

SSB 5452 - H COMM AMD

By Committee on Public Safety & Emergency Preparedness

ADOPTED 04/07/2011

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that effective  
4 collaboration and communication between mental health and chemical  
5 dependency treatment providers and service delivery systems and law  
6 enforcement and criminal justice agencies is important to both the care  
7 of persons with mental disorders and chemical dependency and public  
8 safety. The legislature also finds that many state and local efforts  
9 in recent years have worked to address improved treatment of persons  
10 with mental disorders, chemical dependency disorders, or co-occurring  
11 mental and substance abuse disorders who are confined in a correctional  
12 institution and to improve communication and collaboration among the  
13 agencies, institutions, and professionals who are responsible for the  
14 care or custody of those persons. While numerous laws have been  
15 enacted to clarify the appropriate sharing of information between those  
16 agencies, institutions, and professionals, the legislature finds  
17 further clarification will continue to aide and improve the care of  
18 those persons and augment public safety.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09 RCW  
20 to read as follows:

21 It is permissible to provide to a correctional institution, as  
22 defined in RCW 9.94.049, with the fact, place, and date of an  
23 involuntary commitment and the fact and date of discharge or release of  
24 a person who has been involuntarily committed under chapter 71.05 or  
25 71.34 RCW, without a person's consent, in the course of the  
26 implementation and use of the department's postinstitutional medical  
27 assistance system supporting the expedited medical determinations and  
28 medical suspensions as provided in RCW 74.09.555. Disclosure under

1 this section is mandatory for the purposes of the health insurance  
2 portability and accountability act.

3 **Sec. 3.** RCW 71.05.190 and 1997 c 112 s 13 are each amended to read  
4 as follows:

5 If the person is not approved for admission by a facility providing  
6 seventy-two hour evaluation and treatment, and the individual has not  
7 been arrested, the facility shall furnish transportation, if not  
8 otherwise available, for the person to his or her place of residence or  
9 other appropriate place. If the individual has been arrested, the  
10 evaluation and treatment facility shall detain the individual for not  
11 more than eight hours at the request of the peace officer. The  
12 facility shall make reasonable attempts to contact the requesting peace  
13 officer during this time to inform the peace officer that the person is  
14 not approved for admission in order to enable a peace officer to return  
15 to the facility and take the individual back into custody.

16 **Sec. 4.** RCW 71.05.390 and 2009 c 320 s 3 and 2009 c 217 s 6 are  
17 each reenacted and amended to read as follows:

18 Except as provided in this section, RCW 71.05.445, 71.05.630,  
19 70.96A.150, 71.05.385, section 2 of this act, or pursuant to a valid  
20 release under RCW 70.02.030, the fact of admission and all information  
21 and records compiled, obtained, or maintained in the course of  
22 providing services to either voluntary or involuntary recipients of  
23 services at public or private agencies shall be confidential.

24 Information and records may be disclosed only:

25 (1) In communications between qualified professional persons to  
26 meet the requirements of this chapter, in the provision of services or  
27 appropriate referrals, or in the course of guardianship proceedings.  
28 The consent of the person, or his or her personal representative or  
29 guardian, shall be obtained before information or records may be  
30 disclosed by a professional person employed by a facility unless  
31 provided to a professional person:

- 32 (a) Employed by the facility;  
33 (b) Who has medical responsibility for the patient's care;  
34 (c) Who is a designated mental health professional;  
35 (d) Who is providing services under chapter 71.24 RCW;

1 (e) Who is employed by a state or local correctional facility where  
2 the person is confined or supervised; or

3 (f) Who is providing evaluation, treatment, or follow-up services  
4 under chapter 10.77 RCW.

5 (2) When the communications regard the special needs of a patient  
6 and the necessary circumstances giving rise to such needs and the  
7 disclosure is made by a facility providing services to the operator of  
8 a facility in which the patient resides or will reside.

9 (3)(a) When the person receiving services, or his or her guardian,  
10 designates persons to whom information or records may be released, or  
11 if the person is a minor, when his or her parents make such  
12 designation.

13 (b) A public or private agency shall release to a person's next of  
14 kin, attorney, personal representative, guardian, or conservator, if  
15 any:

16 (i) The information that the person is presently a patient in the  
17 facility or that the person is seriously physically ill;

18 (ii) A statement evaluating the mental and physical condition of  
19 the patient, and a statement of the probable duration of the patient's  
20 confinement, if such information is requested by the next of kin,  
21 attorney, personal representative, guardian, or conservator; and

22 (iii) Such other information requested by the next of kin or  
23 attorney as may be necessary to decide whether or not proceedings  
24 should be instituted to appoint a guardian or conservator.

25 (4) To the extent necessary for a recipient to make a claim, or for  
26 a claim to be made on behalf of a recipient for aid, insurance, or  
27 medical assistance to which he or she may be entitled.

28 (5)(a) For either program evaluation or research, or both:  
29 PROVIDED, That the secretary adopts rules for the conduct of the  
30 evaluation or research, or both. Such rules shall include, but need  
31 not be limited to, the requirement that all evaluators and researchers  
32 must sign an oath of confidentiality substantially as follows:

33 "As a condition of conducting evaluation or research concerning  
34 persons who have received services from (fill in the facility, agency,  
35 or person) I, . . . . ., agree not to divulge, publish, or  
36 otherwise make known to unauthorized persons or the public any  
37 information obtained in the course of such evaluation or research

1 regarding persons who have received services such that the person who  
2 received such services is identifiable.

3 I recognize that unauthorized release of confidential information  
4 may subject me to civil liability under the provisions of state law.

5 /s/ ....."

6 (b) Nothing in this chapter shall be construed to prohibit the  
7 compilation and publication of statistical data for use by government  
8 or researchers under standards, including standards to assure  
9 maintenance of confidentiality, set forth by the secretary.

10 (6)(a) To the courts as necessary to the administration of this  
11 chapter or to a court ordering an evaluation or treatment under chapter  
12 10.77 RCW solely for the purpose of preventing the entry of any  
13 evaluation or treatment order that is inconsistent with any order  
14 entered under this chapter.

15 (b) To a court or its designee in which a motion under chapter  
16 10.77 RCW has been made for involuntary medication of a defendant for  
17 the purpose of competency restoration.

18 (c) Disclosure under this subsection is mandatory for the purpose  
19 of the health insurance portability and accountability act.

20 (7)(a) When a mental health professional is requested by a  
21 representative of a law enforcement or corrections agency, including a  
22 police officer, sheriff, community corrections officer, a municipal  
23 attorney, or prosecuting attorney to undertake an investigation or  
24 provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the  
25 mental health professional shall, if requested to do so, advise the  
26 representative in writing of the results of the investigation including  
27 a statement of reasons for the decision to detain or release the person  
28 investigated. Such written report shall be submitted within seventy-  
29 two hours of the completion of the investigation or the request from  
30 the law enforcement or corrections representative, whichever occurs  
31 later.

32 (b) Disclosure under this subsection is mandatory for the purposes  
33 of the health insurance portability and accountability act.

34 (8) To the attorney of the detained person.

1 (9) To the prosecuting attorney as necessary to carry out the  
2 responsibilities of the office under RCW 71.05.330(2) and  
3 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access  
4 to records regarding the committed person's treatment and prognosis,  
5 medication, behavior problems, and other records relevant to the issue  
6 of whether treatment less restrictive than inpatient treatment is in  
7 the best interest of the committed person or others. Information shall  
8 be disclosed only after giving notice to the committed person and the  
9 person's counsel.

10 (10)(a) To appropriate law enforcement agencies and to a person,  
11 when the identity of the person is known to the public or private  
12 agency, whose health and safety has been threatened, or who is known to  
13 have been repeatedly harassed, by the patient. The person may  
14 designate a representative to receive the disclosure. The disclosure  
15 shall be made by the professional person in charge of the public or  
16 private agency or his or her designee and shall include the dates of  
17 commitment, admission, discharge, or release, authorized or  
18 unauthorized absence from the agency's facility, and only such other  
19 information that is pertinent to the threat or harassment. The  
20 decision to disclose or not shall not result in civil liability for the  
21 agency or its employees so long as the decision was reached in good  
22 faith and without gross negligence.

23 (b) Disclosure under this subsection is mandatory for the purposes  
24 of the health insurance portability and accountability act.

25 (11)(a) To appropriate corrections and law enforcement agencies all  
26 necessary and relevant information in the event of a crisis or emergent  
27 situation that poses a significant and imminent risk to the public.  
28 The decision to disclose or not shall not result in civil liability for  
29 the mental health service provider or its employees so long as the  
30 decision was reached in good faith and without gross negligence.

31 (b) Disclosure under this subsection is mandatory for the purposes  
32 of the health insurance portability and accountability act.

33 (12) To the persons designated in RCW 71.05.425 and 71.05.385 for  
34 the purposes described in those sections.

35 (13) Civil liability and immunity for the release of information  
36 about a particular person who is committed to the department under RCW  
37 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as  
38 defined in RCW 9.94A.030, is governed by RCW 4.24.550.

1 (14) Upon the death of a person, his or her next of kin, personal  
2 representative, guardian, or conservator, if any, shall be notified.

3 Next of kin who are of legal age and competent shall be notified  
4 under this section in the following order: Spouse, parents, children,  
5 brothers and sisters, and other relatives according to the degree of  
6 relation. Access to all records and information compiled, obtained, or  
7 maintained in the course of providing services to a deceased patient  
8 shall be governed by RCW 70.02.140.

9 (15) To the department of health for the purposes of determining  
10 compliance with state or federal licensure, certification, or  
11 registration rules or laws. However, the information and records  
12 obtained under this subsection are exempt from public inspection and  
13 copying pursuant to chapter 42.56 RCW.

14 (16) To mark headstones or otherwise memorialize patients interred  
15 at state hospital cemeteries. The department of social and health  
16 services shall make available the name, date of birth, and date of  
17 death of patients buried in state hospital cemeteries fifty years after  
18 the death of a patient.

19 (17) To law enforcement officers and to prosecuting attorneys as  
20 are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of  
21 information that may be released is limited as follows:

22 (a) Only the fact, place, and date of involuntary commitment, an  
23 official copy of any order or orders of commitment, and an official  
24 copy of any written or oral notice of ineligibility to possess a  
25 firearm that was provided to the person pursuant to RCW 9.41.047(1),  
26 shall be disclosed upon request;

27 (b) The law enforcement and prosecuting attorneys may only release  
28 the information obtained to the person's attorney as required by court  
29 rule and to a jury or judge, if a jury is waived, that presides over  
30 any trial at which the person is charged with violating RCW  
31 9.41.040(2)(a)(ii);

32 (c) Disclosure under this subsection is mandatory for the purposes  
33 of the health insurance portability and accountability act.

34 (18) When a patient would otherwise be subject to the provisions of  
35 this section and disclosure is necessary for the protection of the  
36 patient or others due to his or her unauthorized disappearance from the  
37 facility, and his or her whereabouts is unknown, notice of such  
38 disappearance, along with relevant information, may be made to

1 relatives, the department of corrections when the person is under the  
2 supervision of the department, and governmental law enforcement  
3 agencies designated by the physician or psychiatric advanced registered  
4 nurse practitioner in charge of the patient or the professional person  
5 in charge of the facility, or his or her professional designee.

6 Except as otherwise provided in this chapter, the uniform health  
7 care information act, chapter 70.02 RCW, applies to all records and  
8 information compiled, obtained, or maintained in the course of  
9 providing services.

10 (19) The fact of admission, as well as all records, files,  
11 evidence, findings, or orders made, prepared, collected, or maintained  
12 pursuant to this chapter shall not be admissible as evidence in any  
13 legal proceeding outside this chapter without the written consent of  
14 the person who was the subject of the proceeding except as provided in  
15 RCW 71.05.385, in a subsequent criminal prosecution of a person  
16 committed pursuant to RCW 71.05.280(3) or 71.05.320(3)(c) on charges  
17 that were dismissed pursuant to chapter 10.77 RCW due to incompetency  
18 to stand trial, in a civil commitment proceeding pursuant to chapter  
19 71.09 RCW, or, in the case of a minor, a guardianship or dependency  
20 proceeding. The records and files maintained in any court proceeding  
21 pursuant to this chapter shall be confidential and available subsequent  
22 to such proceedings only to the person who was the subject of the  
23 proceeding or his or her attorney. In addition, the court may order  
24 the subsequent release or use of such records or files only upon good  
25 cause shown if the court finds that appropriate safeguards for strict  
26 confidentiality are and will be maintained.

27 **Sec. 5.** RCW 71.05.425 and 2009 c 521 s 158 are each amended to  
28 read as follows:

29 (1)(a) Except as provided in subsection (2) of this section, at the  
30 earliest possible date, and in no event later than thirty days before  
31 conditional release, final release, authorized leave under RCW  
32 71.05.325(2), or transfer to a facility other than a state mental  
33 hospital, the superintendent shall send written notice of conditional  
34 release, release, authorized leave, or transfer of a person committed  
35 under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex,  
36 violent, or felony harassment offense pursuant to RCW 10.77.086(4) to  
37 the following:

1 (i) The chief of police of the city, if any, in which the person  
2 will reside; and

3 (ii) The sheriff of the county in which the person will reside.

4 (b) The same notice as required by (a) of this subsection shall be  
5 sent to the following, if such notice has been requested in writing  
6 about a specific person committed under RCW 71.05.280(3) or  
7 71.05.320(3)(c) following dismissal of a sex, violent, or felony  
8 harassment offense pursuant to RCW 10.77.086(4):

9 (i) The victim of the sex, violent, or felony harassment offense  
10 that was dismissed pursuant to RCW 10.77.086(4) preceding commitment  
11 under RCW 71.05.280(3) or 71.05.320(3)(c) or the victim's next of kin  
12 if the crime was a homicide;

13 (ii) Any witnesses who testified against the person in any court  
14 proceedings; (~~and~~)

15 (iii) Any person specified in writing by the prosecuting attorney.  
16 Information regarding victims, next of kin, or witnesses requesting the  
17 notice, information regarding any other person specified in writing by  
18 the prosecuting attorney to receive the notice, and the notice are  
19 confidential and shall not be available to the person committed under  
20 this chapter; and

21 (iv) The chief of police of the city, if any, and the sheriff of  
22 the county, if any, which had jurisdiction of the person on the date of  
23 the applicable offense.

24 (c) The thirty-day notice requirements contained in this subsection  
25 shall not apply to emergency medical transfers.

26 (d) The existence of the notice requirements in this subsection  
27 will not require any extension of the release date in the event the  
28 release plan changes after notification.

29 (2) If a person committed under RCW 71.05.280(3) or 71.05.320(3)(c)  
30 following dismissal of a sex, violent, or felony harassment offense  
31 pursuant to RCW 10.77.086(4) escapes, the superintendent shall  
32 immediately notify, by the most reasonable and expedient means  
33 available, the chief of police of the city and the sheriff of the  
34 county in which the person escaped and in which the person resided  
35 immediately before the person's arrest. If previously requested, the  
36 superintendent shall also notify the witnesses and the victim of the  
37 sex, violent, or felony harassment offense that was dismissed pursuant  
38 to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or



1 71.05.320(3) or the victim's next of kin if the crime was a homicide.  
2 In addition, the secretary shall also notify appropriate parties  
3 pursuant to RCW 71.05.390(18). If the person is recaptured, the  
4 superintendent shall send notice to the persons designated in this  
5 subsection as soon as possible but in no event later than two working  
6 days after the department learns of such recapture.

7 (3) If the victim, the victim's next of kin, or any witness is  
8 under the age of sixteen, the notice required by this section shall be  
9 sent to the parent or legal guardian of the child.

10 (4) The superintendent shall send the notices required by this  
11 chapter to the last address provided to the department by the  
12 requesting party. The requesting party shall furnish the department  
13 with a current address.

14 (5) For purposes of this section the following terms have the  
15 following meanings:

16 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

17 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

18 (c) "Next of kin" means a person's spouse, state registered  
19 domestic partner, parents, siblings, and children;

20 (d) "Felony harassment offense" means a crime of harassment as  
21 defined in RCW 9A.46.060 that is a felony.

22 **Sec. 6.** RCW 10.77.165 and 2010 c 28 s 1 are each amended to read  
23 as follows:

24 (1) In the event of an escape by a person committed under this  
25 chapter from a state facility or the disappearance of such a person on  
26 conditional release or other authorized absence, the superintendent  
27 shall provide notification of the person's escape or disappearance for  
28 the public's safety or to assist in the apprehension of the person.

29 (a) The superintendent shall notify:

30 (i) State and local law enforcement officers located in the city  
31 and county where the person escaped and in the city and county which  
32 had jurisdiction of the person on the date of the applicable offense;

33 (ii) Other appropriate governmental agencies; and

34 (iii) The person's relatives.

35 (b) The superintendent shall provide the same notification as  
36 required by (a) of this subsection to the following, if such notice has

1 been requested in writing about a specific person committed under this  
2 chapter:

3 (i) The victim of the crime for which the person was convicted or  
4 the victim's next of kin if the crime was a homicide;

5 (ii) Any witnesses who testified against the person in any court  
6 proceedings if the person was charged with a violent offense; and

7 (iii) Any other appropriate persons.

8 (2) Information regarding victims, next of kin, or witnesses  
9 requesting the notice, information regarding any other person specified  
10 in writing by the prosecuting attorney to receive the notice, and the  
11 notice are confidential and shall not be available to the person  
12 committed under this chapter.

13 (3) The notice provisions of this section are in addition to those  
14 provided in RCW 10.77.205.

15 **Sec. 7.** RCW 10.31.110 and 2007 c 375 s 2 are each amended to read  
16 as follows:

17 (1) When a police officer has reasonable cause to believe that the  
18 individual has committed acts constituting a nonfelony crime that is  
19 not a serious offense as identified in RCW 10.77.092 and the individual  
20 is known by history or consultation with the regional support network  
21 to suffer from a mental disorder, the arresting officer may:

22 (a) Take the individual to a crisis stabilization unit as defined  
23 in RCW 71.05.020(6). Individuals delivered to a crisis stabilization  
24 unit pursuant to this section may be held by the facility for a period  
25 of up to twelve hours(~~(:—PROVIDED, that they are)~~). The individual  
26 must be examined by a mental health professional within three hours of  
27 ~~((their))~~ arrival;

28 (b) Refer the individual to a mental health professional for  
29 evaluation for initial detention and proceeding under chapter 71.05  
30 RCW; or

31 (c) Release the individual upon agreement to voluntary  
32 participation in outpatient treatment.

33 (2) If the individual is released to the community, the mental  
34 health provider shall inform the arresting officer of the release  
35 within a reasonable period of time after the release if the arresting  
36 officer has specifically requested notification and provided contact  
37 information to the provider.

1        (3) In deciding whether to refer the individual to treatment under  
2 this section, the police officer shall be guided by standards mutually  
3 agreed upon with the prosecuting authority, which address, at a  
4 minimum, the length, seriousness, and recency of the known criminal  
5 history of the individual, the mental health history of the individual,  
6 where available, and the circumstances surrounding the commission of  
7 the alleged offense.

8        ~~((+3+))~~ (4) Any agreement to participate in treatment shall not  
9 require individuals to stipulate to any of the alleged facts regarding  
10 the criminal activity as a prerequisite to participation in a mental  
11 health treatment alternative. The agreement is inadmissible in any  
12 criminal or civil proceeding. The agreement does not create immunity  
13 from prosecution for the alleged criminal activity.

14        ~~((+4+))~~ (5) If an individual violates such agreement and the mental  
15 health treatment alternative is no longer appropriate:

16        (a) The mental health provider shall inform the referring law  
17 enforcement agency of the violation; and

18        (b) The original charges may be filed or referred to the  
19 prosecutor, as appropriate, and the matter may proceed accordingly.

20        ~~((+5+))~~ (6) The police officer is immune from liability for any  
21 good faith conduct under this section.

22        **Sec. 8.** RCW 71.05.153 and 2007 c 375 s 8 are each amended to read  
23 as follows:

24        (1) When a designated mental health professional receives  
25 information alleging that a person, as the result of a mental disorder,  
26 presents an imminent likelihood of serious harm, or is in imminent  
27 danger because of being gravely disabled, after investigation and  
28 evaluation of the specific facts alleged and of the reliability and  
29 credibility of the person or persons providing the information if any,  
30 the designated mental health professional may take such person, or  
31 cause by oral or written order such person to be taken into emergency  
32 custody in an evaluation and treatment facility for not more than  
33 seventy-two hours as described in RCW 71.05.180.

34        (2) A peace officer may take or cause such person to be taken into  
35 custody and immediately delivered to a crisis stabilization unit, an  
36 evaluation and treatment facility, or the emergency department of a  
37 local hospital under the following circumstances:

1 (a) Pursuant to subsection (1) of this section; or

2 (b) When he or she has reasonable cause to believe that such person  
3 is suffering from a mental disorder and presents an imminent likelihood  
4 of serious harm or is in imminent danger because of being gravely  
5 disabled.

6 (3) Persons delivered to a crisis stabilization unit, evaluation  
7 and treatment facility, or the emergency department of a local hospital  
8 by peace officers pursuant to subsection (2) of this section may be  
9 held by the facility for a period of up to twelve hours: PROVIDED,  
10 That they are examined by a mental health professional within three  
11 hours of their arrival. Within twelve hours of their arrival, the  
12 designated mental health professional must determine whether the  
13 individual meets detention criteria. If the individual is detained,  
14 the designated mental health professional shall file a petition for  
15 detention or a supplemental petition as appropriate and commence  
16 service on the designated attorney for the detained person. If the  
17 individual is released to the community, the mental health provider  
18 shall inform the peace officer of the release within a reasonable  
19 period of time after the release if the peace officer has specifically  
20 requested notification and provided contact information to the  
21 provider.

22 **Sec. 9.** RCW 71.34.340 and 2005 c 453 s 6 are each amended to read  
23 as follows:

24 The fact of admission and all information obtained through  
25 treatment under this chapter is confidential. Confidential information  
26 may be disclosed only:

27 (1) In communications between mental health professionals to meet  
28 the requirements of this chapter, in the provision of services to the  
29 minor, or in making appropriate referrals;

30 (2) In the course of guardianship or dependency proceedings;

31 (3) To persons with medical responsibility for the minor's care;

32 (4) To the minor, the minor's parent, and the minor's attorney,  
33 subject to RCW 13.50.100;

34 (5) When the minor or the minor's parent designates in writing the  
35 persons to whom information or records may be released;

36 (6) To the extent necessary to make a claim for financial aid,

1 insurance, or medical assistance to which the minor may be entitled or  
2 for the collection of fees or costs due to providers for services  
3 rendered under this chapter;

4 (7) To the courts as necessary to the administration of this  
5 chapter;

6 (8) To law enforcement officers or public health officers as  
7 necessary to carry out the responsibilities of their office. However,  
8 only the fact and date of admission, and the date of discharge, the  
9 name and address of the treatment provider, if any, and the last known  
10 address shall be disclosed upon request;

11 (9) To law enforcement officers, public health officers, relatives,  
12 and other governmental law enforcement agencies, if a minor has escaped  
13 from custody, disappeared from an evaluation and treatment facility,  
14 violated conditions of a less restrictive treatment order, or failed to  
15 return from an authorized leave, and then only such information as may  
16 be necessary to provide for public safety or to assist in the  
17 apprehension of the minor. The officers are obligated to keep the  
18 information confidential in accordance with this chapter;

19 (10) To the secretary for assistance in data collection and program  
20 evaluation or research, provided that the secretary adopts rules for  
21 the conduct of such evaluation and research. The rules shall include,  
22 but need not be limited to, the requirement that all evaluators and  
23 researchers sign an oath of confidentiality substantially as follows:

24 "As a condition of conducting evaluation or research concerning  
25 persons who have received services from (fill in the facility, agency,  
26 or person) I, . . . . ., agree not to divulge, publish, or otherwise  
27 make known to unauthorized persons or the public any information  
28 obtained in the course of such evaluation or research regarding minors  
29 who have received services in a manner such that the minor is  
30 identifiable.

31 I recognize that unauthorized release of confidential information  
32 may subject me to civil liability under state law.

33 /s/ ....."

1 (11) To appropriate law enforcement agencies, upon request, all  
2 necessary and relevant information in the event of a crisis or emergent  
3 situation that poses a significant and imminent risk to the public.  
4 The decision to disclose or not shall not result in civil liability for  
5 the mental health service provider or its employees so long as the  
6 decision was reached in good faith and without gross negligence;

7 (12) To appropriate law enforcement agencies and to a person, when  
8 the identity of the person is known to the public or private agency,  
9 whose health and safety has been threatened, or who is known to have  
10 been repeatedly harassed, by the patient. The person may designate a  
11 representative to receive the disclosure. The disclosure shall be made  
12 by the professional person in charge of the public or private agency or  
13 his or her designee and shall include the dates of admission,  
14 discharge, authorized or unauthorized absence from the agency's  
15 facility, and only such other information that is pertinent to the  
16 threat or harassment. The decision to disclose or not shall not result  
17 in civil liability for the agency or its employees so long as the  
18 decision was reached in good faith and without gross negligence;

19 (13) To a minor's next of kin, attorney, guardian, or conservator,  
20 if any, the information that the minor is presently in the facility or  
21 that the minor is seriously physically ill and a statement evaluating  
22 the mental and physical condition of the minor as well as a statement  
23 of the probable duration of the minor's confinement;

24 (14) Upon the death of a minor, to the minor's next of kin;

25 (15) To a facility in which the minor resides or will reside;

26 (16) To law enforcement officers and to prosecuting attorneys as  
27 are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of  
28 information that may be released is limited as follows:

29 (a) Only the fact, place, and date of involuntary commitment, an  
30 official copy of any order or orders of commitment, and an official  
31 copy of any written or oral notice of ineligibility to possess a  
32 firearm that was provided to the person pursuant to RCW 9.41.047(1),  
33 shall be disclosed upon request;

34 (b) The law enforcement and prosecuting attorneys may only release  
35 the information obtained to the person's attorney as required by court  
36 rule and to a jury or judge, if a jury is waived, that presides over  
37 any trial at which the person is charged with violating RCW  
38 9.41.040(2)(a)(ii);

1 (c) Disclosure under this subsection is mandatory for the purposes  
2 of the health insurance portability and accountability act.

3 This section shall not be construed to prohibit the compilation and  
4 publication of statistical data for use by government or researchers  
5 under standards, including standards to assure maintenance of  
6 confidentiality, set forth by the secretary. The fact of admission and  
7 all information obtained pursuant to this chapter are not admissible as  
8 evidence in any legal proceeding outside this chapter, except  
9 guardianship or dependency, without the written consent of the minor or  
10 the minor's parent;

11 (17) For the purpose of a correctional facility participating in  
12 the postinstitutional medical assistance system supporting the  
13 expedited medical determinations and medical suspensions as provided in  
14 RCW 74.09.555 and section 2 of this act.

15 **Sec. 10.** RCW 70.02.900 and 2000 c 5 s 4 are each amended to read  
16 as follows:

17 (1) This chapter does not restrict a health care provider, a third-  
18 party payor, or an insurer regulated under Title 48 RCW from complying  
19 with obligations imposed by federal or state health care payment  
20 programs or federal or state law.

21 (2) This chapter does not modify the terms and conditions of  
22 disclosure under Title 51 RCW and chapters 13.50, 26.09, 70.24,  
23 ~~((70.39,))~~ 70.96A, 71.05, ~~((and))~~ 71.34, and 74.09 RCW and rules  
24 adopted under these provisions."

25 Correct the title.

EFFECT: Removes permission for the Department of Social and  
Health Services to provide a correctional institution with the fact,  
place, and date of involuntary treatment for chemical dependency and  
co-occurring disorders.

Removes the requirement that a mental health provider notify a  
peace officer when a person with chemical dependency who presents an  
imminent likelihood of serious harm is released to the community.

--- END ---