
SENATE BILL 5853

State of Washington

68th Legislature

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By Senators Dhingra, Wagoner, Frame, Hasegawa, Kuderer, Lovelett, Lovick, Muzzall, Nguyen, Nobles, Shewmake, Stanford, Torres, Valdez, and C. Wilson

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1 AN ACT Relating to extending the crisis relief center model to
2 provide behavioral health crisis services for minors; amending RCW
3 71.34.020, 71.34.020, and 71.34.351; reenacting and amending RCW
4 71.24.025; and providing a contingent effective date.

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

6 **Sec. 1.** RCW 71.24.025 and 2023 c 454 s 1 and 2023 c 433 s 1 are
7 each reenacted and amended to read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "23-hour crisis relief center" means a community-based
11 facility or portion of a facility serving either adults or minors,
12 but not serving both in the same facility, which is licensed or
13 certified by the department of health and open 24 hours a day, seven
14 days a week, offering access to mental health and substance use care
15 for no more than 23 hours and 59 minutes at a time per patient, and
16 which accepts all behavioral health crisis walk-ins drop-offs from
17 first responders, and individuals referred through the 988 system
18 regardless of behavioral health acuity, and meets the requirements
19 under RCW 71.24.916.

20 (2) "988 crisis hotline" means the universal telephone number
21 within the United States designated for the purpose of the national

1 suicide prevention and mental health crisis hotline system operating
2 through the national suicide prevention lifeline.

3 (3) "Acutely mentally ill" means a condition which is limited to
4 a short-term severe crisis episode of:

5 (a) A mental disorder as defined in RCW 71.05.020 or, in the case
6 of a child, as defined in RCW 71.34.020;

7 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the
8 case of a child, a gravely disabled minor as defined in RCW
9 71.34.020; or

10 (c) Presenting a likelihood of serious harm as defined in RCW
11 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

12 (4) "Alcoholism" means a disease, characterized by a dependency
13 on alcoholic beverages, loss of control over the amount and
14 circumstances of use, symptoms of tolerance, physiological or
15 psychological withdrawal, or both, if use is reduced or discontinued,
16 and impairment of health or disruption of social or economic
17 functioning.

18 (5) "Approved substance use disorder treatment program" means a
19 program for persons with a substance use disorder provided by a
20 treatment program licensed or certified by the department as meeting
21 standards adopted under this chapter.

22 (6) "Authority" means the Washington state health care authority.

23 (7) "Available resources" means funds appropriated for the
24 purpose of providing community behavioral health programs, federal
25 funds, except those provided according to Title XIX of the Social
26 Security Act, and state funds appropriated under this chapter or
27 chapter 71.05 RCW by the legislature during any biennium for the
28 purpose of providing residential services, resource management
29 services, community support services, and other behavioral health
30 services. This does not include funds appropriated for the purpose of
31 operating and administering the state psychiatric hospitals.

32 (8) "Behavioral health administrative services organization"
33 means an entity contracted with the authority to administer
34 behavioral health services and programs under RCW 71.24.381,
35 including crisis services and administration of chapter 71.05 RCW,
36 the involuntary treatment act, for all individuals in a defined
37 regional service area.

38 (9) "Behavioral health aide" means a counselor, health educator,
39 and advocate who helps address individual and community-based
40 behavioral health needs, including those related to alcohol, drug,

1 and tobacco abuse as well as mental health problems such as grief,
2 depression, suicide, and related issues and is certified by a
3 community health aide program of the Indian health service or one or
4 more tribes or tribal organizations consistent with the provisions of
5 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).

6 (10) "Behavioral health provider" means a person licensed under
7 chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as
8 it applies to registered nurses and advanced registered nurse
9 practitioners.

10 (11) "Behavioral health services" means mental health services,
11 substance use disorder treatment services, and co-occurring disorder
12 treatment services as described in this chapter and chapter 71.36 RCW
13 that, depending on the type of service, are provided by licensed or
14 certified behavioral health agencies, behavioral health providers, or
15 integrated into other health care providers.

16 (12) "Child" means a person under the age of eighteen years.

17 (13) "Chronically mentally ill adult" or "adult who is
18 chronically mentally ill" means an adult who has a mental disorder
19 and meets at least one of the following criteria:

20 (a) Has undergone two or more episodes of hospital care for a
21 mental disorder within the preceding two years; or

22 (b) Has experienced a continuous psychiatric hospitalization or
23 residential treatment exceeding six months' duration within the
24 preceding year; or

25 (c) Has been unable to engage in any substantial gainful activity
26 by reason of any mental disorder which has lasted for a continuous
27 period of not less than twelve months. "Substantial gainful activity"
28 shall be defined by the authority by rule consistent with Public Law
29 92-603, as amended.

30 (14) "Clubhouse" means a community-based program that provides
31 rehabilitation services and is licensed or certified by the
32 department.

33 (15) "Community behavioral health program" means all
34 expenditures, services, activities, or programs, including reasonable
35 administration and overhead, designed and conducted to prevent or
36 treat substance use disorder, mental illness, or both in the
37 community behavioral health system.

38 (16) "Community behavioral health service delivery system" means
39 public, private, or tribal agencies that provide services
40 specifically to persons with mental disorders, substance use

1 disorders, or both, as defined under RCW 71.05.020 and receive
2 funding from public sources.

3 (17) "Community support services" means services authorized,
4 planned, and coordinated through resource management services
5 including, at a minimum, assessment, diagnosis, emergency crisis
6 intervention available twenty-four hours, seven days a week,
7 prescreening determinations for persons who are mentally ill being
8 considered for placement in nursing homes as required by federal law,
9 screening for patients being considered for admission to residential
10 services, diagnosis and treatment for children who are acutely
11 mentally ill or severely emotionally or behaviorally disturbed
12 discovered under screening through the federal Title XIX early and
13 periodic screening, diagnosis, and treatment program, investigation,
14 legal, and other nonresidential services under chapter 71.05 RCW,
15 case management services, psychiatric treatment including medication
16 supervision, counseling, psychotherapy, assuring transfer of relevant
17 patient information between service providers, recovery services, and
18 other services determined by behavioral health administrative
19 services organizations.

20 (18) "Community-based crisis team" means a team that is part of
21 an emergency medical services agency, a fire service agency, a public
22 health agency, a medical facility, a nonprofit crisis response
23 provider, or a city or county government entity, other than a law
24 enforcement agency, that provides the on-site community-based
25 interventions of a mobile rapid response crisis team for individuals
26 who are experiencing a behavioral health crisis.

27 (19) "Consensus-based" means a program or practice that has
28 general support among treatment providers and experts, based on
29 experience or professional literature, and may have anecdotal or case
30 study support, or that is agreed but not possible to perform studies
31 with random assignment and controlled groups.

32 (20) "County authority" means the board of county commissioners,
33 county council, or county executive having authority to establish a
34 behavioral health administrative services organization, or two or
35 more of the county authorities specified in this subsection which
36 have entered into an agreement to establish a behavioral health
37 administrative services organization.

38 (21) "Crisis stabilization services" means services such as 23-
39 hour crisis relief centers, crisis stabilization units, short-term
40 respite facilities, peer-run respite services, and same-day walk-in

1 behavioral health services, including within the overall crisis
2 system components that operate like hospital emergency departments
3 that accept all walk-ins, and ambulance, fire, and police drop-offs,
4 or determine the need for involuntary hospitalization of an
5 individual.

6 (22) "Crisis stabilization unit" has the same meaning as under
7 RCW 71.05.020.

8 (23) "Department" means the department of health.

9 (24) "Designated 988 contact hub" means a state-designated
10 contact center that streamlines clinical interventions and access to
11 resources for people experiencing a behavioral health crisis and
12 participates in the national suicide prevention lifeline network to
13 respond to statewide or regional 988 contacts that meets the
14 requirements of RCW 71.24.890.

15 (25) "Designated crisis responder" has the same meaning as in RCW
16 71.05.020.

17 (26) "Director" means the director of the authority.

18 (27) "Drug addiction" means a disease characterized by a
19 dependency on psychoactive chemicals, loss of control over the amount
20 and circumstances of use, symptoms of tolerance, physiological or
21 psychological withdrawal, or both, if use is reduced or discontinued,
22 and impairment of health or disruption of social or economic
23 functioning.

24 (28) "Early adopter" means a regional service area for which all
25 of the county authorities have requested that the authority purchase
26 medical and behavioral health services through a managed care health
27 system as defined under RCW 71.24.380(7).

28 (29) "Emerging best practice" or "promising practice" means a
29 program or practice that, based on statistical analyses or a well
30 established theory of change, shows potential for meeting the
31 evidence-based or research-based criteria, which may include the use
32 of a program that is evidence-based for outcomes other than those
33 listed in subsection (30) of this section.

34 (30) "Evidence-based" means a program or practice that has been
35 tested in heterogeneous or intended populations with multiple
36 randomized, or statistically controlled evaluations, or both; or one
37 large multiple site randomized, or statistically controlled
38 evaluation, or both, where the weight of the evidence from a systemic
39 review demonstrates sustained improvements in at least one outcome.
40 "Evidence-based" also means a program or practice that can be

1 implemented with a set of procedures to allow successful replication
2 in Washington and, when possible, is determined to be cost-
3 beneficial.

4 (31) "First responders" includes ambulance, fire, mobile rapid
5 response crisis team, coresponder team, designated crisis responder,
6 fire department mobile integrated health team, community assistance
7 referral and education services program under RCW 35.21.930, and law
8 enforcement personnel.

9 (32) "Indian health care provider" means a health care program
10 operated by the Indian health service or by a tribe, tribal
11 organization, or urban Indian organization as those terms are defined
12 in the Indian health care improvement act (25 U.S.C. Sec. 1603).

13 (33) "Intensive behavioral health treatment facility" means a
14 community-based specialized residential treatment facility for
15 individuals with behavioral health conditions, including individuals
16 discharging from or being diverted from state and local hospitals,
17 whose impairment or behaviors do not meet, or no longer meet,
18 criteria for involuntary inpatient commitment under chapter 71.05
19 RCW, but whose care needs cannot be met in other community-based
20 placement settings.

21 (34) "Licensed or certified behavioral health agency" means:

22 (a) An entity licensed or certified according to this chapter or
23 chapter 71.05 RCW;

24 (b) An entity deemed to meet state minimum standards as a result
25 of accreditation by a recognized behavioral health accrediting body
26 recognized and having a current agreement with the department; or

27 (c) An entity with a tribal attestation that it meets state
28 minimum standards for a licensed or certified behavioral health
29 agency.

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

33 (36) "Long-term inpatient care" means inpatient services for
34 persons committed for, or voluntarily receiving intensive treatment
35 for, periods of ninety days or greater under chapter 71.05 RCW.

36 "Long-term inpatient care" as used in this chapter does not include:

37 (a) Services for individuals committed under chapter 71.05 RCW who
38 are receiving services pursuant to a conditional release or a court-
39 ordered less restrictive alternative to detention; or (b) services

1 for individuals voluntarily receiving less restrictive alternative
2 treatment on the grounds of the state hospital.

3 (37) "Managed care organization" means an organization, having a
4 certificate of authority or certificate of registration from the
5 office of the insurance commissioner, that contracts with the
6 authority under a comprehensive risk contract to provide prepaid
7 health care services to enrollees under the authority's managed care
8 programs under chapter 74.09 RCW.

9 (38) "Mental health peer-run respite center" means a peer-run
10 program to serve individuals in need of voluntary, short-term,
11 noncrisis services that focus on recovery and wellness.

12 (39) Mental health "treatment records" include registration and
13 all other records concerning persons who are receiving or who at any
14 time have received services for mental illness, which are maintained
15 by the department of social and health services or the authority, by
16 behavioral health administrative services organizations and their
17 staffs, by managed care organizations and their staffs, or by
18 treatment facilities. "Treatment records" do not include notes or
19 records maintained for personal use by a person providing treatment
20 services for the entities listed in this subsection, or a treatment
21 facility if the notes or records are not available to others.

22 (40) "Mentally ill persons," "persons who are mentally ill," and
23 "the mentally ill" mean persons and conditions defined in subsections
24 (3), (13), (48), and (49) of this section.

25 (41) "Mobile rapid response crisis team" means a team that
26 provides professional on-site community-based intervention such as
27 outreach, de-escalation, stabilization, resource connection, and
28 follow-up support for individuals who are experiencing a behavioral
29 health crisis, that shall include certified peer counselors as a best
30 practice to the extent practicable based on workforce availability,
31 and that meets standards for response times established by the
32 authority.

33 (42) "Recovery" means a process of change through which
34 individuals improve their health and wellness, live a self-directed
35 life, and strive to reach their full potential.

36 (43) "Research-based" means a program or practice that has been
37 tested with a single randomized, or statistically controlled
38 evaluation, or both, demonstrating sustained desirable outcomes; or
39 where the weight of the evidence from a systemic review supports

1 sustained outcomes as described in subsection (30) of this section
2 but does not meet the full criteria for evidence-based.

3 (44) "Residential services" means a complete range of residences
4 and supports authorized by resource management services and which may
5 involve a facility, a distinct part thereof, or services which
6 support community living, for persons who are acutely mentally ill,
7 adults who are chronically mentally ill, children who are severely
8 emotionally disturbed, or adults who are seriously disturbed and
9 determined by the behavioral health administrative services
10 organization or managed care organization to be at risk of becoming
11 acutely or chronically mentally ill. The services shall include at
12 least evaluation and treatment services as defined in chapter 71.05
13 RCW, acute crisis respite care, long-term adaptive and rehabilitative
14 care, and supervised and supported living services, and shall also
15 include any residential services developed to service persons who are
16 mentally ill in nursing homes, residential treatment facilities,
17 assisted living facilities, and adult family homes, and may include
18 outpatient services provided as an element in a package of services
19 in a supported housing model. Residential services for children in
20 out-of-home placements related to their mental disorder shall not
21 include the costs of food and shelter, except for children's long-
22 term residential facilities existing prior to January 1, 1991.

23 (45) "Resilience" means the personal and community qualities that
24 enable individuals to rebound from adversity, trauma, tragedy,
25 threats, or other stresses, and to live productive lives.

26 (46) "Resource management services" mean the planning,
27 coordination, and authorization of residential services and community
28 support services administered pursuant to an individual service plan
29 for: (a) Adults and children who are acutely mentally ill; (b) adults
30 who are chronically mentally ill; (c) children who are severely
31 emotionally disturbed; or (d) adults who are seriously disturbed and
32 determined by a behavioral health administrative services
33 organization or managed care organization to be at risk of becoming
34 acutely or chronically mentally ill. Such planning, coordination, and
35 authorization shall include mental health screening for children
36 eligible under the federal Title XIX early and periodic screening,
37 diagnosis, and treatment program. Resource management services
38 include seven day a week, twenty-four hour a day availability of
39 information regarding enrollment of adults and children who are
40 mentally ill in services and their individual service plan to

1 designated crisis responders, evaluation and treatment facilities,
2 and others as determined by the behavioral health administrative
3 services organization or managed care organization, as applicable.

4 (47) "Secretary" means the secretary of the department of health.

5 (48) "Seriously disturbed person" means a person who:

6 (a) Is gravely disabled or presents a likelihood of serious harm
7 to himself or herself or others, or to the property of others, as a
8 result of a mental disorder as defined in chapter 71.05 RCW;

9 (b) Has been on conditional release status, or under a less
10 restrictive alternative order, at some time during the preceding two
11 years from an evaluation and treatment facility or a state mental
12 health hospital;

13 (c) Has a mental disorder which causes major impairment in
14 several areas of daily living;

15 (d) Exhibits suicidal preoccupation or attempts; or

16 (e) Is a child diagnosed by a mental health professional, as
17 defined in chapter 71.34 RCW, as experiencing a mental disorder which
18 is clearly interfering with the child's functioning in family or
19 school or with peers or is clearly interfering with the child's
20 personality development and learning.

21 (49) "Severely emotionally disturbed child" or "child who is
22 severely emotionally disturbed" means a child who has been determined
23 by the behavioral health administrative services organization or
24 managed care organization, if applicable, to be experiencing a mental
25 disorder as defined in chapter 71.34 RCW, including those mental
26 disorders that result in a behavioral or conduct disorder, that is
27 clearly interfering with the child's functioning in family or school
28 or with peers and who meets at least one of the following criteria:

29 (a) Has undergone inpatient treatment or placement outside of the
30 home related to a mental disorder within the last two years;

31 (b) Has undergone involuntary treatment under chapter 71.34 RCW
32 within the last two years;

33 (c) Is currently served by at least one of the following child-
34 serving systems: Juvenile justice, child-protection/welfare, special
35 education, or developmental disabilities;

36 (d) Is at risk of escalating maladjustment due to:

37 (i) Chronic family dysfunction involving a caretaker who is
38 mentally ill or inadequate;

39 (ii) Changes in custodial adult;

1 (iii) Going to, residing in, or returning from any placement
2 outside of the home, for example, psychiatric hospital, short-term
3 inpatient, residential treatment, group or foster home, or a
4 correctional facility;

5 (iv) Subject to repeated physical abuse or neglect;

6 (v) Drug or alcohol abuse; or

7 (vi) Homelessness.

8 (50) "State minimum standards" means minimum requirements
9 established by rules adopted and necessary to implement this chapter
10 by:

11 (a) The authority for:

12 (i) Delivery of mental health and substance use disorder
13 services; and

14 (ii) Community support services and resource management services;

15 (b) The department of health for:

16 (i) Licensed or certified behavioral health agencies for the
17 purpose of providing mental health or substance use disorder programs
18 and services, or both;

19 (ii) Licensed behavioral health providers for the provision of
20 mental health or substance use disorder services, or both; and

21 (iii) Residential services.

22 (51) "Substance use disorder" means a cluster of cognitive,
23 behavioral, and physiological symptoms indicating that an individual
24 continues using the substance despite significant substance-related
25 problems. The diagnosis of a substance use disorder is based on a
26 pathological pattern of behaviors related to the use of the
27 substances.

28 (52) "Tribe," for the purposes of this section, means a federally
29 recognized Indian tribe.

30 **Sec. 2.** RCW 71.34.020 and 2023 c 433 s 12 are each amended to
31 read as follows:

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

34 (1) "Admission" or "admit" means a decision by a physician,
35 physician assistant, or psychiatric advanced registered nurse
36 practitioner that a minor should be examined or treated as a patient
37 in a hospital.

38 (2) "Adolescent" means a minor thirteen years of age or older.

1 (3) "Alcoholism" means a disease, characterized by a dependency
2 on alcoholic beverages, loss of control over the amount and
3 circumstances of use, symptoms of tolerance, physiological or
4 psychological withdrawal, or both, if use is reduced or discontinued,
5 and impairment of health or disruption of social or economic
6 functioning.

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

11 (5) "Approved substance use disorder treatment program" means a
12 program for minors with substance use disorders provided by a
13 treatment program licensed or certified by the department of health
14 as meeting standards adopted under chapter 71.24 RCW.

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

18 (7) "Authority" means the Washington state health care authority.

19 (8) "Behavioral health administrative services organization" has
20 the same meaning as provided in RCW 71.24.025.

21 (9) "Behavioral health disorder" means either a mental disorder
22 as defined in this section, a substance use disorder as defined in
23 this section, or a co-occurring mental disorder and substance use
24 disorder.

25 (10) "Child psychiatrist" means a person having a license as a
26 physician and surgeon in this state, who has had graduate training in
27 child psychiatry in a program approved by the American Medical
28 Association or the American Osteopathic Association, and who is board
29 eligible or board certified in child psychiatry.

30 (11) "Children's mental health specialist" means:

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

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

38 (12) "Commitment" means a determination by a judge or court
39 commissioner, made after a commitment hearing, that the minor is in

1 need of inpatient diagnosis, evaluation, or treatment or that the
2 minor is in need of less restrictive alternative treatment.

3 (13) "Conditional release" means a revocable modification of a
4 commitment, which may be revoked upon violation of any of its terms.

5 (14) "Co-occurring disorder specialist" means an individual
6 possessing an enhancement granted by the department of health under
7 chapter 18.205 RCW that certifies the individual to provide substance
8 use disorder counseling subject to the practice limitations under RCW
9 18.205.105.

10 (15) "Crisis stabilization unit" means a short-term facility or a
11 portion of a facility licensed or certified by the department of
12 health under RCW 71.24.035, such as a residential treatment facility
13 or a hospital, which has been designed to assess, diagnose, and treat
14 individuals experiencing an acute crisis without the use of long-term
15 hospitalization, or to determine the need for involuntary commitment
16 of an individual.

17 (16) "Custody" means involuntary detention under the provisions
18 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
19 unconditional release from commitment from a facility providing
20 involuntary care and treatment.

21 (17) "Department" means the department of social and health
22 services.

23 (18) "Designated crisis responder" has the same meaning as
24 provided in RCW 71.05.020.

25 (19) "Detention" or "detain" means the lawful confinement of a
26 person, under the provisions of this chapter.

27 (20) "Developmental disabilities professional" means a person who
28 has specialized training and three years of experience in directly
29 treating or working with persons with developmental disabilities and
30 is a psychiatrist, physician assistant working with a supervising
31 psychiatrist, psychologist, psychiatric advanced registered nurse
32 practitioner, or social worker, and such other developmental
33 disabilities professionals as may be defined by rules adopted by the
34 secretary of the department.

35 (21) "Developmental disability" has the same meaning as defined
36 in RCW 71A.10.020.

37 (22) "Director" means the director of the authority.

38 (23) "Discharge" means the termination of hospital medical
39 authority. The commitment may remain in place, be terminated, or be
40 amended by court order.

1 (24) "Evaluation and treatment facility" means a public or
2 private facility or unit that is licensed or certified by the
3 department of health to provide emergency, inpatient, residential, or
4 outpatient mental health evaluation and treatment services for
5 minors. A physically separate and separately operated portion of a
6 state hospital may be designated as an evaluation and treatment
7 facility for minors. A facility which is part of or operated by the
8 state or federal agency does not require licensure or certification.
9 No correctional institution or facility, juvenile court detention
10 facility, or jail may be an evaluation and treatment facility within
11 the meaning of this chapter.

12 (25) "Evaluation and treatment program" means the total system of
13 services and facilities coordinated and approved by a county or
14 combination of counties for the evaluation and treatment of minors
15 under this chapter.

16 (26) "Gravely disabled minor" means a minor who, as a result of a
17 behavioral health disorder, (a) is in danger of serious physical harm
18 resulting from a failure to provide for his or her essential human
19 needs of health or safety, or (b) manifests severe deterioration in
20 routine functioning evidenced by repeated and escalating loss of
21 cognitive or volitional control over his or her actions and is not
22 receiving such care as is essential for his or her health or safety.

23 (27) "Habilitative services" means those services provided by
24 program personnel to assist minors in acquiring and maintaining life
25 skills and in raising their levels of physical, behavioral, social,
26 and vocational functioning. Habilitative services include education,
27 training for employment, and therapy.

28 (28) "Hearing" means any proceeding conducted in open court that
29 conforms to the requirements of RCW 71.34.910.

30 (29) "History of one or more violent acts" refers to the period
31 of time five years prior to the filing of a petition under this
32 chapter, excluding any time spent, but not any violent acts
33 committed, in a mental health facility, a long-term substance use
34 disorder treatment facility, or in confinement as a result of a
35 criminal conviction.

36 (30) "Individualized service plan" means a plan prepared by a
37 developmental disabilities professional with other professionals as a
38 team, for a person with developmental disabilities, which states:

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

1 (b) The conditions and strategies necessary to achieve the
2 purposes of habilitation;

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

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

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

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

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

15 (31)(a) "Inpatient treatment" means twenty-four-hour-per-day
16 mental health care provided within a general hospital, psychiatric
17 hospital, residential treatment facility licensed or certified by the
18 department of health as an evaluation and treatment facility for
19 minors, secure withdrawal management and stabilization facility for
20 minors, or approved substance use disorder treatment program for
21 minors.

22 (b) For purposes of family-initiated treatment under RCW
23 71.34.600 through 71.34.670, "inpatient treatment" has the meaning
24 included in (a) of this subsection and any other residential
25 treatment facility licensed under chapter 71.12 RCW.

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

29 (33) "Judicial commitment" means a commitment by a court pursuant
30 to the provisions of this chapter.

31 (34) "Kinship caregiver" has the same meaning as in RCW
32 74.13.031(~~((19))~~) (22)(a).

33 (35) "Legal counsel" means attorneys and staff employed by county
34 prosecutor offices or the state attorney general acting in their
35 capacity as legal representatives of public behavioral health service
36 providers under RCW 71.05.130.

37 (36) "Less restrictive alternative" or "less restrictive setting"
38 means outpatient treatment provided to a minor as a program of
39 individualized treatment in a less restrictive setting than inpatient

1 treatment that includes the services described in RCW 71.34.755,
2 including residential treatment.

3 (37) "Licensed physician" means a person licensed to practice
4 medicine or osteopathic medicine and surgery in the state of
5 Washington.

6 (38) "Likelihood of serious harm" means:

7 (a) A substantial risk that: (i) Physical harm will be inflicted
8 by a minor upon his or her own person, as evidenced by threats or
9 attempts to commit suicide or inflict physical harm on oneself; (ii)
10 physical harm will be inflicted by a minor upon another individual,
11 as evidenced by behavior which has caused such harm or which places
12 another person or persons in reasonable fear of sustaining such harm;
13 or (iii) physical harm will be inflicted by a minor upon the property
14 of others, as evidenced by behavior which has caused substantial loss
15 or damage to the property of others; or

16 (b) The minor has threatened the physical safety of another and
17 has a history of one or more violent acts.

18 (39) "Managed care organization" has the same meaning as provided
19 in RCW 71.24.025.

20 (40) "Medical clearance" means a physician or other health care
21 provider has determined that a person is medically stable and ready
22 for referral to the designated crisis responder.

23 (41) "Medical necessity" for inpatient care means a requested
24 service which is reasonably calculated to: (a) Diagnose, correct,
25 cure, or alleviate a mental disorder or substance use disorder; or
26 (b) prevent the progression of a mental disorder or substance use
27 disorder that endangers life or causes suffering and pain, or results
28 in illness or infirmity or threatens to cause or aggravate a
29 disability, or causes physical deformity or malfunction, and there is
30 no adequate less restrictive alternative available.

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

37 (43) "Mental health professional" means a psychiatrist,
38 psychiatric advanced registered nurse practitioner, physician
39 assistant working with a supervising psychiatrist, psychologist,
40 psychiatric nurse, social worker, and such other mental health

1 professionals as defined by rules adopted by the secretary of the
2 department of health under this chapter.

3 (44) "Minor" means any person under the age of eighteen years.

4 (45) "Outpatient treatment" means any of the nonresidential
5 services mandated under chapter 71.24 RCW and provided by licensed or
6 certified behavioral health agencies as identified by RCW 71.24.025.

7 (46) (a) "Parent" has the same meaning as defined in RCW
8 26.26A.010, including either parent if custody is shared under a
9 joint custody agreement, or a person or agency judicially appointed
10 as legal guardian or custodian of the child.

11 (b) For purposes of family-initiated treatment under RCW
12 71.34.600 through 71.34.670, "parent" also includes a person to whom
13 a parent defined in (a) of this subsection has given a signed
14 authorization to make health care decisions for the adolescent, a
15 stepparent who is involved in caring for the adolescent, a kinship
16 caregiver who is involved in caring for the adolescent, or another
17 relative who is responsible for the health care of the adolescent,
18 who may be required to provide a declaration under penalty of perjury
19 stating that he or she is a relative responsible for the health care
20 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises
21 between individuals authorized to act as a parent for the purpose of
22 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
23 according to the priority established under RCW 7.70.065(2) (a).

24 (47) "Peace officer" means a law enforcement official of a public
25 agency or governmental unit, and includes persons specifically given
26 peace officer powers by any state law, local ordinance, or judicial
27 order of appointment.

28 (48) "Physician assistant" means a person licensed as a physician
29 assistant under chapter 18.71A RCW.

30 (49) "Private agency" means any person, partnership, corporation,
31 or association that is not a public agency, whether or not financed
32 in whole or in part by public funds, that constitutes an evaluation
33 and treatment facility or private institution, or hospital, or
34 approved substance use disorder treatment program, that is conducted
35 for, or includes a distinct unit, floor, or ward conducted for, the
36 care and treatment of persons with mental illness, substance use
37 disorders, or both mental illness and substance use disorders.

38 (50) "Professional person in charge" or "professional person"
39 means a physician, other mental health professional, or other person
40 empowered by an evaluation and treatment facility, secure withdrawal

1 management and stabilization facility, or approved substance use
2 disorder treatment program with authority to make admission and
3 discharge decisions on behalf of that facility.

4 (51) "Psychiatric nurse" means a registered nurse who has
5 experience in the direct treatment of persons who have a mental
6 illness or who are emotionally disturbed, such experience gained
7 under the supervision of a mental health professional.

8 (52) "Psychiatrist" means a person having a license as a
9 physician in this state who has completed residency training in
10 psychiatry in a program approved by the American Medical Association
11 or the American Osteopathic Association, and is board eligible or
12 board certified in psychiatry.

13 (53) "Psychologist" means a person licensed as a psychologist
14 under chapter 18.83 RCW.

15 (54) "Public agency" means any evaluation and treatment facility
16 or institution, or hospital, or approved substance use disorder
17 treatment program that is conducted for, or includes a distinct unit,
18 floor, or ward conducted for, the care and treatment of persons with
19 mental illness, substance use disorders, or both mental illness and
20 substance use disorders if the agency is operated directly by
21 federal, state, county, or municipal government, or a combination of
22 such governments.

23 (55) "Release" means legal termination of the commitment under
24 the provisions of this chapter.

25 (56) "Resource management services" has the meaning given in
26 chapter 71.24 RCW.

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

30 (58) "Secretary" means the secretary of the department or
31 secretary's designee.

32 (59) "Secure withdrawal management and stabilization facility"
33 means a facility operated by either a public or private agency or by
34 the program of an agency which provides care to voluntary individuals
35 and individuals involuntarily detained and committed under this
36 chapter for whom there is a likelihood of serious harm or who are
37 gravely disabled due to the presence of a substance use disorder.
38 Secure withdrawal management and stabilization facilities must:

39 (a) Provide the following services:

1 (i) Assessment and treatment, provided by certified substance use
2 disorder professionals or co-occurring disorder specialists;

3 (ii) Clinical stabilization services;

4 (iii) Acute or subacute detoxification services for intoxicated
5 individuals; and

6 (iv) Discharge assistance provided by certified substance use
7 disorder professionals or co-occurring disorder specialists,
8 including facilitating transitions to appropriate voluntary or
9 involuntary inpatient services or to less restrictive alternatives as
10 appropriate for the individual;

11 (b) Include security measures sufficient to protect the patients,
12 staff, and community; and

13 (c) Be licensed or certified as such by the department of health.

14 (60) "Social worker" means a person with a master's or further
15 advanced degree from a social work educational program accredited and
16 approved as provided in RCW 18.320.010.

17 (61) "Start of initial detention" means the time of arrival of
18 the minor at the first evaluation and treatment facility, secure
19 withdrawal management and stabilization facility, or approved
20 substance use disorder treatment program offering inpatient treatment
21 if the minor is being involuntarily detained at the time. With regard
22 to voluntary patients, "start of initial detention" means the time at
23 which the minor gives notice of intent to leave under the provisions
24 of this chapter.

25 (62) "Store and forward technology" means use of an asynchronous
26 transmission of a person's medical information from a mental health
27 service provider to the designated crisis responder which results in
28 medical diagnosis, consultation, or treatment.

29 (63) "Substance use disorder" means a cluster of cognitive,
30 behavioral, and physiological symptoms indicating that an individual
31 continues using the substance despite significant substance-related
32 problems. The diagnosis of a substance use disorder is based on a
33 pathological pattern of behaviors related to the use of the
34 substances.

35 (64) "Substance use disorder professional" means a person
36 certified as a substance use disorder professional by the department
37 of health under chapter 18.205 RCW.

38 (65) "Therapeutic court personnel" means the staff of a mental
39 health court or other therapeutic court which has jurisdiction over
40 defendants who are dually diagnosed with mental disorders, including

1 court personnel, probation officers, a court monitor, prosecuting
2 attorney, or defense counsel acting within the scope of therapeutic
3 court duties.

4 (66) "Treatment records" include registration and all other
5 records concerning persons who are receiving or who at any time have
6 received services for mental illness, which are maintained by the
7 department, the department of health, the authority, behavioral
8 health organizations and their staffs, and by treatment facilities.
9 Treatment records include mental health information contained in a
10 medical bill including but not limited to mental health drugs, a
11 mental health diagnosis, provider name, and dates of service stemming
12 from a medical service. Treatment records do not include notes or
13 records maintained for personal use by a person providing treatment
14 services for the department, the department of health, the authority,
15 behavioral health organizations, or a treatment facility if the notes
16 or records are not available to others.

17 (67) "Video" means the delivery of behavioral health services
18 through the use of interactive audio and video technology, permitting
19 real-time communication between a person and a designated crisis
20 responder, for the purpose of evaluation. "Video" does not include
21 the use of audio-only telephone, facsimile, email, or store and
22 forward technology.

23 (68) "Violent act" means behavior that resulted in homicide,
24 attempted suicide, injury, or substantial loss or damage to property.

25 (69) "23-hour crisis relief center" has the same meaning as
26 provided in RCW 71.24.025.

27 **Sec. 3.** RCW 71.34.020 and 2023 c 433 s 13 are each amended to
28 read as follows:

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

31 (1) "Admission" or "admit" means a decision by a physician,
32 physician assistant, or psychiatric advanced registered nurse
33 practitioner that a minor should be examined or treated as a patient
34 in a hospital.

35 (2) "Adolescent" means a minor thirteen years of age or older.

36 (3) "Alcoholism" means a disease, characterized by a dependency
37 on alcoholic beverages, loss of control over the amount and
38 circumstances of use, symptoms of tolerance, physiological or
39 psychological withdrawal, or both, if use is reduced or discontinued,

1 and impairment of health or disruption of social or economic
2 functioning.

3 (4) "Antipsychotic medications" means that class of drugs
4 primarily used to treat serious manifestations of mental illness
5 associated with thought disorders, which includes, but is not limited
6 to, atypical antipsychotic medications.

7 (5) "Approved substance use disorder treatment program" means a
8 program for minors with substance use disorders provided by a
9 treatment program licensed or certified by the department of health
10 as meeting standards adopted under chapter 71.24 RCW.

11 (6) "Attending staff" means any person on the staff of a public
12 or private agency having responsibility for the care and treatment of
13 a minor patient.

14 (7) "Authority" means the Washington state health care authority.

15 (8) "Behavioral health administrative services organization" has
16 the same meaning as provided in RCW 71.24.025.

17 (9) "Behavioral health disorder" means either a mental disorder
18 as defined in this section, a substance use disorder as defined in
19 this section, or a co-occurring mental disorder and substance use
20 disorder.

21 (10) "Child psychiatrist" means a person having a license as a
22 physician and surgeon in this state, who has had graduate training in
23 child psychiatry in a program approved by the American Medical
24 Association or the American Osteopathic Association, and who is board
25 eligible or board certified in child psychiatry.

26 (11) "Children's mental health specialist" means:

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

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

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

38 (13) "Conditional release" means a revocable modification of a
39 commitment, which may be revoked upon violation of any of its terms.

1 (14) "Co-occurring disorder specialist" means an individual
2 possessing an enhancement granted by the department of health under
3 chapter 18.205 RCW that certifies the individual to provide substance
4 use disorder counseling subject to the practice limitations under RCW
5 18.205.105.

6 (15) "Crisis stabilization unit" means a short-term facility or a
7 portion of a facility licensed or certified by the department of
8 health under RCW 71.24.035, such as a residential treatment facility
9 or a hospital, which has been designed to assess, diagnose, and treat
10 individuals experiencing an acute crisis without the use of long-term
11 hospitalization, or to determine the need for involuntary commitment
12 of an individual.

13 (16) "Custody" means involuntary detention under the provisions
14 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
15 unconditional release from commitment from a facility providing
16 involuntary care and treatment.

17 (17) "Department" means the department of social and health
18 services.

19 (18) "Designated crisis responder" has the same meaning as
20 provided in RCW 71.05.020.

21 (19) "Detention" or "detain" means the lawful confinement of a
22 person, under the provisions of this chapter.

23 (20) "Developmental disabilities professional" means a person who
24 has specialized training and three years of experience in directly
25 treating or working with persons with developmental disabilities and
26 is a psychiatrist, physician assistant working with a supervising
27 psychiatrist, psychologist, psychiatric advanced registered nurse
28 practitioner, or social worker, and such other developmental
29 disabilities professionals as may be defined by rules adopted by the
30 secretary of the department.

31 (21) "Developmental disability" has the same meaning as defined
32 in RCW 71A.10.020.

33 (22) "Director" means the director of the authority.

34 (23) "Discharge" means the termination of hospital medical
35 authority. The commitment may remain in place, be terminated, or be
36 amended by court order.

37 (24) "Evaluation and treatment facility" means a public or
38 private facility or unit that is licensed or certified by the
39 department of health to provide emergency, inpatient, residential, or
40 outpatient mental health evaluation and treatment services for

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

8 (25) "Evaluation and treatment program" means the total system of
9 services and facilities coordinated and approved by a county or
10 combination of counties for the evaluation and treatment of minors
11 under this chapter.

12 (26) "Gravely disabled minor" means a minor who, as a result of a
13 behavioral health disorder, (a) is in danger of serious physical harm
14 resulting from a failure to provide for his or her essential human
15 needs of health or safety, or (b) manifests severe deterioration from
16 safe behavior evidenced by repeated and escalating loss of cognitive
17 or volitional control over his or her actions and is not receiving
18 such care as is essential for his or her health or safety.

19 (27) "Habilitative services" means those services provided by
20 program personnel to assist minors in acquiring and maintaining life
21 skills and in raising their levels of physical, behavioral, social,
22 and vocational functioning. Habilitative services include education,
23 training for employment, and therapy.

24 (28) "Hearing" means any proceeding conducted in open court that
25 conforms to the requirements of RCW 71.34.910.

26 (29) "History of one or more violent acts" refers to the period
27 of time five years prior to the filing of a petition under this
28 chapter, excluding any time spent, but not any violent acts
29 committed, in a mental health facility, a long-term substance use
30 disorder treatment facility, or in confinement as a result of a
31 criminal conviction.

32 (30) "Individualized service plan" means a plan prepared by a
33 developmental disabilities professional with other professionals as a
34 team, for a person with developmental disabilities, which states:

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

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

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

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

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

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

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

11 (31)(a) "Inpatient treatment" means twenty-four-hour-per-day
12 mental health care provided within a general hospital, psychiatric
13 hospital, residential treatment facility licensed or certified by the
14 department of health as an evaluation and treatment facility for
15 minors, secure withdrawal management and stabilization facility for
16 minors, or approved substance use disorder treatment program for
17 minors.

18 (b) For purposes of family-initiated treatment under RCW
19 71.34.600 through 71.34.670, "inpatient treatment" has the meaning
20 included in (a) of this subsection and any other residential
21 treatment facility licensed under chapter 71.12 RCW.

22 (32) "Intoxicated minor" means a minor whose mental or physical
23 functioning is substantially impaired as a result of the use of
24 alcohol or other psychoactive chemicals.

25 (33) "Judicial commitment" means a commitment by a court pursuant
26 to the provisions of this chapter.

27 (34) "Kinship caregiver" has the same meaning as in RCW
28 74.13.031(~~((19))~~) (22)(a).

29 (35) "Legal counsel" means attorneys and staff employed by county
30 prosecutor offices or the state attorney general acting in their
31 capacity as legal representatives of public behavioral health service
32 providers under RCW 71.05.130.

33 (36) "Less restrictive alternative" or "less restrictive setting"
34 means outpatient treatment provided to a minor as a program of
35 individualized treatment in a less restrictive setting than inpatient
36 treatment that includes the services described in RCW 71.34.755,
37 including residential treatment.

38 (37) "Licensed physician" means a person licensed to practice
39 medicine or osteopathic medicine and surgery in the state of
40 Washington.

1 (38) "Likelihood of serious harm" means:

2 (a) A substantial risk that: (i) Physical harm will be inflicted
3 by a minor upon his or her own person, as evidenced by threats or
4 attempts to commit suicide or inflict physical harm on oneself; (ii)
5 physical harm will be inflicted by a minor upon another individual,
6 as evidenced by behavior which has caused harm, substantial pain, or
7 which places another person or persons in reasonable fear of harm to
8 themselves or others; or (iii) physical harm will be inflicted by a
9 minor upon the property of others, as evidenced by behavior which has
10 caused substantial loss or damage to the property of others; or

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

13 (39) "Managed care organization" has the same meaning as provided
14 in RCW 71.24.025.

15 (40) "Medical clearance" means a physician or other health care
16 provider has determined that a person is medically stable and ready
17 for referral to the designated crisis responder.

18 (41) "Medical necessity" for inpatient care means a requested
19 service which is reasonably calculated to: (a) Diagnose, correct,
20 cure, or alleviate a mental disorder or substance use disorder; or
21 (b) prevent the progression of a mental disorder or substance use
22 disorder that endangers life or causes suffering and pain, or results
23 in illness or infirmity or threatens to cause or aggravate a
24 disability, or causes physical deformity or malfunction, and there is
25 no adequate less restrictive alternative available.

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

32 (43) "Mental health professional" means a psychiatrist,
33 psychiatric advanced registered nurse practitioner, physician
34 assistant working with a supervising psychiatrist, psychologist,
35 psychiatric nurse, social worker, and such other mental health
36 professionals as defined by rules adopted by the secretary of the
37 department of health under this chapter.

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

1 (45) "Outpatient treatment" means any of the nonresidential
2 services mandated under chapter 71.24 RCW and provided by licensed or
3 certified behavioral health agencies as identified by RCW 71.24.025.

4 (46)(a) "Parent" has the same meaning as defined in RCW
5 26.26A.010, including either parent if custody is shared under a
6 joint custody agreement, or a person or agency judicially appointed
7 as legal guardian or custodian of the child.

8 (b) For purposes of family-initiated treatment under RCW
9 71.34.600 through 71.34.670, "parent" also includes a person to whom
10 a parent defined in (a) of this subsection has given a signed
11 authorization to make health care decisions for the adolescent, a
12 stepparent who is involved in caring for the adolescent, a kinship
13 caregiver who is involved in caring for the adolescent, or another
14 relative who is responsible for the health care of the adolescent,
15 who may be required to provide a declaration under penalty of perjury
16 stating that he or she is a relative responsible for the health care
17 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises
18 between individuals authorized to act as a parent for the purpose of
19 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
20 according to the priority established under RCW 7.70.065(2) (a).

21 (47) "Peace officer" means a law enforcement official of a public
22 agency or governmental unit, and includes persons specifically given
23 peace officer powers by any state law, local ordinance, or judicial
24 order of appointment.

25 (48) "Physician assistant" means a person licensed as a physician
26 assistant under chapter 18.71A RCW.

27 (49) "Private agency" means any person, partnership, corporation,
28 or association that is not a public agency, whether or not financed
29 in whole or in part by public funds, that constitutes an evaluation
30 and treatment facility or private institution, or hospital, or
31 approved substance use disorder treatment program, that is conducted
32 for, or includes a distinct unit, floor, or ward conducted for, the
33 care and treatment of persons with mental illness, substance use
34 disorders, or both mental illness and substance use disorders.

35 (50) "Professional person in charge" or "professional person"
36 means a physician, other mental health professional, or other person
37 empowered by an evaluation and treatment facility, secure withdrawal
38 management and stabilization facility, or approved substance use
39 disorder treatment program with authority to make admission and
40 discharge decisions on behalf of that facility.

1 (51) "Psychiatric nurse" means a registered nurse who has
2 experience in the direct treatment of persons who have a mental
3 illness or who are emotionally disturbed, such experience gained
4 under the supervision of a mental health professional.

5 (52) "Psychiatrist" means a person having a license as a
6 physician in this state who has completed residency training in
7 psychiatry in a program approved by the American Medical Association
8 or the American Osteopathic Association, and is board eligible or
9 board certified in psychiatry.

10 (53) "Psychologist" means a person licensed as a psychologist
11 under chapter 18.83 RCW.

12 (54) "Public agency" means any evaluation and treatment facility
13 or institution, or hospital, or approved substance use disorder
14 treatment program that is conducted for, or includes a distinct unit,
15 floor, or ward conducted for, the care and treatment of persons with
16 mental illness, substance use disorders, or both mental illness and
17 substance use disorders if the agency is operated directly by
18 federal, state, county, or municipal government, or a combination of
19 such governments.

20 (55) "Release" means legal termination of the commitment under
21 the provisions of this chapter.

22 (56) "Resource management services" has the meaning given in
23 chapter 71.24 RCW.

24 (57) "Responsible other" means the minor, the minor's parent or
25 estate, or any other person legally responsible for support of the
26 minor.

27 (58) "Secretary" means the secretary of the department or
28 secretary's designee.

29 (59) "Secure withdrawal management and stabilization facility"
30 means a facility operated by either a public or private agency or by
31 the program of an agency which provides care to voluntary individuals
32 and individuals involuntarily detained and committed under this
33 chapter for whom there is a likelihood of serious harm or who are
34 gravely disabled due to the presence of a substance use disorder.
35 Secure withdrawal management and stabilization facilities must:

36 (a) Provide the following services:

37 (i) Assessment and treatment, provided by certified substance use
38 disorder professionals or co-occurring disorder specialists;

39 (ii) Clinical stabilization services;

1 (iii) Acute or subacute detoxification services for intoxicated
2 individuals; and

3 (iv) Discharge assistance provided by certified substance use
4 disorder professionals or co-occurring disorder specialists,
5 including facilitating transitions to appropriate voluntary or
6 involuntary inpatient services or to less restrictive alternatives as
7 appropriate for the individual;

8 (b) Include security measures sufficient to protect the patients,
9 staff, and community; and

10 (c) Be licensed or certified as such by the department of health.

11 (60) "Severe deterioration from safe behavior" means that a
12 person will, if not treated, suffer or continue to suffer severe and
13 abnormal mental, emotional, or physical distress, and this distress
14 is associated with significant impairment of judgment, reason, or
15 behavior.

16 (61) "Social worker" means a person with a master's or further
17 advanced degree from a social work educational program accredited and
18 approved as provided in RCW 18.320.010.

19 (62) "Start of initial detention" means the time of arrival of
20 the minor at the first evaluation and treatment facility, secure
21 withdrawal management and stabilization facility, or approved
22 substance use disorder treatment program offering inpatient treatment
23 if the minor is being involuntarily detained at the time. With regard
24 to voluntary patients, "start of initial detention" means the time at
25 which the minor gives notice of intent to leave under the provisions
26 of this chapter.

27 (63) "Store and forward technology" means use of an asynchronous
28 transmission of a person's medical information from a mental health
29 service provider to the designated crisis responder which results in
30 medical diagnosis, consultation, or treatment.

31 (64) "Substance use disorder" means a cluster of cognitive,
32 behavioral, and physiological symptoms indicating that an individual
33 continues using the substance despite significant substance-related
34 problems. The diagnosis of a substance use disorder is based on a
35 pathological pattern of behaviors related to the use of the
36 substances.

37 (65) "Substance use disorder professional" means a person
38 certified as a substance use disorder professional by the department
39 of health under chapter 18.205 RCW.

1 (66) "Therapeutic court personnel" means the staff of a mental
2 health court or other therapeutic court which has jurisdiction over
3 defendants who are dually diagnosed with mental disorders, including
4 court personnel, probation officers, a court monitor, prosecuting
5 attorney, or defense counsel acting within the scope of therapeutic
6 court duties.

7 (67) "Treatment records" include registration and all other
8 records concerning persons who are receiving or who at any time have
9 received services for mental illness, which are maintained by the
10 department, the department of health, the authority, behavioral
11 health organizations and their staffs, and by treatment facilities.
12 Treatment records include mental health information contained in a
13 medical bill including but not limited to mental health drugs, a
14 mental health diagnosis, provider name, and dates of service stemming
15 from a medical service. Treatment records do not include notes or
16 records maintained for personal use by a person providing treatment
17 services for the department, the department of health, the authority,
18 behavioral health organizations, or a treatment facility if the notes
19 or records are not available to others.

20 (68) "Video" means the delivery of behavioral health services
21 through the use of interactive audio and video technology, permitting
22 real-time communication between a person and a designated crisis
23 responder, for the purpose of evaluation. "Video" does not include
24 the use of audio-only telephone, facsimile, email, or store and
25 forward technology.

26 (69) "Violent act" means behavior that resulted in homicide,
27 attempted suicide, injury, or substantial loss or damage to property.

28 (70) "23-hour crisis relief center" has the same meaning as
29 provided in RCW 71.24.025.

30 **Sec. 4.** RCW 71.34.351 and 2023 c 433 s 14 are each amended to
31 read as follows:

32 A peace officer may take or authorize a minor to be taken into
33 custody and immediately delivered to an appropriate crisis
34 stabilization unit, 23-hour crisis relief center, evaluation and
35 treatment facility, secure withdrawal management and stabilization
36 facility, approved substance use disorder treatment program, or the
37 emergency department of a local hospital when he or she has
38 reasonable cause to believe that such minor is suffering from a
39 behavioral health disorder and presents an imminent likelihood of

1 serious harm or is gravely disabled. Until July 1, 2026, a peace
2 officer's delivery of a minor to a secure withdrawal management and
3 stabilization facility or approved substance use disorder treatment
4 program is subject to the availability of a secure withdrawal
5 management and stabilization facility or approved substance use
6 disorder treatment program with adequate space for the minor.

7 NEW SECTION. **Sec. 5.** Section 3 of this act takes effect when
8 section 13, chapter 433, Laws of 2023 takes effect.

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