

SHB 1811 - S COMM AMD  
By Committee on Ways & Means

ADOPTED AND ENGROSSED 04/16/2025

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The goals of co-response are to de-  
4 escalate situations, divert people from criminal justice and  
5 emergency medical systems, and bring medical and behavioral health  
6 care into the field to serve vulnerable populations.

7 Co-responders play a critical role in Washington's emergency  
8 response landscape, promoting a crisis care delivery system that  
9 appropriately responds to behavioral health emergencies and adapts to  
10 complex needs at the nexus of health and behavioral health. As  
11 Washington's crisis care delivery system continues to evolve, co-  
12 responders should be integrated into new and existing programs and  
13 legal frameworks in a way that consistently reflects their  
14 contributions to the health and well-being of the people of  
15 Washington and provides the necessary support for them to continue  
16 their critical work.

17 **Sec. 2.** RCW 71.24.025 and 2024 c 368 s 2, 2024 c 367 s 1, and  
18 2024 c 121 s 25 are each reenacted and amended to read as follows:

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

21 (1) "23-hour crisis relief center" means a community-based  
22 facility or portion of a facility which is licensed or certified by  
23 the department of health and open 24 hours a day, seven days a week,  
24 offering access to mental health and substance use care for no more  
25 than 23 hours and 59 minutes at a time per patient, and which accepts  
26 all behavioral health crisis walk-ins drop-offs from first  
27 responders, and individuals referred through the 988 system  
28 regardless of behavioral health acuity, and meets the requirements  
29 under RCW 71.24.916.

30 (2) "988 crisis hotline" means the universal telephone number  
31 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 practice registered  
9 (~~nurse practitioners~~) nurses.

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 18 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 behavioral health  
23 hospitalization or residential treatment exceeding six months'  
24 duration within the 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 12 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) "Co-response" means a multidisciplinary partnership between  
34 first responders and human services professionals that responds to  
35 emergency situations involving behavioral health crises and people  
36 experiencing complex medical needs. Participants in co-response  
37 respond to in-progress 911 calls, 988 calls, and requests for service  
38 from dispatch and other first responders and include first responders  
39 such as public safety telecommunicators, law enforcement officers,  
40 firefighters, emergency medical technicians, and paramedics, and

1 human services professionals such as social workers, behavioral  
2 health clinicians, advanced practice registered nurses, registered  
3 nurses, community health workers, and peer support specialists.

4 (16) "Community behavioral health program" means all  
5 expenditures, services, activities, or programs, including reasonable  
6 administration and overhead, designed and conducted to prevent or  
7 treat substance use disorder, mental illness, or both in the  
8 community behavioral health system.

9 ~~((16))~~ (17) "Community behavioral health service delivery  
10 system" means public, private, or tribal agencies that provide  
11 services specifically to persons with mental disorders, substance use  
12 disorders, or both, as defined under RCW 71.05.020 and receive  
13 funding from public sources.

14 ~~((17))~~ (18) "Community support services" means services  
15 authorized, planned, and coordinated through resource management  
16 services including, at a minimum, assessment, diagnosis, emergency  
17 crisis intervention available 24 hours, seven days a week,  
18 prescreening determinations for persons who are mentally ill being  
19 considered for placement in nursing homes as required by federal law,  
20 screening for patients being considered for admission to residential  
21 services, diagnosis and treatment for children who are acutely  
22 mentally ill or severely emotionally or behaviorally disturbed  
23 discovered under screening through the federal Title XIX early and  
24 periodic screening, diagnosis, and treatment program, investigation,  
25 legal, and other nonresidential services under chapter 71.05 RCW,  
26 case management services, psychiatric treatment including medication  
27 supervision, counseling, psychotherapy, assuring transfer of relevant  
28 patient information between service providers, recovery services, and  
29 other services determined by behavioral health administrative  
30 services organizations.

31 ~~((18))~~ (19) "Community-based crisis team" means a team that is  
32 part of an emergency medical services agency, a fire service agency,  
33 a public health agency, a medical facility, a nonprofit crisis  
34 response provider, or a city or county government entity, other than  
35 a law enforcement agency, that provides the on-site community-based  
36 interventions of a mobile rapid response crisis team for individuals  
37 who are experiencing a behavioral health crisis.

38 ~~((19))~~ (20) "Consensus-based" means a program or practice that  
39 has general support among treatment providers and experts, based on  
40 experience or professional literature, and may have anecdotal or case

1 study support, or that is agreed but not possible to perform studies  
2 with random assignment and controlled groups.

3 ~~((20))~~ (21) "Coordinated regional behavioral health crisis  
4 response system" means the coordinated operation of 988 call centers,  
5 regional crisis lines, certified public safety telecommunicators, and  
6 other behavioral health crisis system partners within each regional  
7 service area.

8 ~~((21))~~ (22) "County authority" means the board of county  
9 commissioners, county council, or county executive having authority  
10 to establish a behavioral health administrative services  
11 organization, or two or more of the county authorities specified in  
12 this subsection which have entered into an agreement to establish a  
13 behavioral health administrative services organization.

14 ~~((22))~~ (23) "Crisis stabilization services" means services such  
15 as 23-hour crisis relief centers, crisis stabilization units, short-  
16 term respite facilities, peer-run respite services, and same-day  
17 walk-in behavioral health services, including within the overall  
18 crisis system components that operate like hospital emergency  
19 departments that accept all walk-ins, and ambulance, fire, and police  
20 drop-offs, or determine the need for involuntary hospitalization of  
21 an individual.

22 ~~((23))~~ (24) "Crisis stabilization unit" has the same meaning as  
23 under RCW 71.05.020.

24 ~~((24))~~ (25) "Department" means the department of health.

25 ~~((25))~~ (26) "Designated 988 contact hub" or "988 contact hub"  
26 means a state-designated contact center that streamlines clinical  
27 interventions and access to resources for people experiencing a  
28 behavioral health crisis and participates in the national suicide  
29 prevention lifeline network to respond to statewide or regional 988  
30 contacts that meets the requirements of RCW 71.24.890.

31 ~~((26))~~ (27) "Designated crisis responder" has the same meaning  
32 as in RCW 71.05.020.

33 ~~((27))~~ (28) "Director" means the director of the authority.

34 ~~((28))~~ (29) "Drug addiction" means a disease characterized by a  
35 dependency on psychoactive chemicals, loss of control over the amount  
36 and circumstances of use, symptoms of tolerance, physiological or  
37 psychological withdrawal, or both, if use is reduced or discontinued,  
38 and impairment of health or disruption of social or economic  
39 functioning.

1        ~~((29))~~ (30) "Early adopter" means a regional service area for  
2 which all of the county authorities have requested that the authority  
3 purchase medical and behavioral health services through a managed  
4 care health system as defined under RCW 71.24.380(7).

5        ~~((30))~~ (31) "Emerging best practice" or "promising practice"  
6 means a program or practice that, based on statistical analyses or a  
7 well established theory of change, shows potential for meeting the  
8 evidence-based or research-based criteria, which may include the use  
9 of a program that is evidence-based for outcomes other than those  
10 listed in subsection ~~((31))~~ (32) of this section.

11        ~~((31))~~ (32) "Evidence-based" means a program or practice that  
12 has been tested in heterogeneous or intended populations with  
13 multiple randomized, or statistically controlled evaluations, or  
14 both; or one large multiple site randomized, or statistically  
15 controlled evaluation, or both, where the weight of the evidence from  
16 a systemic review demonstrates sustained improvements in at least one  
17 outcome. "Evidence-based" also means a program or practice that can  
18 be implemented with a set of procedures to allow successful  
19 replication in Washington and, when possible, is determined to be  
20 cost-beneficial.

21        ~~((32))~~ (33) "First responders" includes ambulance, fire, mobile  
22 rapid response crisis team, co\_responder team, designated crisis  
23 responder, fire department mobile integrated health team, community  
24 assistance referral and education services program under RCW  
25 35.21.930, and law enforcement personnel.

26        ~~((33))~~ (34) "Immediate jeopardy" means a situation in which the  
27 licensed or certified behavioral health agency's noncompliance with  
28 one or more statutory or regulatory requirements has placed the  
29 health and safety of patients in its care at risk for serious injury,  
30 serious harm, serious impairment, or death.

31        ~~((34))~~ (35) "Indian health care provider" means a health care  
32 program operated by the Indian health service or by a tribe, tribal  
33 organization, or urban Indian organization as those terms are defined  
34 in the Indian health care improvement act (25 U.S.C. Sec. 1603).

35        ~~((35))~~ (36) "Intensive behavioral health treatment facility"  
36 means a community-based specialized residential treatment facility  
37 for individuals with behavioral health conditions, including  
38 individuals discharging from or being diverted from state and local  
39 hospitals, whose impairment or behaviors do not meet, or no longer  
40 meet, criteria for involuntary inpatient commitment under chapter

1 71.05 RCW, but whose care needs cannot be met in other community-  
2 based placement settings.

3 ~~((36))~~ (37) "Licensed or certified behavioral health agency"  
4 means:

5 (a) An entity licensed or certified according to this chapter or  
6 chapter 71.05 RCW;

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

10 (c) An entity with a tribal attestation that it meets state  
11 minimum standards for a licensed or certified behavioral health  
12 agency.

13 ~~((37))~~ (38) "Licensed physician" means a person licensed to  
14 practice medicine or osteopathic medicine and surgery in the state of  
15 Washington.

16 ~~((38))~~ (39) "Long-term inpatient care" means inpatient services  
17 for persons committed for, or voluntarily receiving intensive  
18 treatment for, periods of 90 days or greater under chapter 71.05 RCW.  
19 "Long-term inpatient care" as used in this chapter does not include:

20 (a) Services for individuals committed under chapter 71.05 RCW who  
21 are receiving services pursuant to a conditional release or a court-  
22 ordered less restrictive alternative to detention; or (b) services  
23 for individuals voluntarily receiving less restrictive alternative  
24 treatment on the grounds of the state hospital.

25 ~~((39))~~ (40) "Managed care organization" means an organization,  
26 having a certificate of authority or certificate of registration from  
27 the office of the insurance commissioner, that contracts with the  
28 authority under a comprehensive risk contract to provide prepaid  
29 health care services to enrollees under the authority's managed care  
30 programs under chapter 74.09 RCW.

31 ~~((40))~~ (41) "Mental health peer-run respite center" means a  
32 peer-run program to serve individuals in need of voluntary, short-  
33 term, noncrisis services that focus on recovery and wellness.

34 ~~((41))~~ (42) Mental health "treatment records" include  
35 registration and all other records concerning persons who are  
36 receiving or who at any time have received services for mental  
37 illness, which are maintained by the department of social and health  
38 services or the authority, by behavioral health administrative  
39 services organizations and their staffs, by managed care  
40 organizations and their staffs, or by treatment facilities.

1 "Treatment records" do not include notes or records maintained for  
2 personal use by a person providing treatment services for the  
3 entities listed in this subsection, or a treatment facility if the  
4 notes or records are not available to others.

5 ~~((42))~~ (43) "Mentally ill persons," "persons who are mentally  
6 ill," and "the mentally ill" mean persons and conditions defined in  
7 subsections (3), (13), ~~((51))~~ (52), and ~~((52))~~ (53) of this  
8 section.

9 ~~((43))~~ (44) "Mobile rapid response crisis team" means a team  
10 that provides professional on-site community-based intervention such  
11 as outreach, de-escalation, stabilization, resource connection, and  
12 follow-up support for individuals who are experiencing a behavioral  
13 health crisis, that shall include certified peer counselors as a best  
14 practice to the extent practicable based on workforce availability,  
15 and that meets standards for response times established by the  
16 authority.

17 ~~((44))~~ (45) "Recovery" means a process of change through which  
18 individuals improve their health and wellness, live a self-directed  
19 life, and strive to reach their full potential.

20 ~~((45))~~ (46) "Regional crisis line" means the behavioral health  
21 crisis hotline in each regional service area which provides crisis  
22 response services 24 hours a day, seven days a week, 365 days a year  
23 including but not limited to dispatch of mobile rapid response crisis  
24 teams, community-based crisis teams, and designated crisis  
25 responders. A regional crisis line may not dispatch law enforcement.

26 ~~((46))~~ (47) "Research-based" means a program or practice that  
27 has been tested with a single randomized, or statistically controlled  
28 evaluation, or both, demonstrating sustained desirable outcomes; or  
29 where the weight of the evidence from a systemic review supports  
30 sustained outcomes as described in subsection ~~((31))~~ (32) of this  
31 section but does not meet the full criteria for evidence-based.

32 ~~((47))~~ (48) "Residential services" means a complete range of  
33 residences and supports authorized by resource management services  
34 and which may involve a facility, a distinct part thereof, or  
35 services which support community living, for persons who are acutely  
36 mentally ill, adults who are chronically mentally ill, children who  
37 are severely emotionally disturbed, or adults who are seriously  
38 disturbed and determined by the behavioral health administrative  
39 services organization or managed care organization to be at risk of  
40 becoming acutely or chronically mentally ill. The services shall



1 include at least evaluation and treatment services as defined in  
2 chapter 71.05 RCW, acute crisis respite care, long-term adaptive and  
3 rehabilitative care, and supervised and supported living services,  
4 and shall also include any residential services developed to service  
5 persons who are mentally ill in nursing homes, residential treatment  
6 facilities, assisted living facilities, and adult family homes, and  
7 may include outpatient services provided as an element in a package  
8 of services in a supported housing model. Residential services for  
9 children in out-of-home placements related to their mental disorder  
10 shall not include the costs of food and shelter, except for  
11 children's long-term residential facilities existing prior to January  
12 1, 1991.

13 ~~((48))~~ (49) "Resilience" means the personal and community  
14 qualities that enable individuals to rebound from adversity, trauma,  
15 tragedy, threats, or other stresses, and to live productive lives.

16 ~~((49))~~ (50) "Resource management services" mean the planning,  
17 coordination, and authorization of residential services and community  
18 support services administered pursuant to an individual service plan  
19 for: (a) Adults and children who are acutely mentally ill; (b) adults  
20 who are chronically mentally ill; (c) children who are severely  
21 emotionally disturbed; or (d) adults who are seriously disturbed and  
22 determined by a behavioral health administrative services  
23 organization or managed care organization to be at risk of becoming  
24 acutely or chronically mentally ill. Such planning, coordination, and  
25 authorization shall include mental health screening for children  
26 eligible under the federal Title XIX early and periodic screening,  
27 diagnosis, and treatment program. Resource management services  
28 include seven day a week, 24 hour a day availability of information  
29 regarding enrollment of adults and children who are mentally ill in  
30 services and their individual service plan to designated crisis  
31 responders, evaluation and treatment facilities, and others as  
32 determined by the behavioral health administrative services  
33 organization or managed care organization, as applicable.

34 ~~((50))~~ (51) "Secretary" means the secretary of the department  
35 of health.

36 ~~((51))~~ (52) "Seriously disturbed person" means a person who:

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

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

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

7 (d) Exhibits suicidal preoccupation or attempts; or

8 (e) Is a child diagnosed by a mental health professional, as  
9 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
10 is clearly interfering with the child's functioning in family or  
11 school or with peers or is clearly interfering with the child's  
12 personality development and learning.

13 (~~(52)~~) (53) "Severely emotionally disturbed child" or "child  
14 who is severely emotionally disturbed" means a child who has been  
15 determined by the behavioral health administrative services  
16 organization or managed care organization, if applicable, to be  
17 experiencing a mental disorder as defined in chapter 71.34 RCW,  
18 including those mental disorders that result in a behavioral or  
19 conduct disorder, that is clearly interfering with the child's  
20 functioning in family or school or with peers and who meets at least  
21 one of the following criteria:

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

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

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

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

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

32 (ii) Changes in custodial adult;

33 (iii) Going to, residing in, or returning from any placement  
34 outside of the home, for example, behavioral health hospital, short-  
35 term inpatient, residential treatment, group or foster home, or a  
36 correctional facility;

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

38 (v) Drug or alcohol abuse; or

39 (vi) Homelessness.

1       (~~(53)~~)    (54)    "State minimum standards" means minimum  
2 requirements established by rules adopted and necessary to implement  
3 this chapter by:

4       (a) The authority for:

5       (i) Delivery of mental health and substance use disorder  
6 services; and

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

8       (b) The department of health for:

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

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

14       (iii) Residential services.

15       (~~(54)~~)    (55)    "Substance use disorder" means a cluster of  
16 cognitive, behavioral, and physiological symptoms indicating that an  
17 individual continues using the substance despite significant  
18 substance-related problems. The diagnosis of a substance use disorder  
19 is based on a pathological pattern of behaviors related to the use of  
20 the substances.

21       (~~(55)~~)    (56)    "Tribe," for the purposes of this section, means a  
22 federally recognized Indian tribe.

23       **Sec. 3.**    RCW 5.60.060 and 2024 c 295 s 6 are each amended to read  
24 as follows:

25       (1) A spouse or domestic partner shall not be examined for or  
26 against his or her spouse or domestic partner, without the consent of  
27 the spouse or domestic partner; nor can either during marriage or  
28 during the domestic partnership or afterward, be without the consent  
29 of the other, examined as to any communication made by one to the  
30 other during the marriage or the domestic partnership. But this  
31 exception shall not apply to a civil action or proceeding by one  
32 against the other, nor to a criminal action or proceeding for a crime  
33 committed by one against the other, nor to a criminal action or  
34 proceeding against a spouse or domestic partner if the marriage or  
35 the domestic partnership occurred subsequent to the filing of formal  
36 charges against the defendant, nor to a criminal action or proceeding  
37 for a crime committed by said spouse or domestic partner against any  
38 child of whom said spouse or domestic partner is the parent or  
39 guardian, nor to a proceeding under chapter 71.05 or 71.09 RCW:

1 PROVIDED, That the spouse or the domestic partner of a person sought  
2 to be detained under chapter 71.05 or 71.09 RCW may not be compelled  
3 to testify and shall be so informed by the court prior to being  
4 called as a witness.

5 (2) (a) An attorney or counselor shall not, without the consent of  
6 his or her client, be examined as to any communication made by the  
7 client to him or her, or his or her advice given thereon in the  
8 course of professional employment.

9 (b) A parent or guardian of a minor child arrested on a criminal  
10 charge may not be examined as to a communication between the child  
11 and his or her attorney if the communication was made in the presence  
12 of the parent or guardian. This privilege does not extend to  
13 communications made prior to the arrest.

14 (3) A member of the clergy, a Christian Science practitioner  
15 listed in the Christian Science Journal, or a priest shall not,  
16 without the consent of a person making the confession or sacred  
17 confidence, be examined as to any confession or sacred confidence  
18 made to him or her in his or her professional character, in the  
19 course of discipline enjoined by the church to which he or she  
20 belongs.

21 (4) Subject to the limitations under RCW 71.05.217 (6) and (7), a  
22 physician or surgeon or osteopathic physician or surgeon or podiatric  
23 physician or surgeon shall not, without the consent of his or her  
24 patient, be examined in a civil action as to any information acquired  
25 in attending such patient, which was necessary to enable him or her  
26 to prescribe or act for the patient, except as follows:

27 (a) In any judicial proceedings regarding a child's injury,  
28 neglect, or sexual abuse or the cause thereof; and

29 (b) Ninety days after filing an action for personal injuries or  
30 wrongful death, the claimant shall be deemed to waive the physician-  
31 patient privilege. Waiver of the physician-patient privilege for any  
32 one physician or condition constitutes a waiver of the privilege as  
33 to all physicians or conditions, subject to such limitations as a  
34 court may impose pursuant to court rules.

35 (5) A public officer shall not be examined as a witness as to  
36 communications made to him or her in official confidence, when the  
37 public interest would suffer by the disclosure.

38 (6) (a) A peer supporter shall not, without consent of the peer  
39 support services recipient making the communication, be compelled to  
40 testify about any communication made to the peer supporter by the

1 peer support services recipient while receiving individual or group  
2 services. The peer supporter must be designated as such by their  
3 employing agency prior to providing peer support services. The  
4 privilege only applies when the communication was made to the peer  
5 supporter while acting in his or her capacity as a peer supporter.  
6 The privilege applies regardless of whether the peer support services  
7 recipient is an employee of the same agency as the peer supporter.  
8 Peer support services may be coordinated or designated among first  
9 responder agencies pursuant to chapter 10.93 RCW, interlocal  
10 agreement, or other similar provision, provided however that a  
11 written agreement is not required for the privilege to apply. The  
12 privilege does not apply if the peer supporter was an initial  
13 responding first responder, department of corrections staff person,  
14 or jail staff person; a witness; or a party to the incident which  
15 prompted the delivery of peer support services to the peer support  
16 services recipient.

17 (b) For purposes of this section:

18 (i) "First responder" means:

19 (A) A law enforcement officer;

20 (B) A limited authority law enforcement officer;

21 (C) A firefighter;

22 (D) An emergency services dispatcher or recordkeeper;

23 (E) Emergency medical personnel, as licensed or certified by this  
24 state;

25 (F) A member or former member of the Washington national guard  
26 acting in an emergency response capacity pursuant to chapter 38.52  
27 RCW; (~~or~~)

28 (G) A coroner or medical examiner, or a coroner's or medical  
29 examiner's agent or employee; or

30 (H) An individual engaged in co-response services, as defined in  
31 RCW 71.24.025.

32 (ii) "Law enforcement officer" means a general authority  
33 Washington peace officer as defined in RCW 10.93.020.

34 (iii) "Limited authority law enforcement officer" means a limited  
35 authority Washington peace officer as defined in RCW 10.93.020 who is  
36 employed by the department of corrections, state parks and recreation  
37 commission, department of natural resources, liquor and cannabis  
38 board, or Washington state gambling commission.

39 (iv) "Peer support services recipient" means:

40 (A) A first responder;

1 (B) A department of corrections staff person; or

2 (C) A jail staff person.

3 (v) "Peer supporter" means:

4 (A) A first responder, retired first responder, department of  
5 corrections staff person, or jail staff person or a civilian employee  
6 of a first responder entity or agency, local jail, or state agency  
7 who has received training to provide emotional and moral support and  
8 services to a peer support services recipient who needs those  
9 services as a result of an incident or incidents in which the peer  
10 support services recipient was involved while acting in his or her  
11 official capacity or to deal with other stress that is impacting the  
12 peer support services recipient's performance of official duties; or

13 (B) A nonemployee who has been designated by the first responder  
14 entity or agency, local jail, statewide organization focused on co-  
15 response outreach, or state agency to provide emotional and moral  
16 support and counseling to a peer support services recipient who needs  
17 those services as a result of an incident or incidents in which the  
18 peer support services recipient was involved while acting in his or  
19 her official capacity.

20 (7) A sexual assault advocate may not, without the consent of the  
21 victim, be examined as to any communication made between the victim  
22 and the sexual assault advocate.

23 (a) For purposes of this section, "sexual assault advocate" means  
24 the employee or volunteer from a community sexual assault program or  
25 underserved populations provider, victim assistance unit, program, or  
26 association, that provides information, medical or legal advocacy,  
27 counseling, or support to victims of sexual assault, who is  
28 designated by the victim to accompany the victim to the hospital or  
29 other health care facility and to proceedings concerning the alleged  
30 assault, including police and prosecution interviews and court  
31 proceedings.

32 (b) A sexual assault advocate may disclose a confidential  
33 communication without the consent of the victim if failure to  
34 disclose is likely to result in a clear, imminent risk of serious  
35 physical injury or death of the victim or another person. Any sexual  
36 assault advocate participating in good faith in the disclosing of  
37 records and communications under this section shall have immunity  
38 from any liability, civil, criminal, or otherwise, that might result  
39 from the action. In any proceeding, civil or criminal, arising out of  
40 a disclosure under this section, the good faith of the sexual assault

1 advocate who disclosed the confidential communication shall be  
2 presumed.

3 (8) A domestic violence advocate may not, without the consent of  
4 the victim, be examined as to any communication between the victim  
5 and the domestic violence advocate.

6 (a) For purposes of this section, "domestic violence advocate"  
7 means an employee or supervised volunteer from a community-based  
8 domestic violence program or human services program that provides  
9 information, advocacy, counseling, crisis intervention, emergency  
10 shelter, or support to victims of domestic violence and who is not  
11 employed by, or under the direct supervision of, a law enforcement  
12 agency, a prosecutor's office, or the child protective services  
13 section of the department of children, youth, and families as defined  
14 in RCW 26.44.020.

15 (b) A domestic violence advocate may disclose a confidential  
16 communication without the consent of the victim if failure to  
17 disclose is likely to result in a clear, imminent risk of serious  
18 physical injury or death of the victim or another person. This  
19 section does not relieve a domestic violence advocate from the  
20 requirement to report or cause to be reported an incident under RCW  
21 26.44.030(1) or to disclose relevant records relating to a child as  
22 required by RCW 26.44.030(15). Any domestic violence advocate  
23 participating in good faith in the disclosing of communications under  
24 this subsection is immune from liability, civil, criminal, or  
25 otherwise, that might result from the action. In any proceeding,  
26 civil or criminal, arising out of a disclosure under this subsection,  
27 the good faith of the domestic violence advocate who disclosed the  
28 confidential communication shall be presumed.

29 (9) A mental health counselor, independent clinical social  
30 worker, or marriage and family therapist licensed under chapter  
31 18.225 RCW may not disclose, or be compelled to testify about, any  
32 information acquired from persons consulting the individual in a  
33 professional capacity when the information was necessary to enable  
34 the individual to render professional services to those persons  
35 except:

36 (a) With the written authorization of that person or, in the case  
37 of death or disability, the person's personal representative;

38 (b) If the person waives the privilege by bringing charges  
39 against the mental health counselor licensed under chapter 18.225  
40 RCW;

1 (c) In response to a subpoena from the secretary of health. The  
2 secretary may subpoena only records related to a complaint or report  
3 under RCW 18.130.050;

4 (d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.217  
5 (6) or (7); or

6 (e) To any individual if the mental health counselor, independent  
7 clinical social worker, or marriage and family therapist licensed  
8 under chapter 18.225 RCW reasonably believes that disclosure will  
9 avoid or minimize an imminent danger to the health or safety of the  
10 individual or any other individual; however, there is no obligation  
11 on the part of the provider to so disclose.

12 (10) An individual who acts as a sponsor providing guidance,  
13 emotional support, and counseling in an individualized manner to a  
14 person participating in an alcohol or drug addiction recovery  
15 fellowship may not testify in any civil action or proceeding about  
16 any communication made by the person participating in the addiction  
17 recovery fellowship to the individual who acts as a sponsor except  
18 with the written authorization of that person or, in the case of  
19 death or disability, the person's personal representative.

20 (11)(a) Neither a union representative nor an employee the union  
21 represents or has represented shall be examined as to, or be required  
22 to disclose, any communication between an employee and union  
23 representative or between union representatives made in the course of  
24 union representation except:

25 (i) To the extent such examination or disclosure appears  
26 necessary to prevent the commission of a crime that is likely to  
27 result in a clear, imminent risk of serious physical injury or death  
28 of a person;

29 (ii) In actions, civil or criminal, in which the represented  
30 employee is accused of a crime or assault or battery;

31 (iii) In actions, civil or criminal, where a union member is a  
32 party to the action, the union member may obtain a copy of any  
33 statement previously given by that union member concerning the  
34 subject matter of the action and may elicit testimony concerning such  
35 statements. The right of the union member to obtain such statements,  
36 or the union member's possession of such statements, does not render  
37 them discoverable over the objection of the union member;

38 (iv) In actions, regulatory, civil, or criminal, against the  
39 union or its affiliated, subordinate, or parent bodies or their  
40 agents; or



1 (v) When an admission of, or intent to engage in, criminal  
2 conduct is revealed by the represented union member to the union  
3 representative.

4 (b) The privilege created in this subsection (11) does not apply  
5 to any record of communications that would otherwise be subject to  
6 disclosure under chapter 42.56 RCW.

7 (c) The privilege created in this subsection (11) may not  
8 interfere with an employee's or union representative's applicable  
9 statutory mandatory reporting requirements, including but not limited  
10 to duties to report in chapters 26.44, 43.101, and 74.34 RCW.

11 (d) For purposes of this subsection:

12 (i) "Employee" means a person represented by a certified or  
13 recognized union regardless of whether the employee is a member of  
14 the union.

15 (ii) "Union" means any lawful organization that has as one of its  
16 primary purposes the representation of employees in their employment  
17 relations with employers, including without limitation labor  
18 organizations defined by 29 U.S.C. Sec. 152(5) and 5 U.S.C. Sec.  
19 7103(a)(4), representatives defined by 45 U.S.C. Sec. 151, and  
20 bargaining representatives defined in RCW 41.56.030, and employee  
21 organizations as defined in RCW 28B.52.020, 41.59.020, 41.80.005,  
22 41.76.005, 47.64.011, and 53.18.010.

23 (iii) "Union representation" means action by a union on behalf of  
24 one or more employees it represents in regard to their employment  
25 relations with employers, including personnel matters, grievances,  
26 labor disputes, wages, rates of pay, hours of employment, conditions  
27 of work, or collective bargaining.

28 (iv) "Union representative" means a person authorized by a union  
29 to act for the union in regard to union representation.

30 (v) "Communication" includes any oral, written, or electronic  
31 communication or document containing such communication.

32 **Sec. 4.** RCW 51.32.181 and 2022 c 290 s 1 are each amended to  
33 read as follows:

34 (1) For frontline employees who are covered under this title,  
35 there exists a prima facie presumption that any infectious or  
36 contagious diseases that are transmitted through respiratory droplets  
37 or aerosols, or through contact with contaminated surfaces and are  
38 the subject of a public health emergency are occupational diseases  
39 under RCW 51.08.140 during a public health emergency.

1 (2) The frontline employee must provide verification, as required  
2 by the department by rule, to the department and the self-insured  
3 employer that the employee has contracted the infectious or  
4 contagious disease that is the subject of the public health  
5 emergency.

6 (3) This presumption of occupational disease may be rebutted by a  
7 preponderance of the evidence that:

8 (a) The exposure to the infectious or contagious disease which is  
9 the subject of the public health emergency occurred from other  
10 employment or nonemployment activities; or

11 (b) The employee was working from the employee's home, on leave  
12 from the employee's employment, or some combination thereof, for the  
13 period of quarantine consistent with recommended guidance from state  
14 and federal health officials for the disease immediately prior to the  
15 employee's injury, occupational disease, or period of incapacity that  
16 resulted from exposure to the disease which is the subject of the  
17 public health emergency.

18 (4) (a) RCW 51.32.090(7) does not apply to an occupational disease  
19 under this section except that no worker shall receive compensation  
20 for or during the day on which the occupational disease was  
21 contracted. For the purposes of this subsection (4), the day on which  
22 the occupational disease was contracted is whichever date occurs  
23 first of the following:

24 (i) The date that the worker first missed work due to symptoms of  
25 the infectious or contagious disease;

26 (ii) The date the worker was quarantined by a medical provider or  
27 public health official; or

28 (iii) The date the worker received a positive test result  
29 confirming contraction of the infectious or contagious disease.

30 (b) If leave or similar benefits are paid to the frontline  
31 employee as part of a federal or state program for these employees  
32 during the public health emergency, temporary total disability  
33 benefits are not payable for the same period of time covered by the  
34 federal or state program.

35 (5) When calculating assessments due to the department for which  
36 total claim costs are the basis, self-insured employers and self-  
37 insurance hospital groups formed under RCW 51.14.150 and 51.14.160  
38 may deduct the cost of payments made under this section from the  
39 total of all claim costs reported.

1 (6) Costs of the payments under this section shall not affect the  
2 experience rating of employers insured by the state fund.

3 (7) As used in this section:

4 (a) "Assisted living facility" has the same meaning as in RCW  
5 18.20.020.

6 (b) "Farm work" means work performed on a farm, in the employ of  
7 any person, in connection with the cultivation of the soil, or in  
8 connection with raising or harvesting any agricultural or  
9 horticultural commodity, including raising, shearing, feeding, caring  
10 for, training, and management of livestock, bees, poultry, and  
11 furbearing animals and wildlife, or in the employ of the owner or  
12 tenant or other operator of a farm in connection with the operation,  
13 management, conservation, improvement, or maintenance of such farm  
14 and its tools and equipment. For the purposes of this subsection,  
15 "farm work" includes floriculture.

16 (c) "Food distribution work" means work where the primary duties  
17 include transporting food from food producers or manufacturers to  
18 food warehouses or food service operators and retailers.

19 (d) "Food manufacturing work" means work performed for an  
20 employer whose North American industry classification code is within  
21 "311."

22 (e) "Food processing work" means work handling or processing of  
23 any food in any manner of preparation for sale for an employer  
24 required to be licensed by the department of agriculture under  
25 chapter 69.07 RCW.

26 (f) "Frontline employee" includes the following employees:

27 (i) First responders, including law enforcement officers,  
28 firefighters, emergency medical service providers, paramedics,  
29 ((and)) ambulance drivers, and other members of first response teams  
30 engaged in co-response, as defined in RCW 71.24.025. "Firefighters"  
31 includes wildland firefighters when performing wildfire suppression  
32 or other emergency duties under the incident command system if the  
33 firefighter has in-person interaction with the general public or  
34 other firefighters as part of their job duties;

35 (ii) Employees performing food processing, food manufacturing,  
36 food distribution, farm, and meat packing work;

37 (iii) Maintenance, janitorial, and food service workers at any  
38 facility treating patients diagnosed with the infectious or  
39 contagious disease that is the subject of the public health  
40 emergency;

1 (iv) Drivers and operators employed by a transit agency or any  
2 other public entity authorized under state law to provide mass  
3 transportation services to the general public;

4 (v) Employees working at a child care facility licensed by the  
5 department of children, youth, and families under chapter 43.216 RCW,  
6 if the employee has in-person interaction with children or other  
7 members of the general public as part of their job duties;

8 (vi) Employees employed by a retail store that remains open to  
9 the general public during the public health emergency, if the  
10 employee has in-person interaction with the general public as part of  
11 their job duties or has in-person interaction with other employees.  
12 For the purposes of this subsection, "retail store" means a business  
13 whose North American industry classification code is within "44-45";

14 (vii) Employees employed by a hotel, motel, or other transient  
15 accommodation licensed under chapter 70.62 RCW that remains open to  
16 the general public during the public health emergency, if the  
17 employee has in-person interaction with the general public as part of  
18 their job duties or has in-person interaction with other employees;

19 (viii) Employees employed by a restaurant, if the employee has  
20 in-person interaction with the general public as part of their job  
21 duties or works in the kitchen of the restaurant and has in-person  
22 interaction with other employees. For the purposes of this  
23 subsection, "restaurant" has the same meaning as in RCW 66.04.010;

24 (ix) Home care aides certified under chapter 18.88B RCW and home  
25 health aides that provide services under chapter 70.126 RCW that  
26 primarily work in the home of the individual receiving care;

27 (x) (A) Corrections officers and correctional support employees  
28 working at a correctional institution.

29 (B) For the purposes of this subsection (7) (f) (x):

30 (I) "Correctional institution" has the same meaning as in RCW  
31 9.94.049.

32 (II) "Corrections officer" means any corrections agency employee  
33 whose primary job function is to provide custody, safety, and  
34 security of prisoners in jails and detention facilities.

35 (III) "Correctional support employee" means any employee who  
36 provides food services or janitorial services in a correctional  
37 institution;

38 (xi) Educational employees, including classroom teachers,  
39 paraeducators, principals, librarians, school bus drivers, and other  
40 educational support staff, of any school district, or a contractor of

1 a school district, that are required to be physically present at a  
2 school or on the grounds of a school where classes are being taught  
3 in person, in a transportation vehicle necessary for school  
4 operations, or in the home of a student as part of their job duties,  
5 if the employee has in-person interaction with students, a student's  
6 family members, or other employees as part of their job duties;

7 (xii) Employees of institutions of higher education that are  
8 required to be physically present on campus when classes are being  
9 taught in person, if the employee has in-person interaction with  
10 students or the general public as part of their job duties. For the  
11 purposes of this subsection, "institution of higher education" has  
12 the same meaning as in RCW 28B.10.016;

13 (xiii) Employees employed by a public library that remains open  
14 to the general public during the public health emergency, if the  
15 employee has in-person interaction with the general public as part of  
16 their job duties or has in-person interaction with other employees.  
17 For the purposes of this subsection, "public library" means a library  
18 covered by chapter 27.12 RCW;

19 (xiv) Employees employed by the department of licensing who are  
20 assigned to review, process, approve, and issue driver licenses to  
21 the general public, if the employee has in-person interaction with  
22 the general public as part of their job duties or has in-person  
23 interaction with other employees.

24 (g) "Meat packing work" means work slaughtering animals and  
25 processing and packaging meat products for sale and the rendering of  
26 animal by-products.

27 (h) "Nursing home" means a nursing home licensed under chapter  
28 18.51 RCW.

29 (i) "Public health emergency" means a declaration or order  
30 concerning any infectious or contagious diseases, including a  
31 pandemic and is issued as follows:

32 (i) The president of the United States has declared a national or  
33 regional emergency that covers every county in the state of  
34 Washington; or

35 (ii) The governor of Washington has declared a state of emergency  
36 under RCW 43.06.010(12) in every county in the state.

37 (j) "School" has the same meaning as in RCW 28A.210.070.

38 **Sec. 5.** RCW 71.24.905 and 2022 c 232 s 2 are each amended to  
39 read as follows:

1 (1) Subject to the availability of amounts appropriated for this  
2 specific purpose, the University of Washington shall, in consultation  
3 and collaboration with the co-responder outreach alliance and other  
4 stakeholders as appropriate in the field of co-response:

5 (a) Establish regular opportunities for police, fire, emergency  
6 medical services, peer counselors, and behavioral health personnel  
7 working in co-response to convene for activities such as training,  
8 exchanging information and best practices around the state and  
9 nationally, and providing the University of Washington with  
10 assistance with activities described in this section;

11 (b) Subject to the availability of amounts appropriated for this  
12 specific purpose, administer a small budget to help defray costs for  
13 training and professional development, which may include expenses  
14 related to attending or hosting site visits with experienced co-  
15 response teams;

16 (c) Develop an assessment to be provided to the governor and  
17 legislature by June 30, 2023, describing and analyzing the following:

18 (i) Existing capacity and shortfalls across the state in co-  
19 response teams and the co-response workforce;

20 (ii) Current alignment of co-response teams with cities,  
21 counties, behavioral health administrative services organizations,  
22 and call centers; distribution among police, fire, and EMS-based co-  
23 response models; and desired alignment;

24 (iii) Current funding strategies for co-response teams and  
25 identification of federal funding opportunities;

26 (iv) Current data systems utilized and an assessment of their  
27 effectiveness for use by co-responders, program planners, and  
28 policymakers;

29 (v) Current training practices and identification of future state  
30 training practices;

31 (vi) Alignment with designated crisis responder activities;

32 (vii) Recommendations concerning best practices to prepare co-  
33 responders to achieve objectives and meet future state crisis system  
34 needs, including those of the 988 system;

35 (viii) Recommendations to align co-responder activities with  
36 efforts to reform ways in which persons experiencing a behavioral  
37 health crisis interact with the criminal justice system; and

38 (ix) Assessment of training and educational needs for current and  
39 future co-responder workforce;

1 (d) Beginning in calendar year 2023, begin development of model  
2 training curricula for individuals participating in co-response  
3 teams; and

4 (e) Beginning in calendar year 2023, host an annual statewide  
5 conference that draws state and national co-responders.

6 (2) Stakeholders in the field of co-response may include, but are  
7 not limited to, the Washington association of designated crisis  
8 responders; state associations representing police, fire, and  
9 emergency medical services personnel; the Washington council on  
10 behavioral health; the state ((enhanced)) 911 system; 988 crisis call  
11 centers; and the peer workforce alliance.

12 (3) (a) By January 1, 2026, the University of Washington school of  
13 social work, in consultation with the authority and the behavioral  
14 health administrative services organizations, shall establish a  
15 program to administer a crisis responder training academy resulting  
16 in a certification in best practices in crisis response in three  
17 behavioral health administrative services organizations with a  
18 significant co-response footprint. The curriculum must include:  
19 Safety and crisis de-escalation tactics, teamwork across the  
20 disciplines including peer support workers, culturally responsive  
21 crisis care, suicide intervention, substance use disorder engagement,  
22 overdose response, and an eight-hour session with clinical staff of  
23 designated 988 contact hubs, crisis relief centers, crisis call  
24 centers, and employees of 911 public safety answering points,  
25 explaining best coordination strategies. Best practices for regional  
26 protocol development must be included.

27 (b) By January 1, 2027, the crisis responder training academy  
28 shall be expanded to all behavioral health administrative services  
29 organizations and provide openings for 988 rapid response teams, co-  
30 response teams, mobile community response teams, and alternative  
31 response teams. The behavioral health administrative services  
32 organizations shall promote the training academy available to local  
33 crisis responder and co-response teams in their regions. The  
34 certification shall be optional and may not serve as an additional  
35 requirement for licensure for crisis responders or licensed human  
36 services professionals."

**SHB 1811** - S COMM AMD  
By Committee on Ways & Means

**ADOPTED 04/16/2025**

1       On page 1, line 2 of the title, after "support;" strike the  
2 remainder of the title and insert "amending RCW 5.60.060, 51.32.181,  
3 and 71.24.905; reenacting and amending RCW 71.24.025; and creating a  
4 new section."

--- END ---