
15 chapter 71.24 RCW;

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

18 (40) "Serious violent offense" has the same meaning as provided in
19 RCW 9.94A.030;

20 (41) "Social worker" means a person with a master's or further
21 advanced degree from (~~(an accredited school of social work or a degree~~
22 ~~deemed equivalent under rules adopted by the secretary)) a social work
23 educational program accredited and approved as provided in section 2 of
24 this act;~~

25 (42) "Therapeutic court personnel" means the staff of a mental
26 health court or other therapeutic court which has jurisdiction over
27 defendants who are dually diagnosed with mental disorders, including
28 court personnel, probation officers, a court monitor, prosecuting
29 attorney, or defense counsel acting within the scope of therapeutic
30 court duties;

31 (43) "Treatment records" include registration and all other records
32 concerning persons who are receiving or who at any time have received
33 services for mental illness, which are maintained by the department, by
34 regional support networks and their staffs, and by treatment
35 facilities. Treatment records include mental health information
36 contained in a medical bill including but not limited to mental health
37 drugs, a mental health diagnosis, provider name, and dates of service
38 stemming from a medical service. Treatment records do not include

1 notes or records maintained for personal use by a person providing
2 treatment services for the department, regional support networks, or a
3 treatment facility if the notes or records are not available to others;
4 (44) "Violent act" means behavior that resulted in homicide,
5 attempted suicide, nonfatal injuries, or substantial damage to
6 property.

7 **Sec. 15.** RCW 71.32.020 and 2003 c 283 s 2 are each amended to read
8 as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Adult" means any individual who has attained the age of
12 majority or is an emancipated minor.

13 (2) "Agent" has the same meaning as an attorney-in-fact or agent as
14 provided in chapter 11.94 RCW.

15 (3) "Capacity" means that an adult has not been found to be
16 incapacitated pursuant to this chapter or RCW 11.88.010(1)(e).

17 (4) "Court" means a superior court under chapter 2.08 RCW.

18 (5) "Health care facility" means a hospital, as defined in RCW
19 70.41.020; an institution, as defined in RCW 71.12.455; a state
20 hospital, as defined in RCW 72.23.010; a nursing home, as defined in
21 RCW 18.51.010; or a clinic that is part of a community mental health
22 service delivery system, as defined in RCW 71.24.025.

23 (6) "Health care provider" means an osteopathic physician or
24 osteopathic physician's assistant licensed under chapter 18.57 or
25 18.57A RCW, a physician or physician's assistant licensed under chapter
26 18.71 or 18.71A RCW, or an advanced registered nurse practitioner
27 licensed under RCW 18.79.050.

28 (7) "Incapacitated" means an adult who: (a) Is unable to
29 understand the nature, character, and anticipated results of proposed
30 treatment or alternatives; understand the recognized serious possible
31 risks, complications, and anticipated benefits in treatments and
32 alternatives, including nontreatment; or communicate his or her
33 understanding or treatment decisions; or (b) has been found to be
34 incompetent pursuant to RCW 11.88.010(1)(e).

35 (8) "Informed consent" means consent that is given after the
36 person: (a) Is provided with a description of the nature, character,
37 and anticipated results of proposed treatments and alternatives, and

1 the recognized serious possible risks, complications, and anticipated
2 benefits in the treatments and alternatives, including nontreatment, in
3 language that the person can reasonably be expected to understand; or
4 (b) elects not to be given the information included in (a) of this
5 subsection.

6 (9) "Long-term care facility" has the same meaning as defined in
7 RCW 43.190.020.

8 (10) "Mental disorder" means any organic, mental, or emotional
9 impairment which has substantial adverse effects on an individual's
10 cognitive or volitional functions.

11 (11) "Mental health advance directive" or "directive" means a
12 written document in which the principal makes a declaration of
13 instructions or preferences or appoints an agent to make decisions on
14 behalf of the principal regarding the principal's mental health
15 treatment, or both, and that is consistent with the provisions of this
16 chapter.

17 (12) "Mental health professional" means a psychiatrist,
18 psychologist, psychiatric nurse, or social worker, and such other
19 mental health professionals as may be defined by rules adopted by the
20 secretary pursuant to the provisions of chapter 71.05 RCW.

21 (13) "Principal" means an adult who has executed a mental health
22 advance directive.

23 (14) "Professional person" means a mental health professional and
24 shall also mean a physician, registered nurse, and such others as may
25 be defined by rules adopted by the secretary pursuant to the provisions
26 of chapter 71.05 RCW.

27 (15) "Social worker" means a person with a master's or further
28 advanced degree from a social work educational program accredited and
29 approved as provided in section 2 of this act.

30 **Sec. 16.** RCW 71.34.020 and 2006 c 93 s 2 are each amended to read
31 as follows:

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

34 (1) "Child psychiatrist" means a person having a license as a
35 physician and surgeon in this state, who has had graduate training in
36 child psychiatry in a program approved by the American Medical

1 Association or the American Osteopathic Association, and who is board
2 eligible or board certified in child psychiatry.

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

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

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

11 (3) "Commitment" means a determination by a judge or court
12 commissioner, made after a commitment hearing, that the minor is in
13 need of inpatient diagnosis, evaluation, or treatment or that the minor
14 is in need of less restrictive alternative treatment.

15 (4) "Designated mental health professional" means a mental health
16 professional designated by one or more counties to perform the
17 functions of a designated mental health professional described in this
18 chapter.

19 (5) "Department" means the department of social and health
20 services.

21 (6) "Evaluation and treatment facility" means a public or private
22 facility or unit that is certified by the department to provide
23 emergency, inpatient, residential, or outpatient mental health
24 evaluation and treatment services for minors. A physically separate
25 and separately-operated portion of a state hospital may be designated
26 as an evaluation and treatment facility for minors. A facility which
27 is part of or operated by the department or federal agency does not
28 require certification. No correctional institution or facility,
29 juvenile court detention facility, or jail may be an evaluation and
30 treatment facility within the meaning of this chapter.

31 (7) "Evaluation and treatment program" means the total system of
32 services and facilities coordinated and approved by a county or
33 combination of counties for the evaluation and treatment of minors
34 under this chapter.

35 (8) "Gravely disabled minor" means a minor who, as a result of a
36 mental disorder, is in danger of serious physical harm resulting from
37 a failure to provide for his or her essential human needs of health or
38 safety, or manifests severe deterioration in routine functioning

1 evidenced by repeated and escalating loss of cognitive or volitional
2 control over his or her actions and is not receiving such care as is
3 essential for his or her health or safety.

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

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

11 (11) "Likelihood of serious harm" means either: (a) A substantial
12 risk that physical harm will be inflicted by an individual upon his or
13 her own person, as evidenced by threats or attempts to commit suicide
14 or inflict physical harm on oneself; (b) a substantial risk that
15 physical harm will be inflicted by an individual upon another, as
16 evidenced by behavior which has caused such harm or which places
17 another person or persons in reasonable fear of sustaining such harm;
18 or (c) a substantial risk that physical harm will be inflicted by an
19 individual upon the property of others, as evidenced by behavior which
20 has caused substantial loss or damage to the property of others.

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

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

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

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

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

4 (17) "Parent" means:

5 (a) A biological or adoptive parent who has legal custody of the
6 child, including either parent if custody is shared under a joint
7 custody agreement; or

8 (b) A person or agency judicially appointed as legal guardian or
9 custodian of the child.

10 (18) "Professional person in charge" or "professional person" means
11 a physician or other mental health professional empowered by an
12 evaluation and treatment facility with authority to make admission and
13 discharge decisions on behalf of that facility.

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

21 (20) "Psychiatrist" means a person having a license as a physician
22 in this state who has completed residency training in psychiatry in a
23 program approved by the American Medical Association or the American
24 Osteopathic Association, and is board eligible or board certified in
25 psychiatry.

26 (21) "Psychologist" means a person licensed as a psychologist under
27 chapter 18.83 RCW.

28 (22) "Responsible other" means the minor, the minor's parent or
29 estate, or any other person legally responsible for support of the
30 minor.

31 (23) "Secretary" means the secretary of the department or
32 secretary's designee.

33 (24) "Social worker" means a person with a master's or further
34 advanced degree from a social work educational program accredited and
35 approved as provided in section 2 of this act.

36 (25) "Start of initial detention" means the time of arrival of the
37 minor at the first evaluation and treatment facility offering inpatient
38 treatment if the minor is being involuntarily detained at the time.

1 With regard to voluntary patients, "start of initial detention" means
2 the time at which the minor gives notice of intent to leave under the
3 provisions of this chapter.

4 **Sec. 17.** RCW 74.34.020 and 2007 c 312 s 1 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Abandonment" means action or inaction by a person or entity
9 with a duty of care for a vulnerable adult that leaves the vulnerable
10 person without the means or ability to obtain necessary food, clothing,
11 shelter, or health care.

12 (2) "Abuse" means the willful action or inaction that inflicts
13 injury, unreasonable confinement, intimidation, or punishment on a
14 vulnerable adult. In instances of abuse of a vulnerable adult who is
15 unable to express or demonstrate physical harm, pain, or mental
16 anguish, the abuse is presumed to cause physical harm, pain, or mental
17 anguish. Abuse includes sexual abuse, mental abuse, physical abuse,
18 and exploitation of a vulnerable adult, which have the following
19 meanings:

20 (a) "Sexual abuse" means any form of nonconsensual sexual contact,
21 including but not limited to unwanted or inappropriate touching, rape,
22 sodomy, sexual coercion, sexually explicit photographing, and sexual
23 harassment. Sexual abuse includes any sexual contact between a staff
24 person, who is not also a resident or client, of a facility or a staff
25 person of a program authorized under chapter 71A.12 RCW, and a
26 vulnerable adult living in that facility or receiving service from a
27 program authorized under chapter 71A.12 RCW, whether or not it is
28 consensual.

29 (b) "Physical abuse" means the willful action of inflicting bodily
30 injury or physical mistreatment. Physical abuse includes, but is not
31 limited to, striking with or without an object, slapping, pinching,
32 choking, kicking, shoving, prodding, or the use of chemical restraints
33 or physical restraints unless the restraints are consistent with
34 licensing requirements, and includes restraints that are otherwise
35 being used inappropriately.

36 (c) "Mental abuse" means any willful action or inaction of mental
37 or verbal abuse. Mental abuse includes, but is not limited to,

1 coercion, harassment, inappropriately isolating a vulnerable adult from
2 family, friends, or regular activity, and verbal assault that includes
3 ridiculing, intimidating, yelling, or swearing.

4 (d) "Exploitation" means an act of forcing, compelling, or exerting
5 undue influence over a vulnerable adult causing the vulnerable adult to
6 act in a way that is inconsistent with relevant past behavior, or
7 causing the vulnerable adult to perform services for the benefit of
8 another.

9 (3) "Consent" means express written consent granted after the
10 vulnerable adult or his or her legal representative has been fully
11 informed of the nature of the services to be offered and that the
12 receipt of services is voluntary.

13 (4) "Department" means the department of social and health
14 services.

15 (5) "Facility" means a residence licensed or required to be
16 licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW,
17 nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36
18 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation
19 centers; or any other facility licensed by the department.

20 (6) "Financial exploitation" means the illegal or improper use of
21 the property, income, resources, or trust funds of the vulnerable adult
22 by any person for any person's profit or advantage other than for the
23 vulnerable adult's profit or advantage.

24 (7) "Incapacitated person" means a person who is at a significant
25 risk of personal or financial harm under RCW 11.88.010(1) (a), (b),
26 (c), or (d).

27 (8) "Individual provider" means a person under contract with the
28 department to provide services in the home under chapter 74.09 or
29 74.39A RCW.

30 (9) "Interested person" means a person who demonstrates to the
31 court's satisfaction that the person is interested in the welfare of
32 the vulnerable adult, that the person has a good faith belief that the
33 court's intervention is necessary, and that the vulnerable adult is
34 unable, due to incapacity, undue influence, or duress at the time the
35 petition is filed, to protect his or her own interests.

36 (10) "Mandated reporter" is an employee of the department; law
37 enforcement officer; social worker; professional school personnel;
38 individual provider; an employee of a facility; an operator of a

1 facility; an employee of a social service, welfare, mental health,
2 adult day health, adult day care, home health, home care, or hospice
3 agency; county coroner or medical examiner; Christian Science
4 practitioner; or health care provider subject to chapter 18.130 RCW.

5 (11) "Neglect" means (a) a pattern of conduct or inaction by a
6 person or entity with a duty of care that fails to provide the goods
7 and services that maintain physical or mental health of a vulnerable
8 adult, or that fails to avoid or prevent physical or mental harm or
9 pain to a vulnerable adult; or (b) an act or omission that demonstrates
10 a serious disregard of consequences of such a magnitude as to
11 constitute a clear and present danger to the vulnerable adult's health,
12 welfare, or safety, including but not limited to conduct prohibited
13 under RCW 9A.42.100.

14 (12) "Permissive reporter" means any person, including, but not
15 limited to, an employee of a financial institution, attorney, or
16 volunteer in a facility or program providing services for vulnerable
17 adults.

18 (13) "Protective services" means any services provided by the
19 department to a vulnerable adult with the consent of the vulnerable
20 adult, or the legal representative of the vulnerable adult, who has
21 been abandoned, abused, financially exploited, neglected, or in a state
22 of self-neglect. These services may include, but are not limited to
23 case management, social casework, home care, placement, arranging for
24 medical evaluations, psychological evaluations, day care, or referral
25 for legal assistance.

26 (14) "Self-neglect" means the failure of a vulnerable adult, not
27 living in a facility, to provide for himself or herself the goods and
28 services necessary for the vulnerable adult's physical or mental
29 health, and the absence of which impairs or threatens the vulnerable
30 adult's well-being. This definition may include a vulnerable adult who
31 is receiving services through home health, hospice, or a home care
32 agency, or an individual provider when the neglect is not a result of
33 inaction by that agency or individual provider.

34 (15) "Social worker" means:

35 (a) A social worker as defined in section 2(2) of this act; or

36 (b) Anyone engaged in a professional capacity during the regular
37 course of employment in encouraging or promoting the health, welfare,
38 support, or education of vulnerable adults, or providing social

1 services to vulnerable adults, whether in an individual capacity or as
2 an employee or agent of any public or private organization or
3 institution.

4 (16) "Vulnerable adult" includes a person:

5 (a) Sixty years of age or older who has the functional, mental, or
6 physical inability to care for himself or herself; or

7 (b) Found incapacitated under chapter 11.88 RCW; or

8 (c) Who has a developmental disability as defined under RCW
9 71A.10.020; or

10 (d) Admitted to any facility; or

11 (e) Receiving services from home health, hospice, or home care
12 agencies licensed or required to be licensed under chapter 70.127 RCW;
13 or

14 (f) Receiving services from an individual provider.

15 **Sec. 18.** RCW 74.42.010 and 1994 sp.s. c 9 s 750 are each amended
16 to read as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

19 (1) "Department" means the department of social and health services
20 and the department's employees.

21 (2) "Facility" refers to a nursing home as defined in RCW
22 18.51.010.

23 (3) "Licensed practical nurse" means a person licensed to practice
24 practical nursing under chapter 18.79 RCW.

25 (4) "Medicaid" means Title XIX of the Social Security Act enacted
26 by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79
27 Stat. 343), as amended.

28 (5) "Nursing care" means that care provided by a registered nurse,
29 an advanced registered nurse practitioner, a licensed practical nurse,
30 or a nursing assistant in the regular performance of their duties.

31 (6) "Qualified therapist" means:

32 (a) An activities specialist who has specialized education,
33 training, or experience specified by the department.

34 (b) An audiologist who is eligible for a certificate of clinical
35 competence in audiology or who has the equivalent education and
36 clinical experience.

37 (c) A mental health professional as defined in chapter 71.05 RCW.

1 (d) A mental retardation professional who is a qualified therapist
2 or a therapist approved by the department and has specialized training
3 or one year experience in treating or working with the mentally
4 retarded or developmentally disabled.

5 (e) An occupational therapist who is a graduate of a program in
6 occupational therapy or who has equivalent education or training.

7 (f) A physical therapist as defined in chapter 18.74 RCW.

8 (g) A social worker (~~(who is a graduate of a school of social~~
9 ~~work)~~) as defined in section 2(2) of this act.

10 (h) A speech pathologist who is eligible for a certificate of
11 clinical competence in speech pathology or who has equivalent education
12 and clinical experience.

13 (7) "Registered nurse" means a person licensed to practice
14 registered nursing under chapter 18.79 RCW.

15 (8) "Resident" means an individual residing in a nursing home, as
16 defined in RCW 18.51.010.

17 (9) "Physician assistant" means a person practicing pursuant to
18 chapters 18.57A and 18.71A RCW.

19 (10) "Nurse practitioner" means a person licensed to practice
20 advanced registered nursing under chapter 18.79 RCW.

21 NEW SECTION. **Sec. 19.** Sections 1 through 3 of this act constitute
22 a new chapter in Title 18 RCW.

23 NEW SECTION. **Sec. 20.** This act takes effect July 1, 2011."

2SHB 1357 - S COMM AMD

By Committee on Human Services & Corrections

24 On page 1, line 4 of the title, after "education;" strike the
25 remainder of the title and insert "amending RCW 10.77.010, 13.34.260,
26 26.09.191, 26.10.160, 28A.170.080, 70.96A.037, 70.96B.010, 70.97.010,
27 70.126.020, 70.127.010, 71.32.020, 71.34.020, 74.34.020, and 74.42.010;
28 reenacting and amending RCW 71.05.020; adding a new chapter to Title 18

1 RCW; and providing an effective date."

EFFECT: Current social workers may continue to use that title so long as they remain employed with the same agency.

--- END ---