

SENATE BILL REPORT

SB 5781

As of February 12, 2015

Title: An act relating to procedures for responding to reports of threatened or attempted suicide.

Brief Description: Providing procedures for responding to reports of threatened or attempted suicide.

Sponsors: Senators Billig, O'Ban, Darneille, Frockt and Kohl-Welles.

Brief History:

Committee Activity: Human Services, Mental Health & Housing: 2/10/15.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Staff: Kevin Black (786-7747)

Background: A person may be detained for involuntary mental health treatment under the Involuntary Treatment Act (ITA) if the person, as the result of a mental disorder, presents a likelihood of serious harm or is gravely disabled and will not voluntarily accept appropriate treatment. Among other circumstances, a person poses a likelihood of serious harm if there is a substantial risk that the person will inflict physical harm upon himself or herself as evidenced by threats or attempts to commit suicide.

Designated mental health professionals (DMHPs) are responsible for investigating whether or not a person should be detained for an evaluation for involuntary mental health treatment under the ITA. DMHPs perform evaluations for involuntary commitment, but do not provide mental health services or generalized mental health evaluations.

A person who needs mental health services but does not meet involuntary commitment criteria may receive services through private insurance, or may qualify for Washington's Healthy Options Medicaid insurance plan if the person meets income standards to qualify for the program. If the person qualifies for Medicaid, and meets access to care standards, the person may receive high intensity services through a regional support network (RSN). A person who does not qualify for Medicaid or have private insurance may receive mental health services from an RSN within the RSN's non-Medicaid appropriation, subject to the availability of funds and policies and priorities established by the RSN.

Summary of Bill: The bill as referred to committee not considered.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Proposed Substitute): A peace officer who responds to a report of threatened or attempted suicide and does not take the person into custody may note on the incident report that the person is in need of a mental health evaluation. The peace officer may otherwise contact a DMHP agency. An incident report noting a need for a mental health evaluation must be forwarded to a local DMHP agency as soon as possible and within 48 hours of entry of the incident report.

As soon as possible, but no later than 12 hours of receiving the report, a DMHP must attempt to contact the person to assess whether additional mental health intervention is necessary, including whether the person meets initial detention criteria under the ITA.

By January 1, 2016, law enforcement agencies must have a system in place for officers to document the need for a mental health evaluation of a person who is the subject of a report of threatened or attempted suicide as part of an incident report. The Washington State Association of Sheriffs and Police Chiefs must assist with establishing systems and protocols for this task, and for establishing systems and protocols for alternative means to notify a DMHP agency in this situation. Peace officers and their employing agencies are not liable for providing or not providing notification if such action or inaction is taken in good faith and without gross negligence.

This act may be known and cited as Sheena and Chris Henderson's Law.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is motivated by a tragic event in Spokane. We know there are gaps in the mental health system, including the connection between law enforcement and mental health when a person does not quite rise to the level where involuntary commitment is warranted. This bill would create a tool to make a report when someone has mental health needs. My daughter was killed by her husband while he was experiencing a mental health crisis. The officers planned to make a referral to mental health services according to the police reports; however, the process can take up to two weeks, and DMHPs are not required to respond. Officers receive insufficient training to learn how to respond to persons in mental health crisis. Documenting these events establishes a paper trail, shows escalation, helps in documenting a pattern, and saves lives. This bill could be made stronger if law enforcement is required to call DMHPs directly rather than simply making a comment on an incident report. There should be more latitude when it is a suicide threat, rather than an attempt. An informational brochure could be created providing information about a person's rights and about services available in the community. Other mental health professionals besides DMHPs should be able to follow up with service referrals. Persons should be engaged in voluntary treatment if possible.

CON: This bill takes the wrong approach to solve an important problem. Officers first provide persons with a voluntary opportunity to go in for an evaluation. If the person chooses not to do this, there are standards officers can use to detain a person for evaluation. We should also refer persons for follow-up. We think we have this authority under current law. These calls don't get dispatched as a threatened or attempted suicide. The bill does not provide for situations where there are warrants. Not all police reports are read by someone within the agency, let alone within 48 hours. We want to help in a way that's meaningful.

Persons Testifying: PRO: Senator Billig, prime sponsor; Gregory Robinson, WA Community Mental Health Council; Gary Kennison, Kristen Otoupalik, citizens.

CON: James McMahan, WA Assn. Sheriffs & Police Chiefs.