

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5853

Chapter 367, Laws of 2024

68th Legislature
2024 Regular Session

23-HOUR CRISIS RELIEF CENTERS—MINORS

EFFECTIVE DATE: June 6, 2024—Except for section 4, which is
contingent.

Passed by the Senate February 9, 2024
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House February 28, 2024
Yeas 92 Nays 4

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 29, 2024 11:07 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5853** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

April 1, 2024

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5853

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2024 Regular Session

By Senate Ways & Means (originally sponsored by Senators Dhingra, Wagoner, Frame, Hasegawa, Kuderer, Lovelett, Lovick, Muzzall, Nguyen, Nobles, Shewmake, Stanford, Torres, Valdez, and C. Wilson)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to extending the crisis relief center model to
2 provide behavioral health crisis services for minors; amending RCW
3 71.24.916, 71.34.020, 71.34.020, 71.34.351, 71.34.375, and 71.34.430;
4 reenacting and amending RCW 71.24.025; adding a new section to
5 chapter 71.34 RCW; and providing a contingent effective date.

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

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

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

11 (1) "23-hour crisis relief center" means a community-based
12 facility or portion of a facility (~~(serving adults,)~~) which is
13 licensed or certified by the department of health and open 24 hours a
14 day, seven days a week, offering access to mental health and
15 substance use care for no more than 23 hours and 59 minutes at a time
16 per patient, and which accepts all behavioral health crisis walk-ins
17 drop-offs from first responders, and individuals referred through the
18 988 system regardless of behavioral health acuity, and meets the
19 requirements 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 71.24.916 and 2023 c 433 s 2 are each amended to
31 read as follows:

32 (1) The secretary shall license or certify 23-hour crisis relief
33 centers that meet state minimum standards. The department shall
34 create rules in consultation with the authority by January 1, 2024,
35 to develop standards for licensure or certification of 23-hour crisis
36 relief centers.

37 (~~(2)~~) (a) The rules, at a minimum, must require the 23-hour
38 crisis relief center to:

1 ~~((a))~~ (i) Offer walk-in options and drop-off options for first
2 responders and persons referred through the 988 system, without a
3 requirement for medical clearance for these individuals. The facility
4 must be structured to have the capacity to accept admissions 90
5 percent of the time when the facility is not at its full capacity,
6 and to have a no-refusal policy for law enforcement, with instances
7 of declined admission and the reasons for the declines tracked and
8 made available to the department;

9 ~~((b))~~ (ii) Provide services to address mental health and
10 substance use crisis issues;

11 ~~((c))~~ (iii) Maintain capacity to screen for physical health
12 needs, deliver minor wound care for nonlife-threatening wounds, and
13 provide care for most minor physical or basic health needs that can
14 be addressed without need for medical diagnosis or health care
15 prescriber orders, with an identified pathway to transfer the person
16 to more medically appropriate services if needed;

17 ~~((d))~~ (iv) Be staffed 24 hours a day, seven days a week, with a
18 multidisciplinary team capable of meeting the needs of individuals
19 experiencing all levels of crisis in the community, which includes
20 access to a prescriber and the ability to dispense medications
21 appropriate for 23-hour crisis relief center clients;

22 ~~((e))~~ (v) Screen all individuals for suicide risk and engage in
23 comprehensive suicide risk assessment and planning when clinically
24 indicated;

25 ~~((f))~~ (vi) Screen all individuals for violence risk and engage
26 in comprehensive violence risk assessment and planning when
27 clinically indicated;

28 ~~((g))~~ (vii) Limit patient stays to a maximum of 23 hours and 59
29 minutes except for patients waiting on a designated crisis responder
30 evaluation or making an imminent transition to another setting as
31 part of an established aftercare plan. Exceptions to the time limit
32 made under this subsection shall not cause a 23-hour crisis relief
33 center to be classified as a residential treatment facility under RCW
34 71.12.455;

35 ~~((h))~~ (viii) Maintain relationships with entities capable of
36 providing for reasonably anticipated ongoing service needs of
37 clients, unless the licensee itself provides sufficient services; and

38 ~~((i))~~ (ix) When appropriate, coordinate connection to ongoing
39 care.

1 ~~((3))~~ (b) The rules, at a minimum, must develop standards for
2 determining medical stability before an emergency medical services
3 drop-off.

4 ~~((4))~~ (c) The rules must include standards for the number of
5 recliner chairs that may be licensed or certified in a 23-hour crisis
6 relief center and the appropriate variance for temporarily exceeding
7 that number in order to provide the no-refusal policy for law
8 enforcement.

9 ~~((5))~~ (d) The department shall specify physical environment
10 standards for the construction review process that are responsive to
11 the unique characteristics of the types of interventions used to
12 provide care for all levels of acuity in facilities operating under
13 the 23-hour crisis relief center model. In a 23-hour crisis relief
14 center which proposes to serve both child and adult clients in the
15 same facility, these standards must include separate internal
16 entrances, spaces, and treatment areas such that no contact occurs
17 between child and adult 23-hour crisis relief center clients.

18 ~~((6))~~ (e) The department shall coordinate with the authority
19 and department of social and health services to establish rules that
20 prohibit facilities that are licensed or required to be licensed
21 under chapter 18.51, 18.20, 70.97, 72.36, or 70.128 RCW from
22 discharging or transferring a resident to a 23-hour crisis relief
23 center.

24 ~~((7))~~ (f) The department shall coordinate with the authority to
25 establish rules that prohibit a hospital that is licensed under
26 chapter 70.41 RCW from discharging or transferring a patient to a 23-
27 hour crisis relief center unless the hospital has a formal
28 relationship with the 23-hour crisis relief center.

29 ~~((8))~~ (g) The authority shall take steps necessary to make 23-
30 hour crisis relief center services, including on-site physical health
31 care, eligible for medicaid billing to the maximum extent allowed by
32 federal law.

33 (2) By March 31, 2025, the secretary shall amend licensure and
34 certification rules for 23-hour crisis relief clinics in consultation
35 with the authority and the department of children, youth, and
36 families to create standards for licensure or certification of 23-
37 hour crisis relief centers which provide services to children. To
38 meet the needs of children in crisis and their families, 23-hour
39 crisis relief centers treating children must, in addition to meeting
40 the requirements of subsection (1) of this section:

1 (a) Not treat children in a shared space or allow them to have
2 contact with adult clients;

3 (b) Be structured to meet the crisis needs of children ages eight
4 and over and their families;

5 (c) Have written policies and procedures defining how different
6 age groups will be appropriately separated;

7 (d) Provide resources to connect children and their families with
8 behavioral health supports;

9 (e) Coordinate with the department of children, youth, and
10 families for children who do not need inpatient care and are unable
11 to be discharged to home;

12 (f) Address discharge planning for a child who is at risk of
13 dependency, out-of-home placement, or homelessness; and

14 (g) Be staffed 24 hours a day, seven days a week, with a
15 pediatric multidisciplinary team.

16 (3) The secretary shall solicit input from stakeholders when
17 engaging in rule making under subsection (2) of this section.

18 **Sec. 3.** RCW 71.34.020 and 2023 c 433 s 12 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Admission" or "admit" means a decision by a physician,
23 physician assistant, or psychiatric advanced registered nurse
24 practitioner that a minor should be examined or treated as a patient
25 in a hospital.

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

27 (3) "Alcoholism" means a disease, characterized by a dependency
28 on alcoholic beverages, loss of control over the amount and
29 circumstances of use, symptoms of tolerance, physiological or
30 psychological withdrawal, or both, if use is reduced or discontinued,
31 and impairment of health or disruption of social or economic
32 functioning.

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

37 (5) "Approved substance use disorder treatment program" means a
38 program for minors with substance use disorders provided by a

1 treatment program licensed or certified by the department of health
2 as meeting standards adopted under chapter 71.24 RCW.

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

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

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

9 (9) "Behavioral health disorder" means either a mental disorder
10 as defined in this section, a substance use disorder as defined in
11 this section, or a co-occurring mental disorder and substance use
12 disorder.

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

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

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

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

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

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

32 (14) "Co-occurring disorder specialist" means an individual
33 possessing an enhancement granted by the department of health under
34 chapter 18.205 RCW that certifies the individual to provide substance
35 use disorder counseling subject to the practice limitations under RCW
36 18.205.105.

37 (15) "Crisis stabilization unit" means a short-term facility or a
38 portion of a facility licensed or certified by the department of
39 health under RCW 71.24.035, such as a residential treatment facility
40 or a hospital, which has been designed to assess, diagnose, and treat

1 individuals experiencing an acute crisis without the use of long-term
2 hospitalization, or to determine the need for involuntary commitment
3 of an individual.

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

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

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

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

14 (20) "Developmental disabilities professional" means a person who
15 has specialized training and three years of experience in directly
16 treating or working with persons with developmental disabilities and
17 is a psychiatrist, physician assistant working with a supervising
18 psychiatrist, psychologist, psychiatric advanced registered nurse
19 practitioner, or social worker, and such other developmental
20 disabilities professionals as may be defined by rules adopted by the
21 secretary of the department.

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

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

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

28 (24) "Evaluation and treatment facility" means a public or
29 private facility or unit that is licensed or certified by the
30 department of health to provide emergency, inpatient, residential, or
31 outpatient mental health evaluation and treatment services for
32 minors. A physically separate and separately operated portion of a
33 state hospital may be designated as an evaluation and treatment
34 facility for minors. A facility which is part of or operated by the
35 state or federal agency does not require licensure or certification.
36 No correctional institution or facility, juvenile court detention
37 facility, or jail may be an evaluation and treatment facility within
38 the meaning of this chapter.

39 (25) "Evaluation and treatment program" means the total system of
40 services and facilities coordinated and approved by a county or

1 combination of counties for the evaluation and treatment of minors
2 under this chapter.

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

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

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

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

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

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

28 (b) The conditions and strategies necessary to achieve the
29 purposes of habilitation;

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

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

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

35 (f) Where relevant in light of past criminal behavior and due
36 consideration for public safety, the criteria for proposed movement
37 to less-restrictive settings, criteria for proposed eventual
38 discharge or release, and a projected possible date for discharge or
39 release; and

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

3 (31)(a) "Inpatient treatment" means twenty-four-hour-per-day
4 mental health care provided within a general hospital, psychiatric
5 hospital, residential treatment facility licensed or certified by the
6 department of health as an evaluation and treatment facility for
7 minors, secure withdrawal management and stabilization facility for
8 minors, or approved substance use disorder treatment program for
9 minors.

10 (b) For purposes of family-initiated treatment under RCW
11 71.34.600 through 71.34.670, "inpatient treatment" has the meaning
12 included in (a) of this subsection and any other residential
13 treatment facility licensed under chapter 71.12 RCW.

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

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

19 (34) "Kinship caregiver" has the same meaning as in RCW
20 74.13.031(~~(19)~~) (22)(a).

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

25 (36) "Less restrictive alternative" or "less restrictive setting"
26 means outpatient treatment provided to a minor as a program of
27 individualized treatment in a less restrictive setting than inpatient
28 treatment that includes the services described in RCW 71.34.755,
29 including residential treatment.

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

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

34 (a) A substantial risk that: (i) Physical harm will be inflicted
35 by a minor upon his or her own person, as evidenced by threats or
36 attempts to commit suicide or inflict physical harm on oneself; (ii)
37 physical harm will be inflicted by a minor upon another individual,
38 as evidenced by behavior which has caused such harm or which places
39 another person or persons in reasonable fear of sustaining such harm;
40 or (iii) physical harm will be inflicted by a minor upon the property

1 of others, as evidenced by behavior which has caused substantial loss
2 or damage to the property of others; or

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

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

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

10 (41) "Medical necessity" for inpatient care means a requested
11 service which is reasonably calculated to: (a) Diagnose, correct,
12 cure, or alleviate a mental disorder or substance use disorder; or
13 (b) prevent the progression of a mental disorder or substance use
14 disorder that endangers life or causes suffering and pain, or results
15 in illness or infirmity or threatens to cause or aggravate a
16 disability, or causes physical deformity or malfunction, and there is
17 no adequate less restrictive alternative available.

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

24 (43) "Mental health professional" (~~means a psychiatrist,~~
25 ~~psychiatric advanced registered nurse practitioner, physician~~
26 ~~assistant working with a supervising psychiatrist, psychologist,~~
27 ~~psychiatric nurse, social worker, and such other mental health~~
28 ~~professionals as defined by rules adopted by the secretary of the~~
29 ~~department of health under this chapter.)) has the same meaning as
30 provided in RCW 71.05.020.~~

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

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

35 (46) (a) "Parent" has the same meaning as defined in RCW
36 26.26A.010, including either parent if custody is shared under a
37 joint custody agreement, or a person or agency judicially appointed
38 as legal guardian or custodian of the child.

39 (b) For purposes of family-initiated treatment under RCW
40 71.34.600 through 71.34.670, "parent" also includes a person to whom

1 a parent defined in (a) of this subsection has given a signed
2 authorization to make health care decisions for the adolescent, a
3 stepparent who is involved in caring for the adolescent, a kinship
4 caregiver who is involved in caring for the adolescent, or another
5 relative who is responsible for the health care of the adolescent,
6 who may be required to provide a declaration under penalty of perjury
7 stating that he or she is a relative responsible for the health care
8 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises
9 between individuals authorized to act as a parent for the purpose of
10 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
11 according to the priority established under RCW 7.70.065(2)(a).

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

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

18 (49) "Private agency" means any person, partnership, corporation,
19 or association that is not a public agency, whether or not financed
20 in whole or in part by public funds, that constitutes an evaluation
21 and treatment facility or private institution, or hospital, or
22 approved substance use disorder treatment program, that is conducted
23 for, or includes a distinct unit, floor, or ward conducted for, the
24 care and treatment of persons with mental illness, substance use
25 disorders, or both mental illness and substance use disorders.

26 (50) "Professional person in charge" or "professional person"
27 means a physician, other mental health professional, or other person
28 empowered by an evaluation and treatment facility, secure withdrawal
29 management and stabilization facility, or approved substance use
30 disorder treatment program with authority to make admission and
31 discharge decisions on behalf of that facility.

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

36 (52) "Psychiatrist" means a person having a license as a
37 physician in this state who has completed residency training in
38 psychiatry in a program approved by the American Medical Association
39 or the American Osteopathic Association, and is board eligible or
40 board certified in psychiatry.

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

3 (54) "Public agency" means any evaluation and treatment facility
4 or institution, or hospital, or approved substance use disorder
5 treatment program that is conducted for, or includes a distinct unit,
6 floor, or ward conducted for, the care and treatment of persons with
7 mental illness, substance use disorders, or both mental illness and
8 substance use disorders if the agency is operated directly by
9 federal, state, county, or municipal government, or a combination of
10 such governments.

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

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

15 (57) "Responsible other" means the minor, the minor's parent or
16 estate, or any other person legally responsible for support of the
17 minor.

18 (58) "Secretary" means the secretary of the department or
19 secretary's designee.

20 (59) "Secure withdrawal management and stabilization facility"
21 means a facility operated by either a public or private agency or by
22 the program of an agency which provides care to voluntary individuals
23 and individuals involuntarily detained and committed under this
24 chapter for whom there is a likelihood of serious harm or who are
25 gravely disabled due to the presence of a substance use disorder.
26 Secure withdrawal management and stabilization facilities must:

27 (a) Provide the following services:

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

30 (ii) Clinical stabilization services;

31 (iii) Acute or subacute detoxification services for intoxicated
32 individuals; and

33 (iv) Discharge assistance provided by certified substance use
34 disorder professionals or co-occurring disorder specialists,
35 including facilitating transitions to appropriate voluntary or
36 involuntary inpatient services or to less restrictive alternatives as
37 appropriate for the individual;

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

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

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

4 (61) "Start of initial detention" means the time of arrival of
5 the minor at the first evaluation and treatment facility, secure
6 withdrawal management and stabilization facility, or approved
7 substance use disorder treatment program offering inpatient treatment
8 if the minor is being involuntarily detained at the time. With regard
9 to voluntary patients, "start of initial detention" means the time at
10 which the minor gives notice of intent to leave under the provisions
11 of this chapter.

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

16 (63) "Substance use disorder" means a cluster of cognitive,
17 behavioral, and physiological symptoms indicating that an individual
18 continues using the substance despite significant substance-related
19 problems. The diagnosis of a substance use disorder is based on a
20 pathological pattern of behaviors related to the use of the
21 substances.

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

25 (65) "Therapeutic court personnel" means the staff of a mental
26 health court or other therapeutic court which has jurisdiction over
27 defendants who are dually diagnosed with mental disorders, including
28 court personnel, probation officers, a court monitor, prosecuting
29 attorney, or defense counsel acting within the scope of therapeutic
30 court duties.

31 (66) "Treatment records" include registration and all other
32 records concerning persons who are receiving or who at any time have
33 received services for mental illness, which are maintained by the
34 department, the department of health, the authority, behavioral
35 health organizations and their staffs, and by treatment facilities.
36 Treatment records include mental health information contained in a
37 medical bill including but not limited to mental health drugs, a
38 mental health diagnosis, provider name, and dates of service stemming
39 from a medical service. Treatment records do not include notes or
40 records maintained for personal use by a person providing treatment

1 services for the department, the department of health, the authority,
2 behavioral health organizations, or a treatment facility if the notes
3 or records are not available to others.

4 (67) "Video" means the delivery of behavioral health services
5 through the use of interactive audio and video technology, permitting
6 real-time communication between a person and a designated crisis
7 responder, for the purpose of evaluation. "Video" does not include
8 the use of audio-only telephone, facsimile, email, or store and
9 forward technology.

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

12 (69) "23-hour crisis relief center" has the same meaning as
13 provided in RCW 71.24.025.

14 **Sec. 4.** RCW 71.34.020 and 2023 c 433 s 13 are each amended to
15 read as follows:

16 Unless the context clearly requires otherwise, the definitions in
17 this section apply throughout this chapter.

18 (1) "Admission" or "admit" means a decision by a physician,
19 physician assistant, or psychiatric advanced registered nurse
20 practitioner that a minor should be examined or treated as a patient
21 in a hospital.

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

23 (3) "Alcoholism" means a disease, characterized by a dependency
24 on alcoholic beverages, loss of control over the amount and
25 circumstances of use, symptoms of tolerance, physiological or
26 psychological withdrawal, or both, if use is reduced or discontinued,
27 and impairment of health or disruption of social or economic
28 functioning.

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

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

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

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

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

4 (9) "Behavioral health disorder" means either a mental disorder
5 as defined in this section, a substance use disorder as defined in
6 this section, or a co-occurring mental disorder and substance use
7 disorder.

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

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

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

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

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

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

27 (14) "Co-occurring disorder specialist" means an individual
28 possessing an enhancement granted by the department of health under
29 chapter 18.205 RCW that certifies the individual to provide substance
30 use disorder counseling subject to the practice limitations under RCW
31 18.205.105.

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

39 (16) "Custody" means involuntary detention under the provisions
40 of this chapter or chapter 10.77 RCW, uninterrupted by any period of

1 unconditional release from commitment from a facility providing
2 involuntary care and treatment.

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

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

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

9 (20) "Developmental disabilities professional" means a person who
10 has specialized training and three years of experience in directly
11 treating or working with persons with developmental disabilities and
12 is a psychiatrist, physician assistant working with a supervising
13 psychiatrist, psychologist, psychiatric advanced registered nurse
14 practitioner, or social worker, and such other developmental
15 disabilities professionals as may be defined by rules adopted by the
16 secretary of the department.

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

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

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

23 (24) "Evaluation and treatment facility" means a public or
24 private facility or unit that is licensed or certified by the
25 department of health to provide emergency, inpatient, residential, or
26 outpatient mental health evaluation and treatment services for
27 minors. A physically separate and separately operated portion of a
28 state hospital may be designated as an evaluation and treatment
29 facility for minors. A facility which is part of or operated by the
30 state or federal agency does not require licensure or certification.
31 No correctional institution or facility, juvenile court detention
32 facility, or jail may be an evaluation and treatment facility within
33 the meaning of this chapter.

34 (25) "Evaluation and treatment program" means the total system of
35 services and facilities coordinated and approved by a county or
36 combination of counties for the evaluation and treatment of minors
37 under this chapter.

38 (26) "Gravely disabled minor" means a minor who, as a result of a
39 behavioral health disorder, (a) is in danger of serious physical harm
40 resulting from a failure to provide for his or her essential human

1 needs of health or safety, or (b) manifests severe deterioration from
2 safe behavior evidenced by repeated and escalating loss of cognitive
3 or volitional control over his or her actions and is not receiving
4 such care as is essential for his or her health or safety.

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

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

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

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

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

23 (b) The conditions and strategies necessary to achieve the
24 purposes of habilitation;

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

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

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

30 (f) Where relevant in light of past criminal behavior and due
31 consideration for public safety, the criteria for proposed movement
32 to less-restrictive settings, criteria for proposed eventual
33 discharge or release, and a projected possible date for discharge or
34 release; and

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

37 (31)(a) "Inpatient treatment" means twenty-four-hour-per-day
38 mental health care provided within a general hospital, psychiatric
39 hospital, residential treatment facility licensed or certified by the
40 department of health as an evaluation and treatment facility for

1 minors, secure withdrawal management and stabilization facility for
2 minors, or approved substance use disorder treatment program for
3 minors.

4 (b) For purposes of family-initiated treatment under RCW
5 71.34.600 through 71.34.670, "inpatient treatment" has the meaning
6 included in (a) of this subsection and any other residential
7 treatment facility licensed under chapter 71.12 RCW.

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

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

13 (34) "Kinship caregiver" has the same meaning as in RCW
14 74.13.031(~~((19))~~) (22)(a).

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

19 (36) "Less restrictive alternative" or "less restrictive setting"
20 means outpatient treatment provided to a minor as a program of
21 individualized treatment in a less restrictive setting than inpatient
22 treatment that includes the services described in RCW 71.34.755,
23 including residential treatment.

24 (37) "Licensed physician" means a person licensed to practice
25 medicine or osteopathic medicine and surgery in the state of
26 Washington.

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

28 (a) A substantial risk that: (i) Physical harm will be inflicted
29 by a minor upon his or her own person, as evidenced by threats or
30 attempts to commit suicide or inflict physical harm on oneself; (ii)
31 physical harm will be inflicted by a minor upon another individual,
32 as evidenced by behavior which has caused harm, substantial pain, or
33 which places another person or persons in reasonable fear of harm to
34 themselves or others; or (iii) physical harm will be inflicted by a
35 minor upon the property of others, as evidenced by behavior which has
36 caused substantial loss or damage to the property of others; or

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

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

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

4 (41) "Medical necessity" for inpatient care means a requested
5 service which is reasonably calculated to: (a) Diagnose, correct,
6 cure, or alleviate a mental disorder or substance use disorder; or
7 (b) prevent the progression of a mental disorder or substance use
8 disorder that endangers life or causes suffering and pain, or results
9 in illness or infirmity or threatens to cause or aggravate a
10 disability, or causes physical deformity or malfunction, and there is
11 no adequate less restrictive alternative available.

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

18 (43) "Mental health professional" (~~(means a psychiatrist,~~
19 ~~psychiatric advanced registered nurse practitioner, physician~~
20 ~~assistant working with a supervising psychiatrist, psychologist,~~
21 ~~psychiatric nurse, social worker, and such other mental health~~
22 ~~professionals as defined by rules adopted by the secretary of the~~
23 ~~department of health under this chapter.)) has the same meaning as
24 provided in RCW 71.05.020.~~

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

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

29 (46) (a) "Parent" has the same meaning as defined in RCW
30 26.26A.010, including either parent if custody is shared under a
31 joint custody agreement, or a person or agency judicially appointed
32 as legal guardian or custodian of the child.

33 (b) For purposes of family-initiated treatment under RCW
34 71.34.600 through 71.34.670, "parent" also includes a person to whom
35 a parent defined in (a) of this subsection has given a signed
36 authorization to make health care decisions for the adolescent, a
37 stepparent who is involved in caring for the adolescent, a kinship
38 caregiver who is involved in caring for the adolescent, or another
39 relative who is responsible for the health care of the adolescent,
40 who may be required to provide a declaration under penalty of perjury

1 stating that he or she is a relative responsible for the health care
2 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises
3 between individuals authorized to act as a parent for the purpose of
4 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
5 according to the priority established under RCW 7.70.065(2) (a).

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

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

12 (49) "Private agency" means any person, partnership, corporation,
13 or association that is not a public agency, whether or not financed
14 in whole or in part by public funds, that constitutes an evaluation
15 and treatment facility or private institution, or hospital, or
16 approved substance use disorder treatment program, that is conducted
17 for, or includes a distinct unit, floor, or ward conducted for, the
18 care and treatment of persons with mental illness, substance use
19 disorders, or both mental illness and substance use disorders.

20 (50) "Professional person in charge" or "professional person"
21 means a physician, other mental health professional, or other person
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34 board certified in psychiatry.

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

37 (54) "Public agency" means any evaluation and treatment facility
38 or institution, or hospital, or approved substance use disorder
39 treatment program that is conducted for, or includes a distinct unit,
40 floor, or ward conducted for, the care and treatment of persons with

1 mental illness, substance use disorders, or both mental illness and
2 substance use disorders if the agency is operated directly by
3 federal, state, county, or municipal government, or a combination of
4 such governments.

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

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

9 (57) "Responsible other" means the minor, the minor's parent or
10 estate, or any other person legally responsible for support of the
11 minor.

12 (58) "Secretary" means the secretary of the department or
13 secretary's designee.

14 (59) "Secure withdrawal management and stabilization facility"
15 means a facility operated by either a public or private agency or by
16 the program of an agency which provides care to voluntary individuals
17 and individuals involuntarily detained and committed under this
18 chapter for whom there is a likelihood of serious harm or who are
19 gravely disabled due to the presence of a substance use disorder.
20 Secure withdrawal management and stabilization facilities must:

21 (a) Provide the following services:

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

24 (ii) Clinical stabilization services;

25 (iii) Acute or subacute detoxification services for intoxicated
26 individuals; and

27 (iv) Discharge assistance provided by certified substance use
28 disorder professionals or co-occurring disorder specialists,
29 including facilitating transitions to appropriate voluntary or
30 involuntary inpatient services or to less restrictive alternatives as
31 appropriate for the individual;

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

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

35 (60) "Severe deterioration from safe behavior" means that a
36 person will, if not treated, suffer or continue to suffer severe and
37 abnormal mental, emotional, or physical distress, and this distress
38 is associated with significant impairment of judgment, reason, or
39 behavior.

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

4 (62) "Start of initial detention" means the time of arrival of
5 the minor at the first evaluation and treatment facility, secure
6 withdrawal management and stabilization facility, or approved
7 substance use disorder treatment program offering inpatient treatment
8 if the minor is being involuntarily detained at the time. With regard
9 to voluntary patients, "start of initial detention" means the time at
10 which the minor gives notice of intent to leave under the provisions
11 of this chapter.

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

16 (64) "Substance use disorder" means a cluster of cognitive,
17 behavioral, and physiological symptoms indicating that an individual
18 continues using the substance despite significant substance-related
19 problems. The diagnosis of a substance use disorder is based on a
20 pathological pattern of behaviors related to the use of the
21 substances.

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

25 (66) "Therapeutic court personnel" means the staff of a mental
26 health court or other therapeutic court which has jurisdiction over
27 defendants who are dually diagnosed with mental disorders, including
28 court personnel, probation officers, a court monitor, prosecuting
29 attorney, or defense counsel acting within the scope of therapeutic
30 court duties.

31 (67) "Treatment records" include registration and all other
32 records concerning persons who are receiving or who at any time have
33 received services for mental illness, which are maintained by the
34 department, the department of health, the authority, behavioral
35 health organizations and their staffs, and by treatment facilities.
36 Treatment records include mental health information contained in a
37 medical bill including but not limited to mental health drugs, a
38 mental health diagnosis, provider name, and dates of service stemming
39 from a medical service. Treatment records do not include notes or
40 records maintained for personal use by a person providing treatment

1 services for the department, the department of health, the authority,
2 behavioral health organizations, or a treatment facility if the notes
3 or records are not available to others.

4 (68) "Video" means the delivery of behavioral health services
5 through the use of interactive audio and video technology, permitting
6 real-time communication between a person and a designated crisis
7 responder, for the purpose of evaluation. "Video" does not include
8 the use of audio-only telephone, facsimile, email, or store and
9 forward technology.

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

12 (70) "23-hour crisis relief center" has the same meaning as
13 provided in RCW 71.24.025.

14 **Sec. 5.** RCW 71.34.351 and 2023 c 433 s 14 are each amended to
15 read as follows:

16 A peace officer may take or authorize a minor to be taken into
17 custody and immediately delivered to an appropriate crisis
18 stabilization unit, 23-hour crisis relief center, evaluation and
19 treatment facility, secure withdrawal management and stabilization
20 facility, approved substance use disorder treatment program, or the
21 emergency department of a local hospital when he or she has
22 reasonable cause to believe that such minor is suffering from a
23 behavioral health disorder and presents an imminent likelihood of
24 serious harm or is gravely disabled. Until July 1, 2026, a peace
25 officer's delivery of a minor to a secure withdrawal management and
26 stabilization facility or approved substance use disorder treatment
27 program is subject to the availability of a secure withdrawal
28 management and stabilization facility or approved substance use
29 disorder treatment program with adequate space for the minor.

30 **Sec. 6.** RCW 71.34.375 and 2019 c 446 s 25 are each amended to
31 read as follows:

32 (1) If a parent or guardian, for the purpose of mental health
33 treatment, substance use disorder treatment, or evaluation, brings
34 his or her minor child to an evaluation and treatment facility, a
35 hospital emergency room, an inpatient facility licensed under chapter
36 72.23 RCW, an inpatient facility licensed under chapter 70.41 or
37 71.12 RCW operating inpatient psychiatric beds for minors, a secure
38 withdrawal management and stabilization facility, a 23-hour crisis

1 relief center, or an approved substance use disorder treatment
2 program, the facility is required to promptly provide written and
3 verbal notice of all statutorily available treatment options
4 contained in this chapter. The notice need not be given more than
5 once if written and verbal notice has already been provided and
6 documented by the facility.

7 (2) The provision of notice must be documented by the facilities
8 required to give notice under subsection (1) of this section and must
9 be accompanied by a signed acknowledgment of receipt by the parent or
10 guardian. The notice must contain the following information:

11 (a) All current statutorily available treatment options including
12 but not limited to those provided in this chapter; and

13 (b) The procedures to be followed to utilize the treatment
14 options described in this chapter.

15 (3) The department of health shall produce, and make available,
16 the written notification that must include, at a minimum, the
17 information contained in subsection (2) of this section. The
18 department of health must revise the written notification as
19 necessary to reflect changes in the law.

20 **Sec. 7.** RCW 71.34.430 and 2019 c 381 s 22 are each amended to
21 read as follows:

22 A mental health agency, psychiatric hospital, ~~((or))~~ evaluation
23 and treatment facility, crisis stabilization unit, or 23-hour crisis
24 relief center may release mental health information about an
25 adolescent to a parent of the adolescent without the consent of the
26 adolescent by following the limitations and restrictions of RCW
27 70.02.240 and 70.02.265.

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 71.34
29 RCW under the subchapter heading "GENERAL" to read as follows:

30 If an adolescent is brought to or accepted at a 23-hour crisis
31 relief center and thereafter refuses to stay voluntarily, and the
32 professional staff of the 23-hour crisis relief center regard the
33 adolescent as presenting as a result of a behavioral health disorder
34 an imminent likelihood of serious harm, or presenting as an imminent
35 danger because of grave disability, they may detain the adolescent
36 for sufficient time to enable the designated crisis responder to
37 complete an evaluation but for no more than 12 hours from the time
38 the professional staff notify the designated crisis responder of the

1 need for evaluation. If involuntary commitment criteria are met, the
2 professional staff may authorize the adolescent being further held in
3 custody or transported to a hospital emergency department, evaluation
4 and treatment center, secure withdrawal management and stabilization
5 facility, or approved substance use disorder treatment program
6 pursuant to the provisions of this chapter.

7 NEW SECTION. **Sec. 9.** Section 4 of this act takes effect when
8 section 13, chapter 433, Laws of 2023 takes effect.

Passed by the Senate February 9, 2024.
Passed by the House February 28, 2024.
Approved by the Governor March 29, 2024.
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