

2SSB 5745 - S AMD 135  
By Senator Dhingra

ADOPTED 03/10/2025

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

3 **"Sec. 1.** RCW 71.05.020 and 2024 c 371 s 17, 2024 c 209 s 5, and  
4 2024 c 62 s 18 are each reenacted and amended to read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (1) "23-hour crisis relief center" has the same meaning as under  
8 RCW 71.24.025;

9 (2) "Admission" or "admit" means a decision by a physician,  
10 physician assistant, or psychiatric advanced registered nurse  
11 practitioner that a person should be examined or treated as a patient  
12 in a hospital;

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

19 (4) "Antipsychotic medications" means that class of drugs  
20 primarily used to treat serious manifestations of mental illness  
21 associated with thought disorders, which includes, but is not limited  
22 to atypical antipsychotic medications;

23 (5) "Approved substance use disorder treatment program" means a  
24 program for persons with a substance use disorder provided by a  
25 treatment program certified by the department as meeting standards  
26 adopted under chapter 71.24 RCW;

27 (6) "Attending staff" means any person on the staff of a public  
28 or private agency having responsibility for the care and treatment of  
29 a patient;

30 (7) "Authority" means the Washington state health care authority;

31 (8) "Behavioral health disorder" means either a mental disorder  
32 as defined in this section, a substance use disorder as defined in

1 this section, or a co-occurring mental disorder and substance use  
2 disorder;

3 (9) "Behavioral health service provider" means a public or  
4 private agency that provides mental health, substance use disorder,  
5 or co-occurring disorder services to persons with behavioral health  
6 disorders as defined under this section and receives funding from  
7 public sources. This includes, but is not limited to: Hospitals  
8 licensed under chapter 70.41 RCW; evaluation and treatment facilities  
9 as defined in this section; community mental health service delivery  
10 systems or community behavioral health programs as defined in RCW  
11 71.24.025; licensed or certified behavioral health agencies under RCW  
12 71.24.037; an entity with a tribal attestation that it meets minimum  
13 standards or a licensed or certified behavioral health agency as  
14 defined in RCW 71.24.025; facilities conducting competency  
15 evaluations and restoration under chapter 10.77 RCW; approved  
16 substance use disorder treatment programs as defined in this section;  
17 secure withdrawal management and stabilization facilities as defined  
18 in this section; and correctional facilities operated by state,  
19 local, and tribal governments;

20 (10) "Co-occurring disorder specialist" means an individual  
21 possessing an enhancement granted by the department of health under  
22 chapter 18.205 RCW that certifies the individual to provide substance  
23 use disorder counseling subject to the practice limitations under RCW  
24 18.205.105;

25 (11) "Commitment" means the determination by a court that a  
26 person should be detained for a period of either evaluation or  
27 treatment, or both, in an inpatient or a less restrictive setting;

28 (12) "Community behavioral health agency" has the same meaning as  
29 "licensed or certified behavioral health agency" defined in RCW  
30 71.24.025;

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

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

39 (15) "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 (16) "Department" means the department of health;

4 (17) "Designated crisis responder" means a mental health  
5 professional appointed by the county, by an entity appointed by the  
6 county, or by the authority in consultation with a tribe or after  
7 meeting and conferring with an Indian health care provider, to  
8 perform the duties specified in this chapter;

9 (18) "Detention" or "detain" means the lawful confinement of a  
10 person, under the provisions of this chapter;

11 (19) "Developmental disabilities professional" means a person who  
12 has specialized training and three years of experience in directly  
13 treating or working with persons with developmental disabilities and  
14 is a psychiatrist, physician assistant working with a psychiatrist  
15 who is acting as a participating physician as defined in RCW  
16 18.71A.010, psychologist, psychiatric advanced registered nurse  
17 practitioner, or social worker, and such other developmental  
18 disabilities professionals as may be defined by rules adopted by the  
19 secretary of the department of social and health services;

20 (20) "Developmental disability" means that condition defined in  
21 RCW 71A.10.020(6);

22 (21) "Director" means the director of the authority;

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

26 (23) "Drug addiction" means a disease, characterized by a  
27 dependency on psychoactive chemicals, loss of control over the amount  
28 and circumstances of use, symptoms of tolerance, physiological or  
29 psychological withdrawal, or both, if use is reduced or discontinued,  
30 and impairment of health or disruption of social or economic  
31 functioning;

32 (24) "Evaluation and treatment facility" means any facility which  
33 can provide directly, or by direct arrangement with other public or  
34 private agencies, emergency evaluation and treatment, outpatient  
35 care, and timely and appropriate inpatient care to persons suffering  
36 from a mental disorder, and which is licensed or certified as such by  
37 the department. The authority may certify single beds as temporary  
38 evaluation and treatment beds under RCW 71.05.745. A physically  
39 separate and separately operated portion of a state hospital may be  
40 designated as an evaluation and treatment facility. A facility which

1 is part of, or operated by, the department of social and health  
2 services or any federal agency will not require certification. No  
3 correctional institution or facility, or jail, shall be an evaluation  
4 and treatment facility within the meaning of this chapter;

5 (25) "Gravely disabled" means a condition in which a person, as a  
6 result of a behavioral health disorder: (a) Is in danger of serious  
7 physical harm resulting from a failure to provide for his or her  
8 essential human needs of health or safety; or (b) manifests severe  
9 deterioration in routine functioning evidenced by repeated and  
10 escalating loss of cognitive or volitional control over his or her  
11 actions and is not receiving such care as is essential for his or her  
12 health or safety;

13 (26) "Habilitative services" means those services provided by  
14 program personnel to assist persons in acquiring and maintaining life  
15 skills and in raising their levels of physical, mental, social, and  
16 vocational functioning. Habilitative services include education,  
17 training for employment, and therapy. The habilitative process shall  
18 be undertaken with recognition of the risk to the public safety  
19 presented by the person being assisted as manifested by prior charged  
20 criminal conduct;

21 (27) "Hearing" means any proceeding conducted in open court that  
22 conforms to the requirements of RCW 71.05.820;

23 (28) "History of one or more violent acts" refers to the period  
24 of time ten years prior to the filing of a petition under this  
25 chapter, excluding any time spent, but not any violent acts  
26 committed, in a behavioral health facility, or in confinement as a  
27 result of a criminal conviction;

28 (29) "Imminent" means the state or condition of being likely to  
29 occur at any moment or near at hand, rather than distant or remote;

30 (30) "In need of assisted outpatient treatment" refers to a  
31 person who meets the criteria for assisted outpatient treatment  
32 established under RCW 71.05.148;

33 (31) "Individualized service plan" means a plan prepared by a  
34 developmental disabilities professional with other professionals as a  
35 team, for a person with developmental disabilities, which shall  
36 state:

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

39 (b) The conditions and strategies necessary to achieve the  
40 purposes of habilitation;

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

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

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

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

11 (g) The type of residence immediately anticipated for the person  
12 and possible future types of residences;

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

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

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

22 (35) "Less restrictive alternative treatment" means a program of  
23 individualized treatment in a less restrictive setting than inpatient  
24 treatment that includes the services described in RCW 71.05.585. This  
25 term includes: Treatment pursuant to a less restrictive alternative  
26 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant  
27 to a conditional release under RCW 71.05.340; and treatment pursuant  
28 to an assisted outpatient treatment order under RCW 71.05.148;

29 (36) "Licensed physician" means a person licensed to practice  
30 medicine or osteopathic medicine and surgery in the state of  
31 Washington;

32 (37) "Likelihood of serious harm" means:

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

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

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

5 (38) "Medical clearance" means a physician or other health care  
6 provider, including an Indian health care provider, has determined  
7 that a person is medically stable and ready for referral to the  
8 designated crisis responder or facility. For a person presenting in  
9 the community, no medical clearance is required prior to  
10 investigation by a designated crisis responder;

11 (39) "Mental disorder" means any organic, mental, or emotional  
12 impairment which has substantial adverse effects on a person's  
13 cognitive or volitional functions;

14 (40) "Mental health professional" means an individual practicing  
15 within the mental health professional's statutory scope of practice  
16 who is:

17 (a) A psychiatrist, psychologist, physician assistant working  
18 with a psychiatrist who is acting as a participating physician as  
19 defined in RCW 18.71A.010, psychiatric advanced registered nurse  
20 practitioner, psychiatric nurse, or social worker, as defined in this  
21 chapter and chapter 71.34 RCW;

22 (b) A mental health counselor, mental health counselor associate,  
23 marriage and family therapist, or marriage and family therapist  
24 associate, as defined in chapter 18.225 RCW;

25 (c) A certified or licensed agency affiliated counselor, as  
26 defined in chapter 18.19 RCW; or

27 (d) A licensed psychological associate as described in chapter  
28 18.83 RCW;

29 (41) "Peace officer" means a law enforcement official of a public  
30 agency or governmental unit, and includes persons specifically given  
31 peace officer powers by any state law, local ordinance, or judicial  
32 order of appointment;

33 (42) "Physician assistant" means a person licensed as a physician  
34 assistant under chapter 18.71A RCW;

35 (43) "Private agency" means any person, partnership, corporation,  
36 or association that is not a public agency, whether or not financed  
37 in whole or in part by public funds, which constitutes an evaluation  
38 and treatment facility or private institution, or hospital, or  
39 approved substance use disorder treatment program, which is conducted

1 for, or includes a department or ward conducted for, the care and  
2 treatment of persons with behavioral health disorders;

3 (44) "Professional person" means a mental health professional,  
4 substance use disorder professional, or designated crisis responder  
5 and shall also mean a physician, physician assistant, psychiatric  
6 advanced registered nurse practitioner, registered nurse, and such  
7 others as may be defined by rules adopted by the secretary pursuant  
8 to the provisions of this chapter;

9 (45) "Psychiatric advanced registered nurse practitioner" means a  
10 person who is licensed as an advanced registered nurse practitioner  
11 pursuant to chapter 18.79 RCW; and who is board certified in advanced  
12 practice psychiatric and mental health nursing;

13 (46) "Psychiatrist" means a person having a license as a  
14 physician and surgeon in this state who has in addition completed  
15 three years of graduate training in psychiatry in a program approved  
16 by the American medical association or the American osteopathic  
17 association and is certified or eligible to be certified by the  
18 American board of psychiatry and neurology;

19 (47) "Psychologist" means a person who has been licensed as a  
20 psychologist pursuant to chapter 18.83 RCW;

21 (48) "Public agency" means any evaluation and treatment facility  
22 or institution, secure withdrawal management and stabilization  
23 facility, approved substance use disorder treatment program, or  
24 hospital which is conducted for, or includes a department or ward  
25 conducted for, the care and treatment of persons with behavioral  
26 health disorders, if the agency is operated directly by federal,  
27 state, county, or municipal government, or a combination of such  
28 governments;

29 (49) "Release" means legal termination of the commitment under  
30 the provisions of this chapter;

31 (50) "Resource management services" has the meaning given in  
32 chapter 71.24 RCW;

33 (51) "Secretary" means the secretary of the department of health,  
34 or his or her designee;

35 (52) "Secure withdrawal management and stabilization facility"  
36 means a facility operated by either a public or private agency or by  
37 the program of an agency which provides care to voluntary individuals  
38 and individuals involuntarily detained and committed under this  
39 chapter for whom there is a likelihood of serious harm or who are

1 gravely disabled due to the presence of a substance use disorder.  
2 Secure withdrawal management and stabilization facilities must:

3 (a) Provide the following services:

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

6 (ii) Clinical stabilization services;

7 (iii) Acute or subacute detoxification services for intoxicated  
8 individuals; and

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

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

16 (c) Be licensed or certified as such by the department of health;

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

20 (54) "State facility" means:

21 (a) The center for behavioral health and learning located on the  
22 University of Washington medical center northwest campus; and

23 (b) Facilities owned or operated by the department of social and  
24 health services that are not state hospitals that provide inpatient  
25 services to individuals under this chapter;

26 (55) "State hospital" means a hospital designated under RCW  
27 72.23.020;

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

34 ~~((55))~~ (57) "Substance use disorder professional" means a  
35 person certified as a substance use disorder professional by the  
36 department of health under chapter 18.205 RCW;

37 ~~((56))~~ (58) "Therapeutic court personnel" means the staff of a  
38 mental health court or other therapeutic court which has jurisdiction  
39 over defendants who are dually diagnosed with mental disorders,  
40 including court personnel, probation officers, a court monitor,

1 prosecuting attorney, or defense counsel acting within the scope of  
2 therapeutic court duties;

3 ~~((57))~~ (59) "Treatment records" include registration and all  
4 other records concerning persons who are receiving or who at any time  
5 have received services for behavioral health disorders, which are  
6 maintained by the department of social and health services, the  
7 department, the authority, behavioral health administrative services  
8 organizations and their staffs, managed care organizations and their  
9 staffs, and by treatment facilities. Treatment records include mental  
10 health information contained in a medical bill including but not  
11 limited to mental health drugs, a mental health diagnosis, provider  
12 name, and dates of service stemming from a medical service. Treatment  
13 records do not include notes or records maintained for personal use  
14 by a person providing treatment services for the department of social  
15 and health services, the department, the authority, behavioral health  
16 administrative services organizations, managed care organizations, or  
17 a treatment facility if the notes or records are not available to  
18 others;

19 ~~((58))~~ (60) "Tribe" has the same meaning as in RCW 71.24.025;

20 ~~((59))~~ (61) "Video," unless the context clearly indicates  
21 otherwise, means the delivery of behavioral health services through  
22 the use of interactive audio and video technology, permitting real-  
23 time communication between a person and a designated crisis  
24 responder, for the purpose of evaluation. "Video" does not include  
25 the use of audio-only telephone, facsimile, email, or store and  
26 forward technology. "Store and forward technology" means use of an  
27 asynchronous transmission of a person's medical information from a  
28 mental health service provider to the designated crisis responder  
29 which results in medical diagnosis, consultation, or treatment;

30 ~~((60))~~ (62) "Violent act" means behavior that resulted in  
31 homicide, attempted suicide, injury, or substantial loss or damage to  
32 property.

33 **Sec. 2.** RCW 71.05.020 and 2024 c 371 s 18, 2024 c 209 s 6, and  
34 2024 c 62 s 19 are each reenacted and amended to read as follows:

35 The definitions in this section apply throughout this chapter  
36 unless the context clearly requires otherwise.

37 (1) "23-hour crisis relief center" has the same meaning as under  
38 RCW 71.24.025;

1 (2) "Admission" or "admit" means a decision by a physician,  
2 physician assistant, or psychiatric advanced registered nurse  
3 practitioner that a person should be examined or treated as a patient  
4 in a hospital;

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

11 (4) "Antipsychotic medications" means that class of drugs  
12 primarily used to treat serious manifestations of mental illness  
13 associated with thought disorders, which includes, but is not limited  
14 to atypical antipsychotic medications;

15 (5) "Approved substance use disorder treatment program" means a  
16 program for persons with a substance use disorder provided by a  
17 treatment program certified by the department as meeting standards  
18 adopted under chapter 71.24 RCW;

19 (6) "Attending staff" means any person on the staff of a public  
20 or private agency having responsibility for the care and treatment of  
21 a patient;

22 (7) "Authority" means the Washington state health care authority;

23 (8) "Behavioral health disorder" means either a mental disorder  
24 as defined in this section, a substance use disorder as defined in  
25 this section, or a co-occurring mental disorder and substance use  
26 disorder;

27 (9) "Behavioral health service provider" means a public or  
28 private agency that provides mental health, substance use disorder,  
29 or co-occurring disorder services to persons with behavioral health  
30 disorders as defined under this section and receives funding from  
31 public sources. This includes, but is not limited to: Hospitals  
32 licensed under chapter 70.41 RCW; evaluation and treatment facilities  
33 as defined in this section; community mental health service delivery  
34 systems or community behavioral health programs as defined in RCW  
35 71.24.025; licensed or certified behavioral health agencies under RCW  
36 71.24.037; an entity with a tribal attestation that it meets minimum  
37 standards or a licensed or certified behavioral health agency as  
38 defined in RCW 71.24.025; facilities conducting competency  
39 evaluations and restoration under chapter 10.77 RCW; approved  
40 substance use disorder treatment programs as defined in this section;

1 secure withdrawal management and stabilization facilities as defined  
2 in this section; and correctional facilities operated by state,  
3 local, and tribal governments;

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

9 (11) "Commitment" means the determination by a court that a  
10 person should be detained for a period of either evaluation or  
11 treatment, or both, in an inpatient or a less restrictive setting;

12 (12) "Community behavioral health agency" has the same meaning as  
13 "licensed or certified behavioral health agency" defined in RCW  
14 71.24.025;

15 (13) "Conditional release" means a revocable modification of a  
16 commitment, which may be revoked upon violation of any of its terms;

17 (14) "Crisis stabilization unit" means a short-term facility or a  
18 portion of a facility licensed or certified by the department, such  
19 as an evaluation and treatment facility or a hospital, which has been  
20 designed to assess, diagnose, and treat individuals experiencing an  
21 acute crisis without the use of long-term hospitalization, or to  
22 determine the need for involuntary commitment of an individual;

23 (15) "Custody" means involuntary detention under the provisions  
24 of this chapter or chapter 10.77 RCW, uninterrupted by any period of  
25 unconditional release from commitment from a facility providing  
26 involuntary care and treatment;

27 (16) "Department" means the department of health;

28 (17) "Designated crisis responder" means a mental health  
29 professional appointed by the county, by an entity appointed by the  
30 county, or by the authority in consultation with a tribe or after  
31 meeting and conferring with an Indian health care provider, to  
32 perform the duties specified in this chapter;

33 (18) "Detention" or "detain" means the lawful confinement of a  
34 person, under the provisions of this chapter;

35 (19) "Developmental disabilities professional" means a person who  
36 has specialized training and three years of experience in directly  
37 treating or working with persons with developmental disabilities and  
38 is a psychiatrist, physician assistant working with a psychiatrist  
39 who is acting as a participating physician as defined in RCW  
40 18.71A.010, psychologist, psychiatric advanced registered nurse

1 practitioner, or social worker, and such other developmental  
2 disabilities professionals as may be defined by rules adopted by the  
3 secretary of the department of social and health services;

4 (20) "Developmental disability" means that condition defined in  
5 RCW 71A.10.020(6);

6 (21) "Director" means the director of the authority;

7 (22) "Discharge" means the termination of hospital medical  
8 authority. The commitment may remain in place, be terminated, or be  
9 amended by court order;

10 (23) "Drug addiction" means a disease, characterized by a  
11 dependency on psychoactive chemicals, loss of control over the amount  
12 and circumstances of use, symptoms of tolerance, physiological or  
13 psychological withdrawal, or both, if use is reduced or discontinued,  
14 and impairment of health or disruption of social or economic  
15 functioning;

16 (24) "Evaluation and treatment facility" means any facility which  
17 can provide directly, or by direct arrangement with other public or  
18 private agencies, emergency evaluation and treatment, outpatient  
19 care, and timely and appropriate inpatient care to persons suffering  
20 from a mental disorder, and which is licensed or certified as such by  
21 the department. The authority may certify single beds as temporary  
22 evaluation and treatment beds under RCW 71.05.745. A physically  
23 separate and separately operated portion of a state hospital may be  
24 designated as an evaluation and treatment facility. A facility which  
25 is part of, or operated by, the department of social and health  
26 services or any federal agency will not require certification. No  
27 correctional institution or facility, or jail, shall be an evaluation  
28 and treatment facility within the meaning of this chapter;

29 (25) "Gravely disabled" means a condition in which a person, as a  
30 result of a behavioral health disorder: (a) Is in danger of serious  
31 physical harm resulting from a failure to provide for his or her  
32 essential human needs of health or safety; or (b) manifests severe  
33 deterioration from safe behavior evidenced by repeated and escalating  
34 loss of cognitive or volitional control over his or her actions and  
35 is not receiving such care as is essential for his or her health or  
36 safety;

37 (26) "Habilitative services" means those services provided by  
38 program personnel to assist persons in acquiring and maintaining life  
39 skills and in raising their levels of physical, mental, social, and  
40 vocational functioning. Habilitative services include education,

1 training for employment, and therapy. The habilitative process shall  
2 be undertaken with recognition of the risk to the public safety  
3 presented by the person being assisted as manifested by prior charged  
4 criminal conduct;

5 (27) "Hearing" means any proceeding conducted in open court that  
6 conforms to the requirements of RCW 71.05.820;

7 (28) "History of one or more violent acts" refers to the period  
8 of time ten years prior to the filing of a petition under this  
9 chapter, excluding any time spent, but not any violent acts  
10 committed, in a behavioral health facility, or in confinement as a  
11 result of a criminal conviction;

12 (29) "Imminent" means the state or condition of being likely to  
13 occur at any moment or near at hand, rather than distant or remote;

14 (30) "In need of assisted outpatient treatment" refers to a  
15 person who meets the criteria for assisted outpatient treatment  
16 established under RCW 71.05.148;

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

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 (32) "Intoxicated person" means a person whose mental or physical  
38 functioning is substantially impaired as a result of the use of  
39 alcohol or other psychoactive chemicals;

1 (33) "Judicial commitment" means a commitment by a court pursuant  
2 to the provisions of this chapter;

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

7 (35) "Less restrictive alternative treatment" means a program of  
8 individualized treatment in a less restrictive setting than inpatient  
9 treatment that includes the services described in RCW 71.05.585. This  
10 term includes: Treatment pursuant to a less restrictive alternative  
11 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant  
12 to a conditional release under RCW 71.05.340; and treatment pursuant  
13 to an assisted outpatient treatment order under RCW 71.05.148;

14 (36) "Licensed physician" means a person licensed to practice  
15 medicine or osteopathic medicine and surgery in the state of  
16 Washington;

17 (37) "Likelihood of serious harm" means:

18 (a) A substantial risk that: (i) Physical harm will be inflicted  
19 by a person upon his or her own person, as evidenced by threats or  
20 attempts to commit suicide or inflict physical harm on oneself; (ii)  
21 physical harm will be inflicted by a person upon another, as  
22 evidenced by behavior which has caused harm, substantial pain, or  
23 which places another person or persons in reasonable fear of harm to  
24 themselves or others; or (iii) physical harm will be inflicted by a  
25 person upon the property of others, as evidenced by behavior which  
26 has caused substantial loss or damage to the property of others; or

27 (b) The person has threatened the physical safety of another and  
28 has a history of one or more violent acts;

29 (38) "Medical clearance" means a physician or other health care  
30 provider, including an Indian health care provider, has determined  
31 that a person is medically stable and ready for referral to the  
32 designated crisis responder or facility. For a person presenting in  
33 the community, no medical clearance is required prior to  
34 investigation by a designated crisis responder;

35 (39) "Mental disorder" means any organic, mental, or emotional  
36 impairment which has substantial adverse effects on a person's  
37 cognitive or volitional functions;

38 (40) "Mental health professional" means an individual practicing  
39 within the mental health professional's statutory scope of practice  
40 who is:

1 (a) A psychiatrist, psychologist, physician assistant working  
2 with a psychiatrist who is acting as a participating physician as  
3 defined in RCW 18.71A.010, psychiatric advanced registered nurse  
4 practitioner, psychiatric nurse, or social worker, as defined in this  
5 chapter and chapter 71.34 RCW;

6 (b) A mental health counselor, mental health counselor associate,  
7 marriage and family therapist, or marriage and family therapist  
8 associate, as defined in chapter 18.225 RCW;

9 (c) A certified or licensed agency affiliated counselor, as  
10 defined in chapter 18.19 RCW; or

11 (d) A licensed psychological associate as described in chapter  
12 18.83 RCW;

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

17 (42) "Physician assistant" means a person licensed as a physician  
18 assistant under chapter 18.71A RCW;

19 (43) "Private agency" means any person, partnership, corporation,  
20 or association that is not a public agency, whether or not financed  
21 in whole or in part by public funds, which constitutes an evaluation  
22 and treatment facility or private institution, or hospital, or  
23 approved substance use disorder treatment program, which is conducted  
24 for, or includes a department or ward conducted for, the care and  
25 treatment of persons with behavioral health disorders;

26 (44) "Professional person" means a mental health professional,  
27 substance use disorder professional, or designated crisis responder  
28 and shall also mean a physician, physician assistant, psychiatric  
29 advanced registered nurse practitioner, registered nurse, and such  
30 others as may be defined by rules adopted by the secretary pursuant  
31 to the provisions of this chapter;

32 (45) "Psychiatric advanced registered nurse practitioner" means a  
33 person who is licensed as an advanced registered nurse practitioner  
34 pursuant to chapter 18.79 RCW; and who is board certified in advanced  
35 practice psychiatric and mental health nursing;

36 (46) "Psychiatrist" means a person having a license as a  
37 physician and surgeon in this state who has in addition completed  
38 three years of graduate training in psychiatry in a program approved  
39 by the American medical association or the American osteopathic

1 association and is certified or eligible to be certified by the  
2 American board of psychiatry and neurology;

3 (47) "Psychologist" means a person who has been licensed as a  
4 psychologist pursuant to chapter 18.83 RCW;

5 (48) "Public agency" means any evaluation and treatment facility  
6 or institution, secure withdrawal management and stabilization  
7 facility, approved substance use disorder treatment program, or  
8 hospital which is conducted for, or includes a department or ward  
9 conducted for, the care and treatment of persons with behavioral  
10 health disorders, if the agency is operated directly by federal,  
11 state, county, or municipal government, or a combination of such  
12 governments;

13 (49) "Release" means legal termination of the commitment under  
14 the provisions of this chapter;

15 (50) "Resource management services" has the meaning given in  
16 chapter 71.24 RCW;

17 (51) "Secretary" means the secretary of the department of health,  
18 or his or her designee;

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

26 (a) Provide the following services:

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

29 (ii) Clinical stabilization services;

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

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

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

39 (c) Be licensed or certified as such by the department of health;

1 (53) "Severe deterioration from safe behavior" means that a  
2 person will, if not treated, suffer or continue to suffer severe and  
3 abnormal mental, emotional, or physical distress, and this distress  
4 is associated with significant impairment of judgment, reason, or  
5 behavior;

6 (54) "Social worker" means a person with a master's or further  
7 advanced degree from a social work educational program accredited and  
8 approved as provided in RCW 18.320.010;

9 (55) "State facility" means:

10 (a) The center for behavioral health and learning located on the  
11 University of Washington medical center northwest campus; and

12 (b) Facilities owned or operated by the department of social and  
13 health services that are not state hospitals that provide inpatient  
14 services to individuals under this chapter;

15 (56) "State hospital" means a hospital designated under RCW  
16 72.23.020;

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

23 ~~((56))~~ (58) "Substance use disorder professional" means a  
24 person certified as a substance use disorder professional by the  
25 department of health under chapter 18.205 RCW;

26 ~~((57))~~ (59) "Therapeutic court personnel" means the staff of a  
27 mental health court or other therapeutic court which has jurisdiction  
28 over defendants who are dually diagnosed with mental disorders,  
29 including court personnel, probation officers, a court monitor,  
30 prosecuting attorney, or defense counsel acting within the scope of  
31 therapeutic court duties;

32 ~~((58))~~ (60) "Treatment records" include registration and all  
33 other records concerning persons who are receiving or who at any time  
34 have received services for behavioral health disorders, which are  
35 maintained by the department of social and health services, the  
36 department, the authority, behavioral health administrative services  
37 organizations and their staffs, managed care organizations and their  
38 staffs, and by treatment facilities. Treatment records include mental  
39 health information contained in a medical bill including but not  
40 limited to mental health drugs, a mental health diagnosis, provider

1 name, and dates of service stemming from a medical service. Treatment  
2 records do not include notes or records maintained for personal use  
3 by a person providing treatment services for the department of social  
4 and health services, the department, the authority, behavioral health  
5 administrative services organizations, managed care organizations, or  
6 a treatment facility if the notes or records are not available to  
7 others;

8 ~~((+59))~~ (61) "Tribe" has the same meaning as in RCW 71.24.025;

9 ~~((+60))~~ (62) "Video," unless the context clearly indicates  
10 otherwise, means the delivery of behavioral health services through  
11 the use of interactive audio and video technology, permitting real-  
12 time communication between a person and a designated crisis  
13 responder, for the purpose of evaluation. "Video" does not include  
14 the use of audio-only telephone, facsimile, email, or store and  
15 forward technology. "Store and forward technology" means use of an  
16 asynchronous transmission of a person's medical information from a  
17 mental health service provider to the designated crisis responder  
18 which results in medical diagnosis, consultation, or treatment;

19 ~~((+61))~~ (63) "Violent act" means behavior that resulted in  
20 homicide, attempted suicide, injury, or substantial loss or damage to  
21 property.

22 **Sec. 3.** RCW 71.05.110 and 2019 c 325 s 3005 are each amended to  
23 read as follows:

24 (1) The county where the person is detained shall administer  
25 appointed counsel under this chapter, regardless of the person's  
26 county of origin. Reimbursement for the costs of such representation  
27 is specified under RCW 71.05.730. The county shall provide counsel:

28 (a) Directly;

29 (b) By contracting for that representation; or

30 (c) When an individual is detained at a state facility, by  
31 submitting a request to the health care authority to contract for  
32 such counsel with the office of public defense on the county's behalf  
33 under chapter 2.70 RCW.

34 (2) The health care authority shall notify the county within 30  
35 days of receiving notice from the office of public defense that  
36 appointed counsel cannot be provided by the office of public defense  
37 under subsection (1)(c) of this section. Upon such notice, the county  
38 shall provide appointed counsel pursuant to subsection (1)(a) or (b)  
39 of this section.

1       (3) Attorneys appointed for persons pursuant to this chapter  
2 shall be compensated for their services as follows: ~~((+1))~~ (a) The  
3 person for whom an attorney is appointed shall, if he or she is  
4 financially able pursuant to standards as to financial capability and  
5 indigency set by the superior court of the county in which the  
6 proceeding is held, bear the costs of such legal services; ~~((+2))~~  
7 (b) if such person is indigent pursuant to such standards, the  
8 behavioral health administrative services organization shall  
9 reimburse the county in which the proceeding is held for the direct  
10 costs of such legal services except when the office of public defense  
11 is providing counsel under subsection (1)(c) of this section, as  
12 provided in RCW 71.05.730.

13       (4) This section supersedes any local ordinance, charter, or  
14 rule.

15       **Sec. 4.** RCW 71.05.130 and 2015 c 258 s 4 are each amended to  
16 read as follows:

17       In any judicial proceeding for involuntary commitment or  
18 detention except under RCW 71.05.201, or in any proceeding  
19 challenging involuntary commitment or detention, the prosecuting  
20 attorney for the county in which the proceeding was initiated shall  
21 represent the individuals or agencies petitioning for commitment or  
22 detention and shall defend all challenges to such commitment or  
23 detention, except that the attorney general shall represent and  
24 provide legal services and advice to state hospitals ~~((or~~  
25 ~~institutions))~~ and state facilities with regard to all provisions of  
26 and proceedings under this chapter other than proceedings initiated  
27 by such hospitals and ~~((institutions))~~ facilities seeking ~~((fourteen~~  
28 ~~day))~~ 14-day detention.

29       **Sec. 5.** RCW 71.05.730 and 2024 c 209 s 28 are each amended to  
30 read as follows:

31       (1) A county may apply to its behavioral health administrative  
32 services organization on a quarterly basis for reimbursement of its  
33 direct costs in providing judicial services for civil commitment  
34 cases under this chapter and chapter 71.34 RCW. A tribe may apply to  
35 the authority on a quarterly basis for reimbursement of its direct  
36 costs in providing judicial services for civil commitment cases under  
37 this chapter and chapter 71.34 RCW. The behavioral health  
38 administrative services organization shall in turn be entitled to

1 reimbursement from the behavioral health administrative services  
2 organization that serves the county of residence of the individual  
3 who is the subject of the civil commitment case.

4 (2) Reimbursement for judicial services shall be provided per  
5 civil commitment case at a rate to be determined based on an  
6 independent assessment of the county's or tribe's actual direct  
7 costs. This assessment must be based on an average of the  
8 expenditures for judicial services within the county or tribe over  
9 the past three years. In the event that a baseline cannot be  
10 established because there is no significant history of similar cases  
11 within the county or tribe, the reimbursement rate shall be equal to  
12 80 percent of the median reimbursement rate of counties or tribes, if  
13 applicable included in the independent assessment.

14 (3) For the purposes of this section:

15 (a) "Civil commitment case" includes all judicial hearings  
16 related to a single episode of hospitalization or less restrictive  
17 alternative treatment, except that the filing of a petition for a one  
18 hundred eighty-day commitment under this chapter or a petition for a  
19 successive 180-day commitment under chapter 71.34 RCW shall be  
20 considered to be a new case regardless of whether there has been a  
21 break in detention. "Civil commitment case" does not include the  
22 filing of a petition for a 180-day commitment under this chapter on  
23 behalf of a patient at a state (~~psychiatric~~) hospital.

24 (b) "Judicial services" means a county's or tribe's reasonable  
25 direct costs in providing prosecutor services, assigned counsel and  
26 defense services, court services, and court clerk services for civil  
27 commitment cases under this chapter and chapter 71.34 RCW.

28 (4) In the case where a county has requested that the health care  
29 authority contract for public defense services on the county's behalf  
30 under RCW 71.05.110, the authority shall reduce the funding provided  
31 to the county's behavioral health administrative services  
32 organization equivalent to the authority's expense in contracting  
33 with the office of public defense for that representation. The  
34 county's behavioral health administrative services organization may  
35 still seek reimbursement from the behavioral health administrative  
36 services organization that serves the county of residence of the  
37 individual who is the subject of the civil commitment case under  
38 subsection (1) of this section.

39 (5) To the extent that resources have a shared purpose, the  
40 behavioral health administrative services organization may only

1 reimburse counties to the extent such resources are necessary for and  
2 devoted to judicial services as described in this section. To the  
3 extent that resources have a shared purpose, the authority may only  
4 reimburse tribes to the extent the resources are necessary for and  
5 devoted to judicial services as described in this section.

6 ~~((+5))~~ (6) No filing fee may be charged or collected for any  
7 civil commitment case subject to reimbursement under this section.

8 **Sec. 6.** RCW 71.34.020 and 2024 c 367 s 3 and 2024 c 209 s 7 are  
9 each reenacted and amended to read as follows:

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

12 (1) "23-hour crisis relief center" has the same meaning as  
13 provided in RCW 71.24.025.

14 (2) "Admission" or "admit" means a decision by a physician,  
15 physician assistant, or psychiatric advanced registered nurse  
16 practitioner that a minor should be examined or treated as a patient  
17 in a hospital.

18 (3) "Adolescent" means a minor thirteen years of age or older.

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

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

29 (6) "Approved substance use disorder treatment program" means a  
30 program for minors with substance use disorders provided by a  
31 treatment program licensed or certified by the department of health  
32 as meeting standards adopted under chapter 71.24 RCW.

33 (7) "Attending staff" means any person on the staff of a public  
34 or private agency having responsibility for the care and treatment of  
35 a minor patient.

36 (8) "Authority" means the Washington state health care authority.

37 (9) "Behavioral health administrative services organization" has  
38 the same meaning as provided in RCW 71.24.025.

1 (10) "Behavioral health disorder" means either a mental disorder  
2 as defined in this section, a substance use disorder as defined in  
3 this section, or a co-occurring mental disorder and substance use  
4 disorder.

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

10 (12) "Children's mental health specialist" means:

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

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

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

22 (14) "Conditional release" means a revocable modification of a  
23 commitment, which may be revoked upon violation of any of its terms.

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

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

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

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

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

5 (20) "Detention" or "detain" means the lawful confinement of a  
6 person, under the provisions of this chapter.

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

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

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

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

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

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

36 (27) "Gravely disabled minor" means a minor who, as a result of a  
37 behavioral health disorder, (a) is in danger of serious physical harm  
38 resulting from a failure to provide for his or her essential human  
39 needs of health or safety, or (b) manifests severe deterioration in  
40 routine functioning evidenced by repeated and escalating loss of

1 cognitive or volitional control over his or her actions and is not  
2 receiving such care as is essential for his or her health or safety.

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

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

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

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

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

21 (b) The conditions and strategies necessary to achieve the  
22 purposes of habilitation;

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

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

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

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

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

35 (32)(a) "Inpatient treatment" means twenty-four-hour-per-day  
36 mental health care provided within a general hospital, psychiatric  
37 hospital, residential treatment facility licensed or certified by the  
38 department of health as an evaluation and treatment facility for  
39 minors, secure withdrawal management and stabilization facility for

1 minors, or approved substance use disorder treatment program for  
2 minors.

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

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

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

12 (35) "Kinship caregiver" has the same meaning as in RCW  
13 74.13.031(~~((22)-(a))~~).

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

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

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

26 (39) "Likelihood of serious harm" means:

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

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

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

1 (41) "Medical clearance" means a physician or other health care  
2 provider, including an Indian health care provider, has determined  
3 that a person is medically stable and ready for referral to the  
4 designated crisis responder or facility. For a person presenting in  
5 the community, no medical clearance is required prior to  
6 investigation by a designated crisis responder.

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

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

21 (44) "Mental health professional" has the same meaning as  
22 provided in RCW 71.05.020.

23 (45) "Minor" means any person under the age of eighteen years.

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

27 (47)(a) "Parent" has the same meaning as defined in RCW  
28 26.26A.010, including either parent if custody is shared under a  
29 joint custody agreement, or a person or agency judicially appointed  
30 as legal guardian or custodian of the child.

31 (b) For purposes of family-initiated treatment under RCW  
32 71.34.600 through 71.34.670, "parent" also includes a person to whom  
33 a parent defined in (a) of this subsection has given a signed  
34 authorization to make health care decisions for the adolescent, a  
35 stepparent who is involved in caring for the adolescent, a kinship  
36 caregiver who is involved in caring for the adolescent, or another  
37 relative who is responsible for the health care of the adolescent,  
38 who may be required to provide a declaration under penalty of perjury  
39 stating that he or she is a relative responsible for the health care  
40 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises

1 between individuals authorized to act as a parent for the purpose of  
2 RCW 71.34.600 through 71.34.670, the disagreement must be resolved  
3 according to the priority established under RCW 7.70.065(2) (a).

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

8 (49) "Physician assistant" means a person licensed as a physician  
9 assistant under chapter 18.71A RCW.

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

18 (51) "Professional person in charge" or "professional person"  
19 means a physician, other mental health professional, or other person  
20 empowered by an evaluation and treatment facility, secure withdrawal  
21 management and stabilization facility, or approved substance use  
22 disorder treatment program with authority to make admission and  
23 discharge decisions on behalf of that facility.

24 (52) "Psychiatric nurse" means a registered nurse who has  
25 experience in the direct treatment of persons who have a mental  
26 illness or who are emotionally disturbed, such experience gained  
27 under the supervision of a mental health professional.

28 (53) "Psychiatrist" means a person having a license as a  
29 physician in this state who has completed residency training in  
30 psychiatry in a program approved by the American Medical Association  
31 or the American Osteopathic Association, and is board eligible or  
32 board certified in psychiatry.

33 (54) "Psychologist" means a person licensed as a psychologist  
34 under chapter 18.83 RCW.

35 (55) "Public agency" means any evaluation and treatment facility  
36 or institution, or hospital, or approved substance use disorder  
37 treatment program that is conducted for, or includes a distinct unit,  
38 floor, or ward conducted for, the care and treatment of persons with  
39 mental illness, substance use disorders, or both mental illness and  
40 substance use disorders if the agency is operated directly by

1 federal, state, county, or municipal government, or a combination of  
2 such governments.

3 (56) "Release" means legal termination of the commitment under  
4 the provisions of this chapter.

5 (57) "Resource management services" has the meaning given in  
6 chapter 71.24 RCW.

7 (58) "Responsible other" means the minor, the minor's parent or  
8 estate, or any other person legally responsible for support of the  
9 minor.

10 (59) "Secretary" means the secretary of the department or  
11 secretary's designee.

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

19 (a) Provide the following services:

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

22 (ii) Clinical stabilization services;

23 (iii) Acute or subacute detoxification services for intoxicated  
24 individuals; and

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

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

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

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

36 (62) "Start of initial detention" means the time of arrival of  
37 the minor at the first evaluation and treatment facility, secure  
38 withdrawal management and stabilization facility, or approved  
39 substance use disorder treatment program offering inpatient treatment  
40 if the minor is being involuntarily detained at the time. With regard

1 to voluntary patients, "start of initial detention" means the time at  
2 which the minor gives notice of intent to leave under the provisions  
3 of this chapter.

4 (63) "State hospital" means a hospital designated under RCW  
5 72.23.020.

6 (64) "Store and forward technology" means use of an asynchronous  
7 transmission of a person's medical information from a mental health  
8 service provider to the designated crisis responder which results in  
9 medical diagnosis, consultation, or treatment.

10 (~~(64)~~) (65) "Substance use disorder" means a cluster of  
11 cognitive, behavioral, and physiological symptoms indicating that an  
12 individual continues using the substance despite significant  
13 substance-related problems. The diagnosis of a substance use disorder  
14 is based on a pathological pattern of behaviors related to the use of  
15 the substances.

16 (~~(65)~~) (66) "Substance use disorder professional" means a  
17 person certified as a substance use disorder professional by the  
18 department of health under chapter 18.205 RCW.

19 (~~(66)~~) (67) "Therapeutic court personnel" means the staff of a  
20 mental health court or other therapeutic court which has jurisdiction  
21 over defendants who are dually diagnosed with mental disorders,  
22 including court personnel, probation officers, a court monitor,  
23 prosecuting attorney, or defense counsel acting within the scope of  
24 therapeutic court duties.

25 (~~(67)~~) (68) "Treatment records" include registration and all  
26 other records concerning persons who are receiving or who at any time  
27 have received services for mental illness, which are maintained by  
28 the department, the department of health, the authority, behavioral  
29 health organizations and their staffs, and by treatment facilities.  
30 Treatment records include mental health information contained in a  
31 medical bill including but not limited to mental health drugs, a  
32 mental health diagnosis, provider name, and dates of service stemming  
33 from a medical service. Treatment records do not include notes or  
34 records maintained for personal use by a person providing treatment  
35 services for the department, the department of health, the authority,  
36 behavioral health organizations, or a treatment facility if the notes  
37 or records are not available to others.

38 (~~(68)~~) (69) "Tribe" has the same meaning as in RCW 71.24.025.

39 (~~(69)~~) (70) "Video" means the delivery of behavioral health  
40 services through the use of interactive audio and video technology,

1 permitting real-time communication between a person and a designated  
2 crisis responder, for the purpose of evaluation. "Video" does not  
3 include the use of audio-only telephone, facsimile, email, or store  
4 and forward technology.

5 ~~((70))~~ (71) "Violent act" means behavior that resulted in  
6 homicide, attempted suicide, injury, or substantial loss or damage to  
7 property.

8 **Sec. 7.** RCW 71.34.020 and 2024 c 367 s 4 and 2024 c 209 s 8 are  
9 each reenacted and amended to read as follows:

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

12 (1) "23-hour crisis relief center" has the same meaning as  
13 provided in RCW 71.24.025.

14 (2) "Admission" or "admit" means a decision by a physician,  
15 physician assistant, or psychiatric advanced registered nurse  
16 practitioner that a minor should be examined or treated as a patient  
17 in a hospital.

18 (3) "Adolescent" means a minor thirteen years of age or older.

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

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

29 (6) "Approved substance use disorder treatment program" means a  
30 program for minors with substance use disorders provided by a  
31 treatment program licensed or certified by the department of health  
32 as meeting standards adopted under chapter 71.24 RCW.

33 (7) "Attending staff" means any person on the staff of a public  
34 or private agency having responsibility for the care and treatment of  
35 a minor patient.

36 (8) "Authority" means the Washington state health care authority.

37 (9) "Behavioral health administrative services organization" has  
38 the same meaning as provided in RCW 71.24.025.

1 (10) "Behavioral health disorder" means either a mental disorder  
2 as defined in this section, a substance use disorder as defined in  
3 this section, or a co-occurring mental disorder and substance use  
4 disorder.

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

10 (12) "Children's mental health specialist" means:

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

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

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

22 (14) "Conditional release" means a revocable modification of a  
23 commitment, which may be revoked upon violation of any of its terms.

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

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

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

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

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

5 (20) "Detention" or "detain" means the lawful confinement of a  
6 person, under the provisions of this chapter.

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

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

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

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

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

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

36 (27) "Gravely disabled minor" means a minor who, as a result of a  
37 behavioral health disorder, (a) is in danger of serious physical harm  
38 resulting from a failure to provide for his or her essential human  
39 needs of health or safety, or (b) manifests severe deterioration from  
40 safe behavior evidenced by repeated and escalating loss of cognitive

1 or volitional control over his or her actions and is not receiving  
2 such care as is essential for his or her health or safety.

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

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

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

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

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

21 (b) The conditions and strategies necessary to achieve the  
22 purposes of habilitation;

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

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

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

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

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

35 (32)(a) "Inpatient treatment" means twenty-four-hour-per-day  
36 mental health care provided within a general hospital, psychiatric  
37 hospital, residential treatment facility licensed or certified by the  
38 department of health as an evaluation and treatment facility for  
39 minors, secure withdrawal management and stabilization facility for

1 minors, or approved substance use disorder treatment program for  
2 minors.

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

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

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

12 (35) "Kinship caregiver" has the same meaning as in RCW  
13 74.13.031(~~((22)-(a))~~).

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

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

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

26 (39) "Likelihood of serious harm" means:

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

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

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

1 (41) "Medical clearance" means a physician or other health care  
2 provider, including an Indian health care provider, has determined  
3 that a person is medically stable and ready for referral to the  
4 designated crisis responder or facility. For a person presenting in  
5 the community, no medical clearance is required prior to  
6 investigation by a designated crisis responder.

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

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

21 (44) "Mental health professional" has the same meaning as  
22 provided in RCW 71.05.020.

23 (45) "Minor" means any person under the age of eighteen years.

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

27 (47)(a) "Parent" has the same meaning as defined in RCW  
28 26.26A.010, including either parent if custody is shared under a  
29 joint custody agreement, or a person or agency judicially appointed  
30 as legal guardian or custodian of the child.

31 (b) For purposes of family-initiated treatment under RCW  
32 71.34.600 through 71.34.670, "parent" also includes a person to whom  
33 a parent defined in (a) of this subsection has given a signed  
34 authorization to make health care decisions for the adolescent, a  
35 stepparent who is involved in caring for the adolescent, a kinship  
36 caregiver who is involved in caring for the adolescent, or another  
37 relative who is responsible for the health care of the adolescent,  
38 who may be required to provide a declaration under penalty of perjury  
39 stating that he or she is a relative responsible for the health care  
40 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises

1 between individuals authorized to act as a parent for the purpose of  
2 RCW 71.34.600 through 71.34.670, the disagreement must be resolved  
3 according to the priority established under RCW 7.70.065(2) (a).

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

8 (49) "Physician assistant" means a person licensed as a physician  
9 assistant under chapter 18.71A RCW.

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

18 (51) "Professional person in charge" or "professional person"  
19 means a physician, other mental health professional, or other person  
20 empowered by an evaluation and treatment facility, secure withdrawal  
21 management and stabilization facility, or approved substance use  
22 disorder treatment program with authority to make admission and  
23 discharge decisions on behalf of that facility.

24 (52) "Psychiatric nurse" means a registered nurse who has  
25 experience in the direct treatment of persons who have a mental  
26 illness or who are emotionally disturbed, such experience gained  
27 under the supervision of a mental health professional.

28 (53) "Psychiatrist" means a person having a license as a  
29 physician in this state who has completed residency training in  
30 psychiatry in a program approved by the American Medical Association  
31 or the American Osteopathic Association, and is board eligible or  
32 board certified in psychiatry.

33 (54) "Psychologist" means a person licensed as a psychologist  
34 under chapter 18.83 RCW.

35 (55) "Public agency" means any evaluation and treatment facility  
36 or institution, or hospital, or approved substance use disorder  
37 treatment program that is conducted for, or includes a distinct unit,  
38 floor, or ward conducted for, the care and treatment of persons with  
39 mental illness, substance use disorders, or both mental illness and  
40 substance use disorders if the agency is operated directly by

1 federal, state, county, or municipal government, or a combination of  
2 such governments.

3 (56) "Release" means legal termination of the commitment under  
4 the provisions of this chapter.

5 (57) "Resource management services" has the meaning given in  
6 chapter 71.24 RCW.

7 (58) "Responsible other" means the minor, the minor's parent or  
8 estate, or any other person legally responsible for support of the  
9 minor.

10 (59) "Secretary" means the secretary of the department or  
11 secretary's designee.

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

19 (a) Provide the following services:

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

22 (ii) Clinical stabilization services;

23 (iii) Acute or subacute detoxification services for intoxicated  
24 individuals; and

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

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

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

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

38 (62) "Social worker" means a person with a master's or further  
39 advanced degree from a social work educational program accredited and  
40 approved as provided in RCW 18.320.010.

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

9 (64) "State hospital" means a hospital designated under RCW  
10 72.23.020.

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

15 (~~(65)~~) (66) "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 (~~(66)~~) (67) "Substance use disorder professional" means a  
22 person certified as a substance use disorder professional by the  
23 department of health under chapter 18.205 RCW.

24 (~~(67)~~) (68) "Therapeutic court personnel" means the staff of a  
25 mental health court or other therapeutic court which has jurisdiction  
26 over defendants who are dually diagnosed with mental disorders,  
27 including court personnel, probation officers, a court monitor,  
28 prosecuting attorney, or defense counsel acting within the scope of  
29 therapeutic court duties.

30 (~~(68)~~) (69) "Treatment records" include registration and all  
31 other records concerning persons who are receiving or who at any time  
32 have received services for mental illness, which are maintained by  
33 the department, the department of health, the authority, behavioral  
34 health organizations and their staffs, and by treatment facilities.  
35 Treatment records include mental health information contained in a  
36 medical bill including but not limited to mental health drugs, a  
37 mental health diagnosis, provider name, and dates of service stemming  
38 from a medical service. Treatment records do not include notes or  
39 records maintained for personal use by a person providing treatment  
40 services for the department, the department of health, the authority,

1 behavioral health organizations, or a treatment facility if the notes  
2 or records are not available to others.

3 ~~((+69))~~ (70) "Tribe" has the same meaning as in RCW 71.24.025.

4 ~~((+70))~~ (71) "Video" means the delivery of behavioral health  
5 services through the use of interactive audio and video technology,  
6 permitting real-time communication between a person and a designated  
7 crisis responder, for the purpose of evaluation. "Video" does not  
8 include the use of audio-only telephone, facsimile, email, or store  
9 and forward technology.

10 ~~((+71))~~ (72) "Violent act" means behavior that resulted in  
11 homicide, attempted suicide, injury, or substantial loss or damage to  
12 property.

13 **Sec. 8.** RCW 72.23.010 and 2000 c 22 s 2 are each amended to read  
14 as follows:

15 The definitions in this section apply throughout this chapter,  
16 unless the context clearly requires otherwise.

17 (1) "Court" means the superior court of the state of Washington.

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

20 (3) "Employee" means an employee as defined in RCW 49.17.020.

21 (4) "Licensed physician" means an individual permitted to  
22 practice as a physician under the laws of the state, or a medical  
23 officer, similarly qualified, of the government of the United States  
24 while in this state in performance of his or her official duties.

25 (5) "Mentally ill person" means any person who, pursuant to the  
26 definitions contained in RCW 71.05.020, as a result of a mental  
27 disorder presents a likelihood of serious harm to others or himself  
28 or herself or is gravely disabled.

29 (6) "Patient" means a person under observation, care, or  
30 treatment in a state hospital, or a person found mentally ill by the  
31 court, and not discharged from a state hospital, or other facility,  
32 to which such person had been ordered hospitalized.

33 (7) "Resident" means a resident of the state of Washington.

34 (8) "Secretary" means the secretary of social and health  
35 services.

36 (9) "State hospital" means ~~((any))~~ a hospital ~~((, including a~~  
37 ~~child study and treatment center, operated and maintained by the~~  
38 ~~state of Washington for the care of the mentally ill))~~ designated  
39 under RCW 72.23.020.

1 (10) "Superintendent" means the superintendent of a state  
2 hospital.

3 (11) "Violence" or "violent act" means any physical assault or  
4 attempted physical assault against an employee or patient of a state  
5 hospital.

6 Wherever used in this chapter, the masculine shall include the  
7 feminine and the singular shall include the plural.

8 **Sec. 9.** RCW 72.23.020 and 1959 c 28 s 72.23.020 are each amended  
9 to read as follows:

10 There are hereby permanently located and established the  
11 following state hospitals: Western state hospital at Fort Steilacoom,  
12 Pierce county; eastern state hospital at Medical Lake, Spokane  
13 county; and (~~northern state hospital near Sedro Woolley, Skagit~~  
14 ~~county~~) the child study and treatment center at Fort Steilacoom,  
15 Pierce county.

16 **Sec. 10.** RCW 2.70.020 and 2024 c 294 s 1 are each amended to  
17 read as follows:

18 The director shall:

19 (1) Administer all state-funded services in the following program  
20 areas:

21 (a) Trial court criminal indigent defense, as provided in chapter  
22 10.101 RCW;

23 (b) Appellate indigent defense, as provided in this chapter and  
24 RCW 10.73.150;

25 (c) Representation of indigent parents qualified for appointed  
26 counsel in dependency and termination cases, as provided in RCW  
27 13.34.090 and 13.34.092;

28 (d) Extraordinary criminal justice cost petitions, as provided in  
29 RCW 43.330.190;

30 (e) Compilation of copies of DNA test requests by persons  
31 convicted of felonies, as provided in RCW 10.73.170;

32 (f) Representation of indigent respondents qualified for  
33 appointed counsel in sexually violent predator civil commitment  
34 cases, as provided in chapter 71.09 RCW; (~~and~~)

35 (g) Representation of indigent persons who are acquitted by  
36 reason of insanity and committed to state psychiatric care as  
37 provided in chapter 10.77 RCW; and

1       (h) At the request of the health care authority on behalf of a  
2 county under chapter 71.05 RCW, representation of indigent persons  
3 qualified for appointed counsel in involuntary commitment cases;

4       (2) Subject to availability of funds appropriated for this  
5 specific purpose, provide access to counsel for indigent persons  
6 incarcerated in a juvenile rehabilitation or adult correctional  
7 facility to file and prosecute a first, timely personal restraint  
8 petition under RCW 10.73.150. The office shall establish eligibility  
9 criteria that prioritize access to counsel for youth under age 25,  
10 youth or adults with sentences in excess of 120 months, youth or  
11 adults with disabilities, and youth or adults with limited English  
12 proficiency. Nothing in this subsection creates an entitlement to  
13 counsel at state expense to file a personal restraint petition;

14       (3) Subject to the availability of funds appropriated for this  
15 specific purpose, appoint counsel to petition the sentencing court if  
16 the legislature creates an ability to petition the sentencing court,  
17 or appoint counsel to challenge a conviction or sentence if a final  
18 decision of an appellate court creates the ability to challenge a  
19 conviction or sentence. Nothing in this subsection creates an  
20 entitlement to counsel at state expense to petition the sentencing  
21 court;

22       (4) Provide access to attorneys for juveniles contacted by a law  
23 enforcement officer for whom a legal consultation is required under  
24 RCW 13.40.740;

25       (5) Submit a biennial budget for all costs related to the  
26 office's program areas;

27       (6) Establish administrative procedures, standards, and  
28 guidelines for the office's program areas, including cost-efficient  
29 systems that provide for authorized recovery of costs;

30       (7) Provide oversight and technical assistance to ensure the  
31 effective and efficient delivery of services in the office's program  
32 areas;

33       (8) Recommend criteria and standards for determining and  
34 verifying indigency. In recommending criteria for determining  
35 indigency, the director shall compile and review the indigency  
36 standards used by other state agencies and shall periodically submit  
37 the compilation and report to the legislature on the appropriateness  
38 and consistency of such standards;

1 (9) Collect information regarding indigent defense services  
2 funded by the state and report annually to the advisory committee,  
3 the legislature, and the supreme court;

4 (10) Coordinate with the supreme court and the judges of each  
5 division of the court of appeals to determine how appellate attorney  
6 services should be provided.

7 **Sec. 11.** RCW 2.70.023 and 2024 c 294 s 2 are each amended to  
8 read as follows:

9 (1) Except as otherwise provided in this section, the office of  
10 public defense shall not provide direct representation of clients.

11 (2) In order to protect and preserve client rights when  
12 administering the office's statutory duties to provide initial  
13 telephonic or video consultation services, managing and supervising  
14 attorneys of the office of public defense who meet applicable public  
15 defense qualifications may provide limited short-term coverage for  
16 the consultation services if office of public defense contracted  
17 counsel is unavailable to provide the consultation services. The  
18 office shall provide services in a manner consistent with the rules  
19 of professional conduct, chapter 42.52 RCW, and applicable policies  
20 of the office of public defense.

21 (3) The office of public defense may facilitate and supervise  
22 placement of law clerks, externs, and interns with office of public  
23 defense contracted counsel, in a manner consistent with the  
24 Washington admission and practice rules, the rules of professional  
25 conduct, chapter 42.52 RCW, and applicable policies of the office of  
26 public defense.

27 (4) Employees of the office of public defense may provide pro  
28 bono legal services in a manner consistent with the rules of  
29 professional conduct, chapter 42.52 RCW, and applicable policies of  
30 the office of public defense. The policies of the office of public  
31 defense must require that employees providing pro bono legal services  
32 obtain and provide to the office a written statement, signed by any  
33 pro bono client, acknowledging that:

34 (a) The pro bono legal services are provided by the employee  
35 acting in the employee's personal capacity and not as an employee of  
36 the office of public defense; and

37 (b) The state of Washington may not be held liable for any claim  
38 arising from the provision of pro bono legal services by the  
39 employees of the office of public defense.

1 The office of public defense shall retain the written statements  
2 in a manner consistent with records relating to potential conflicts  
3 of interest.

4 (5) The office of public defense shall provide public defense  
5 services for indigent persons qualified for appointed counsel in  
6 involuntary commitment cases under chapter 71.05 RCW at the request  
7 of the health care authority on behalf of a county, either directly  
8 or by contracting with persons admitted to practice law in this state  
9 or organizations that employ persons admitted to practice law in this  
10 state, using funds provided by the county pursuant to RCW 71.05.110.

11 NEW SECTION. Sec. 12. The following acts or parts of acts are  
12 each repealed:

- 13 (1) 2024 c 62 s 26; and  
14 (2) 2024 c 62 s 27.

15 NEW SECTION. Sec. 13. Section 1 of this act expires when  
16 section 2 of this act takes effect.

17 NEW SECTION. Sec. 14. Section 2 of this act takes effect when  
18 the contingency in section 26, chapter 433, Laws of 2023 takes  
19 effect.

20 NEW SECTION. Sec. 15. Section 6 of this act expires when  
21 section 7 of this act takes effect.

22 NEW SECTION. Sec. 16. Section 7 of this act takes effect when  
23 the contingency in section 13, chapter 433, Laws of 2023 takes  
24 effect.

25 NEW SECTION. Sec. 17. This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of  
27 the state government and its existing public institutions, and takes  
28 effect immediately."

**2SSB 5745 - S AMD 135**  
By Senator Dhingra

**ADOPTED 03/10/2025**

1        On page 1, line 2 of the title, after "act;" strike the remainder  
2 of the title and insert "amending RCW 71.05.110, 71.05.130,  
3 71.05.730, 72.23.010, 72.23.020, 2.70.020, and 2.70.023; reenacting  
4 and amending RCW 71.05.020, 71.05.020, 71.34.020, and 71.34.020;  
5 repealing 2024 c 62 ss 26 and 27; providing contingent effective  
6 dates; providing contingent expiration dates; and declaring an  
7 emergency."

EFFECT: (1) Requires the Health Care Authority to notify a county within 30 days of receiving notice from the Office of Public Defense that appointed counsel cannot be provided through a contract with the Office of Public Defense and requires counties to provide appointed counsel through alternative methods upon such notice.

(2) Clarifies that the Office of Public Defense's responsibility to provide public defense services to indigent persons qualified for appointed counsel under the Involuntary Treatment Act applies only to adults.

(3) Clarifies that a county's behavioral health administrative services organization is not responsible for reimbursing the county for direct costs of appointed counsel if the Office of Public Defense is providing counsel.

(4) Defines state facilities and clarifies that state facilities do not include state hospitals.

--- END ---