S-1154.1

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**SENATE BILL 5709**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senator Miloscia

AN ACT Relating to providing notification to parents when a minor accesses behavioral health services; amending RCW 71.34.500, 71.34.500, 71.34.530, 70.96A.095, 71.34.510, and 70.96A.230; providing an effective date; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 71.34.500 and 2006 c 93 s 3 are each amended to read as follows:

(1) A minor thirteen years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental treatment, without parental consent, subject to the requirements of RCW 71.34.510. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for inpatient treatment of a minor under the age of thirteen.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility, there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

**Sec.**  RCW 71.34.500 and 2016 sp.s. c 29 s 261 are each amended to read as follows:

(1) A minor thirteen years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental health treatment or an approved substance use disorder treatment program for inpatient substance use disorder treatment without parental consent, subject to the requirements of RCW 71.34.510. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for inpatient treatment of a minor under the age of thirteen.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility or approved substance use disorder treatment program, there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder or substance use disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to the facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

**Sec.**  RCW 71.34.530 and 2006 c 93 s 4 are each amended to read as follows:

Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent, subject to the requirements of RCW 71.34.510. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for outpatient treatment of a minor under the age of thirteen.

**Sec.**  RCW 70.96A.095 and 1998 c 296 s 23 are each amended to read as follows:

Any person thirteen years of age or older may give consent for himself or herself to the furnishing of outpatient treatment by a ((~~chemical dependency~~)) substance use disorder treatment program certified by the department, subject to the requirements of RCW 70.96A.096 and 70.96A.230. Parental authorization is required for any treatment of a minor under the age of thirteen.

**Sec.**  RCW 71.34.510 and 1998 c 296 s 15 are each amended to read as follows:

(1) The administrator of the treatment facility shall provide notice to the parents of a minor when the minor is voluntarily admitted to inpatient treatment under RCW 71.34.500. The notice shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent: ((~~(1)~~)) (a) That the minor has been admitted to inpatient treatment; ((~~(2)~~)) (b) of the location and telephone number of the facility providing such treatment; ((~~(3)~~)) (c) of the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent; and ((~~(4)~~)) (d) of the medical necessity for admission.

(2) Any provider of outpatient treatment who provides outpatient treatment to a minor thirteen years of age or older shall provide notice of the minor's request for treatment to the minor's parents. Any notice under this section must contain the name, location, and telephone number of the facility providing treatment and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's request for treatment with the parent.

**Sec.**  RCW 70.96A.230 and 2016 sp.s. c 29 s 104 are each amended to read as follows:

Any provider of outpatient treatment who provides outpatient treatment to a minor thirteen years of age or older shall provide notice of the minor's request for treatment to the minor's parents ((~~if: (1) The minor signs a written consent authorizing the disclosure; or (2) the treatment program director determines that the minor lacks capacity to make a rational choice regarding consenting to disclosure. A provider of outpatient treatment may, at his or her discretion, provide notice of a minor's request for treatment to the minor's parents if the provider determines that notice is in the best interest of the minor in achieving recovery~~)). Any notice under this section ((~~shall be made within seven days of the request for treatment, excluding Saturdays, Sundays, and holidays, and shall~~)) must contain the name, location, and telephone number of the facility providing treatment, and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's ((~~need~~)) request for treatment with the parent.

NEW SECTION. **Sec.**  Section 2 of this act takes effect April 1, 2018.

NEW SECTION. **Sec.**  Sections 1, 4, and 6 of this act expire April 1, 2018.

**--- END ---**