

E3SHB 1713 - S AMD 772

By Senator Padden

WITHDRAWN 03/29/2016

1 Beginning on page 13, line 35, strike all of section 104 and
2 insert the following:

3 "Sec. 104. RCW 70.96A.097 and 1998 c 296 s 28 are each amended
4 to read as follows:

5 (1) The department shall ensure that, for any minor admitted to
6 inpatient treatment under RCW 70.96A.245, a review is conducted by a
7 physician or (~~chemical dependency~~) substance use disorder
8 counselor, as defined in rule by the department, who is employed by
9 the department or an agency under contract with the department and
10 who neither has a financial interest in continued inpatient treatment
11 of the minor nor is affiliated with the program providing the
12 treatment. The physician or (~~chemical dependency~~) substance use
13 disorder counselor shall conduct the review not less than seven nor
14 more than fourteen days following the date the minor was brought to
15 the facility under RCW 70.96A.245(1) to determine whether it is a
16 medical necessity to continue the minor's treatment on an inpatient
17 basis.

18 (2) In making a determination under subsection (1) of this
19 section whether it is a medical necessity to release the minor from
20 inpatient treatment, the department shall consider the opinion of the
21 treatment provider, the safety of the minor, the likelihood the
22 minor's (~~chemical dependency~~) substance use disorder recovery will
23 deteriorate if released from inpatient treatment, and the wishes of
24 the parent or guardian.

25 (3) If, after any review conducted by the department under this
26 section, the department determines it is no longer a medical
27 necessity for a minor to receive inpatient treatment, the department
28 shall immediately notify the parents or guardian and the professional
29 person in charge. The professional person in charge shall release the
30 minor to the parents or guardian within twenty-four hours of
31 receiving notice. If the professional person in charge and the parent
32 or guardian believe that it is a medical necessity for the minor to
33 remain in inpatient treatment, the minor shall be released to the

1 parent or guardian on the second judicial day following the
2 department's determination in order to allow the parent or guardian
3 time to file an at-risk youth petition under chapter 13.32A RCW. If
4 the department determines it is a medical necessity for the minor to
5 receive outpatient treatment and the minor declines to obtain such
6 treatment, such refusal shall be grounds for the parent or guardian
7 to file an at-risk youth petition.

8 (4) The department may, subject to available funds, contract with
9 other governmental agencies for the conduct of the reviews conducted
10 under this section and may seek reimbursement from the parents, the
11 guardian, their insurance, or medicaid for the expense of any review
12 conducted by an agency under contract.

13 (5) In addition to the review required under this section, the
14 department may periodically determine and redetermine the medical
15 necessity of treatment for purposes of payment with public funds.

16 **Sec. 105.** RCW 70.96A.230 and 1998 c 296 s 24 are each amended to
17 read as follows:

18 Any provider of outpatient treatment who provides outpatient
19 treatment to a minor thirteen years of age or older shall provide
20 notice of the minor's request for treatment to the minor's parents
21 (~~(if: (1) The minor signs a written consent authorizing the~~
22 ~~disclosure; or (2) the treatment program director determines that the~~
23 ~~minor lacks capacity to make a rational choice regarding consenting~~
24 ~~to disclosure)) or guardian. The notice shall be made within seven
25 days of the request for treatment, excluding Saturdays, Sundays, and
26 holidays, and shall contain the name, location, and telephone number
27 of the facility providing treatment, and the name of a professional
28 person on the staff of the facility providing treatment who is
29 designated to discuss the minor's need for treatment with the parent
30 or guardian.~~

31 **Sec. 106.** RCW 70.96A.235 and 1998 c 296 s 25 are each amended to
32 read as follows:

33 Parental or guardian consent is required for inpatient (~~chemical~~
34 ~~dependency)) substance use disorder treatment of a minor, unless the
35 child meets the definition of a child in need of services in RCW
36 13.32A.030(~~(+4))~~) (5)(c) as determined by the department(~~(+ PROVIDED,~~
37 ~~That))~~). Parental or guardian consent is required for any treatment of
38 a minor under the age of thirteen.~~

1 This section does not apply to petitions filed under this
2 chapter.

3 **Sec. 107.** RCW 70.96A.240 and 1998 c 296 s 26 are each amended to
4 read as follows:

5 (1) The parent or guardian of a minor is not liable for payment
6 of inpatient or outpatient (~~((chemical dependency))~~) substance use
7 disorder treatment unless the parent or guardian has joined in the
8 consent to the treatment.

9 (2) The ability of a parent or guardian to apply to a certified
10 treatment program for the admission of his or her minor child does
11 not create a right to obtain or benefit from any funds or resources
12 of the state. However, the state may provide services for indigent
13 minors to the extent that funds are available (~~((therefor))~~).

14 **Sec. 108.** RCW 70.96A.245 and 1998 c 296 s 27 are each amended to
15 read as follows:

16 (1) A parent or guardian may bring, or authorize the bringing of,
17 his or her minor child to a certified treatment program and request
18 that a (~~((chemical dependency))~~) substance use disorder assessment be
19 conducted by a professional person to determine whether the minor
20 (~~((is chemically dependent and))~~) has a substance use disorder and is
21 in need of inpatient treatment.

22 (2) The consent of the minor is not required for admission,
23 evaluation, and treatment if the parent or guardian brings the minor
24 to the program.

25 (3) An appropriately trained professional person may evaluate
26 whether the minor (~~((is chemically dependent))~~) has a substance use
27 disorder. The evaluation shall be completed within twenty-four hours
28 of the time the minor was brought to the program, unless the
29 professional person determines that the condition of the minor
30 necessitates additional time for evaluation. In no event shall a
31 minor be held longer than seventy-two hours for evaluation. If, in
32 the judgment of the professional person, it is determined it is a
33 medical necessity for the minor to receive inpatient treatment, the
34 minor may be held for treatment. The facility shall limit treatment
35 to that which the professional person determines is medically
36 necessary to stabilize the minor's condition until the evaluation has
37 been completed. Within twenty-four hours of completion of the

1 evaluation, the professional person shall notify the department if
2 the child is held for treatment and of the date of admission.

3 (4) No provider is obligated to provide treatment to a minor
4 under the provisions of this section. No provider may admit a minor
5 to treatment under this section unless it is medically necessary.

6 (5) No minor receiving inpatient treatment under this section may
7 be discharged from the program based solely on his or her request.

8 **Sec. 109.** RCW 70.96A.250 and 1998 c 296 s 29 are each amended to
9 read as follows:

10 (1) A parent or guardian may bring, or authorize the bringing of,
11 his or her minor child to a provider of outpatient (~~chemical~~
12 ~~dependency~~) substance use disorder treatment and request that an
13 appropriately trained professional person examine the minor to
14 determine whether the minor has a (~~chemical-dependency~~) substance
15 use disorder and is in need of outpatient treatment.

16 (2) The consent of the minor is not required for evaluation if
17 the parent or guardian brings the minor to the provider.

18 (3) The professional person in charge of the program may evaluate
19 whether the minor has a (~~chemical-dependency~~) substance use
20 disorder and is in need of outpatient treatment.

21 (4) Any minor admitted to inpatient treatment under RCW
22 70.96A.245 shall be discharged immediately from inpatient treatment
23 upon written request of the parent or guardian.

24 **Sec. 110.** RCW 70.96A.255 and 1998 c 296 s 30 are each amended to
25 read as follows:

26 Following the review conducted under RCW 70.96A.097, a minor
27 child may petition the superior court for his or her release from the
28 facility. The petition may be filed not sooner than fourteen days
29 after the minor is admitted to the facility, or five days following
30 the review, whichever is later. The court shall release the minor
31 unless it finds, upon a preponderance of the evidence, that it is a
32 medical necessity for the minor to remain at the facility."

33 On page 118, line 36, after "and" insert "2016 1st sp.s. c . . .
34 s 104 (section 104 of this act),"

35 On page 119, beginning on line 33, after "c . . . s" strike "104
36 (section 104" and insert "105 (section 105"

1 On page 119, line 36, after "and" insert "2016 1st sp.s. c . . .
2 s 106 (section 106 of this act) &"

3 On page 119, line 38, after "and" insert "2016 1st sp.s. c . . .
4 s 107 (section 107 of this act) &"

5 On page 120, line 4, after "and" insert "2016 1st sp.s. c . . . s
6 108 (section 108 of this act) &"

7 On page 120, line 7, after "and" insert "2016 1st sp.s. c . . . s
8 109 (section 109 of this act) &"

9 On page 120, line 10, after "and" insert "2016 1st sp.s. c . . .
10 s 110 (section 110 of this act) &"

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11 On page 1, at the beginning of line 3 of the title, strike
12 "70.96A.230," and insert "70.96A.097, 70.96A.230, 70.96A.235,
13 70.96A.240, 70.96A.245, 70.96A.250, 70.96A.255,"

EFFECT: A guardian of a minor child, in addition to a parent, may initiate parent-initiated substance use disorder treatment on behalf of the minor and participate in associated decisions. A treatment provider that provides outpatient substance use disorder treatment to a minor thirteen years of age or older at the request of the minor must notify the parents or guardian of the minor. A minor child may file a petition in superior court to be released from a course of parent or guardian-initiated substance use disorder inpatient treatment not sooner than fourteen days after the minor's admission to the facility.

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