

---

HOUSE BILL 1787

---

State of Washington

69th Legislature

2025 Regular Session

By Representatives Griffey, Couture, Jacobsen, Connors, Schmidt, Barnard, McClintock, Eslick, Ley, and Barkis

Read first time 02/03/25. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to updating the involuntary treatment commitment  
2 standards for individuals suffering from a substance use disorder to  
3 ensure the safety and well-being of our communities; reenacting and  
4 amending RCW 71.05.020, 71.34.020, and 71.34.020; adding a new  
5 section to chapter 71.05 RCW; creating a new section; providing an  
6 effective date; and providing contingent expiration dates.

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

8 NEW SECTION. **Sec. 1.** The legislature recognizes the immediate  
9 and present dangers of the substance use crisis in Washington state.  
10 Soaring substance use rates have served as a leading contributor to  
11 increases in crime and homelessness which is plaguing communities  
12 throughout our state. While the legislature has taken steps to  
13 address this crisis through the passage of Ricky's law and dedicating  
14 increased funding for building treatment capacity, the substance use  
15 problem only continues to grow. In recognition of this crisis, the  
16 legislature intends to fully implement new standards for involuntary  
17 treatment commitment for individuals suffering from substance use  
18 disorder who are an immediate danger to the community or themselves.  
19 The legislature and mental health professionals recognized the need  
20 for new involuntary treatment commitment standards upon passage of  
21 chapter 302, Laws of 2020, yet these commitment standards have yet to

1 be implemented resulting in an inability for local governments to  
2 ensure that each and every individual suffering from a substance use  
3 disorder who are a severe threat to the community or themselves are  
4 able to receive necessary treatment.

5 The legislature also recognizes that the substance use crisis in  
6 Washington state is geographically widespread and not isolated to  
7 only urban communities, and continues to permeate throughout all  
8 Washington communities. Therefore, the legislature intends to  
9 appropriate additional funding for secure withdrawal management and  
10 stabilization facilities in order to build the capacity of treatment  
11 beds necessary to ensure each community throughout Washington state  
12 has the resources to address the substance use crisis. The  
13 legislature finds that communities who are geographically isolated  
14 from these facilities face challenges in their ability to refer those  
15 suffering from substance use disorder to existing facilities, leading  
16 to either limited ability to commit these individuals for treatment  
17 or placement in a facility not intended for proper substance use  
18 treatment. The perpetuation of this practice has wreaked havoc on  
19 communities throughout Washington state. Furthermore, the legislature  
20 intends to double the current secure withdrawal management and  
21 stabilization facility bed count through incentivizing the creation  
22 of these facilities in areas lacking capacity as identified by the  
23 health care authority single bed certification and unavailable  
24 detention facility reports. This increased treatment capacity is  
25 intended to ensure that the increased population of those detained  
26 under these new involuntary treatment commitment standards for  
27 substance use disorder have access to the proper treatment  
28 facilities, and ensures that all communities throughout Washington  
29 state have access to these facilities.

30 **Sec. 2.** RCW 71.05.020 and 2024 c 371 s 17, 2024 c 209 s 5, and  
31 2024 c 62 s 18 are each reenacted and amended to read as follows:

32 The definitions in this section apply throughout this chapter  
33 unless the context clearly requires otherwise.

34 (1) "23-hour crisis relief center" has the same meaning as under  
35 RCW 71.24.025;

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

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

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

11 (5) "Approved substance use disorder treatment program" means a  
12 program for persons with a substance use disorder provided by a  
13 treatment program certified by the department as meeting standards  
14 adopted under chapter 71.24 RCW;

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

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

19 (8) "Behavioral health disorder" means either a mental disorder  
20 as defined in this section, a substance use disorder as defined in  
21 this section, or a co-occurring mental disorder and substance use  
22 disorder;

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

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

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

9 (12) "Community behavioral health agency" has the same meaning as  
10 "licensed or certified behavioral health agency" defined in RCW  
11 71.24.025;

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

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

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

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

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

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

32 (19) "Developmental disabilities professional" means a person who  
33 has specialized training and three years of experience in directly  
34 treating or working with persons with developmental disabilities and  
35 is a psychiatrist, physician assistant working with a psychiatrist  
36 who is acting as a participating physician as defined in RCW  
37 18.71A.010, psychologist, psychiatric advanced registered nurse  
38 practitioner, or social worker, and such other developmental  
39 disabilities professionals as may be defined by rules adopted by the  
40 secretary of the department of social and health services;

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

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

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

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

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

26 (25) "Gravely disabled" means a condition in which a person(~~(7~~  
27 ~~as))~~);

28 (a) As a result of a ((behavioral health)) mental disorder:  
29 ~~((a))~~ (i) Is in danger of serious physical harm resulting from a  
30 failure to provide for his or her essential human needs of health or  
31 safety; or ((b)) (ii) manifests severe deterioration in routine  
32 functioning evidenced by repeated and escalating loss of cognitive or  
33 volitional control over his or her actions and is not receiving such  
34 care as is essential for his or her health or safety; or

35 (b) As a result of a substance use disorder: (i) Is in danger of  
36 serious physical harm resulting from a failure to provide for his or  
37 her essential human needs of health or safety; or (ii) manifests  
38 severe deterioration from safe behavior evidenced by repeated and  
39 escalating loss of cognitive or volitional control over his or her

1 actions and is not receiving such care as is essential for his or her  
2 health or safety;

3 (26) "Habilitative services" means those services provided by  
4 program personnel to assist persons in acquiring and maintaining life  
5 skills and in raising their levels of physical, mental, social, and  
6 vocational functioning. Habilitative services include education,  
7 training for employment, and therapy. The habilitative process shall  
8 be undertaken with recognition of the risk to the public safety  
9 presented by the person being assisted as manifested by prior charged  
10 criminal conduct;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (36) "Licensed physician" means a person licensed to practice  
20 medicine or osteopathic medicine and surgery in the state of  
21 Washington;

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

23 (a) With respect to a person with a mental disorder:

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

34 ~~((+b+))~~ (ii) The person has threatened the physical safety of  
35 another and has a history of one or more violent acts; or

36 (b) With respect to a person with a substance use disorder:

37 (i) A substantial risk that: (A) Physical harm will be inflicted  
38 by a person upon his or her own person, as evidenced by threats or  
39 attempts to commit suicide or inflict physical harm on oneself; (B)  
40 physical harm will be inflicted by a person upon another, as

1 evidenced by behavior which has caused harm, substantial pain, or  
2 which places another person or persons in reasonable fear of harm to  
3 themselves or others; or (C) physical harm will be inflicted by a  
4 person upon the property of others, as evidenced by behavior which  
5 has caused substantial loss or damage to the property of others; or  
6 (ii) The person has threatened the physical safety of another and  
7 has a history of one or more violent acts;

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

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

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

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

25 (b) A mental health counselor, mental health counselor associate,  
26 marriage and family therapist, or marriage and family therapist  
27 associate, as defined in chapter 18.225 RCW;

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

30 (d) A licensed psychological associate as described in chapter  
31 18.83 RCW;

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

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

38 (43) "Private agency" means any person, partnership, corporation,  
39 or association that is not a public agency, whether or not financed  
40 in whole or in part by public funds, which constitutes an evaluation



1 and treatment facility or private institution, or hospital, or  
2 approved substance use disorder treatment program, which is conducted  
3 for, or includes a department or ward conducted for, the care and  
4 treatment of persons with behavioral health disorders;

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

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

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

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

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

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

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

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

37 (52) "Secure withdrawal management and stabilization facility"  
38 means a facility operated by either a public or private agency or by  
39 the program of an agency which provides care to voluntary individuals  
40 and individuals involuntarily detained and committed under this

1 chapter for whom there is a likelihood of serious harm or who are  
2 gravely disabled due to the presence of a substance use disorder.  
3 Secure withdrawal management and stabilization facilities must:

4 (a) Provide the following services:

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

7 (ii) Clinical stabilization services;

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

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

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

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

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

21 (54) "Severe deterioration from safe behavior" means that a  
22 person will, if not treated, suffer or continue to suffer severe and  
23 abnormal mental, emotional, or physical distress, and this distress  
24 is associated with significant impairment of judgment, reason, or  
25 behavior;

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

32 ((+55+)) (56) "Substance use disorder professional" means a  
33 person certified as a substance use disorder professional by the  
34 department of health under chapter 18.205 RCW;

35 ((+56+)) (57) "Therapeutic court personnel" means the staff of a  
36 mental health court or other therapeutic court which has jurisdiction  
37 over defendants who are dually diagnosed with mental disorders,  
38 including court personnel, probation officers, a court monitor,  
39 prosecuting attorney, or defense counsel acting within the scope of  
40 therapeutic court duties;

1       (~~(57)~~) (58) "Treatment records" include registration and all  
2 other records concerning persons who are receiving or who at any time  
3 have received services for behavioral health disorders, which are  
4 maintained by the department of social and health services, the  
5 department, the authority, behavioral health administrative services  
6 organizations and their staffs, managed care organizations and their  
7 staffs, and by treatment facilities. Treatment records include mental  
8 health information contained in a medical bill including but not  
9 limited to mental health drugs, a mental health diagnosis, provider  
10 name, and dates of service stemming from a medical service. Treatment  
11 records do not include notes or records maintained for personal use  
12 by a person providing treatment services for the department of social  
13 and health services, the department, the authority, behavioral health  
14 administrative services organizations, managed care organizations, or  
15 a treatment facility if the notes or records are not available to  
16 others;

17       (~~(58)~~) (59) "Tribe" has the same meaning as in RCW 71.24.025;

18       (~~(59)~~) (60) "Video," unless the context clearly indicates  
19 otherwise, means the delivery of behavioral health services through  
20 the use of interactive audio and video technology, permitting real-  
21 time communication between a person and a designated crisis  
22 responder, for the purpose of evaluation. "Video" does not include  
23 the use of audio-only telephone, facsimile, email, or store and  
24 forward technology. "Store and forward technology" means use of an  
25 asynchronous transmission of a person's medical information from a  
26 mental health service provider to the designated crisis responder  
27 which results in medical diagnosis, consultation, or treatment;

28       (~~(60)~~) (61) "Violent act" means behavior that resulted in  
29 homicide, attempted suicide, injury, or substantial loss or damage to  
30 property.

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

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

35       (1) "23-hour crisis relief center" has the same meaning as  
36 provided in RCW 71.24.025.

37       (2) "Admission" or "admit" means a decision by a physician,  
38 physician assistant, or psychiatric advanced registered nurse

1 practitioner that a minor should be examined or treated as a patient  
2 in a hospital.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (15) "Co-occurring disorder specialist" means an individual  
8 possessing an enhancement granted by the department of health under  
9 chapter 18.205 RCW that certifies the individual to provide substance  
10 use disorder counseling subject to the practice limitations under RCW  
11 18.205.105.

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

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

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

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

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

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

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

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

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

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

15 (26) "Evaluation and treatment program" means the total system of  
16 services and facilities coordinated and approved by a county or  
17 combination of counties for the evaluation and treatment of minors  
18 under this chapter.

19 (27) "Gravely disabled minor" means a minor who(~~(7-as)~~):

20 (a) As a result of a ((behavioral health)) mental disorder,  
21 ((a)) (i) is in danger of serious physical harm resulting from a  
22 failure to provide for his or her essential human needs of health or  
23 safety, or ((b)) (ii) manifests severe deterioration in routine  
24 functioning evidenced by repeated and escalating loss of cognitive or  
25 volitional control over his or her actions and is not receiving such  
26 care as is essential for his or her health or safety; or

27 (b) As a result of a substance use disorder, (i) is in danger of  
28 serious physical harm resulting from a failure to provide for his or  
29 her essential human needs of health or safety, or (ii) manifests  
30 severe deterioration from safe behavior evidenced by repeated and  
31 escalating loss of cognitive or volitional control over his or her  
32 actions and is not receiving such care as is essential for his or her  
33 health or safety.

34 (28) "Habilitative services" means those services provided by  
35 program personnel to assist minors in acquiring and maintaining life  
36 skills and in raising their levels of physical, behavioral, social,  
37 and vocational functioning. Habilitative services include education,  
38 training for employment, and therapy.

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

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

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

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

12 (b) The conditions and strategies necessary to achieve the  
13 purposes of habilitation;

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

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

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

19 (f) Where relevant in light of past criminal behavior and due  
20 consideration for public safety, the criteria for proposed movement  
21 to less-restrictive settings, criteria for proposed eventual  
22 discharge or release, and a projected possible date for discharge or  
23 release; and

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

26 (32)(a) "Inpatient treatment" means twenty-four-hour-per-day  
27 mental health care provided within a general hospital, psychiatric  
28 hospital, residential treatment facility licensed or certified by the  
29 department of health as an evaluation and treatment facility for  
30 minors, secure withdrawal management and stabilization facility for  
31 minors, or approved substance use disorder treatment program for  
32 minors.

33 (b) For purposes of family-initiated treatment under RCW  
34 71.34.600 through 71.34.670, "inpatient treatment" has the meaning  
35 included in (a) of this subsection and any other residential  
36 treatment facility licensed under chapter 71.12 RCW.

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

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

3 (35) "Kinship caregiver" has the same meaning as in RCW  
4 74.13.031(~~((22)(a))~~).

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

9 (37) "Less restrictive alternative" or "less restrictive setting"  
10 means outpatient treatment provided to a minor as a program of  
11 individualized treatment in a less restrictive setting than inpatient  
12 treatment that includes the services described in RCW 71.34.755,  
13 including residential treatment.

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

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

18 (a) With respect to a minor with a mental disorder:

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

29 (~~((b))~~) (ii) The minor has threatened the physical safety of  
30 another and has a history of one or more violent acts; or

31 (b) With respect to a minor with a substance use disorder:

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



1        (ii) The minor has threatened the physical safety of another and  
2 has a history of one or more violent acts.

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

5        (41) "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        (42) "Medical necessity" for inpatient care means a requested  
12 service which is reasonably calculated to: (a) Diagnose, correct,  
13 cure, or alleviate a mental disorder or substance use disorder; or  
14 (b) prevent the progression of a mental disorder or substance use  
15 disorder that endangers life or causes suffering and pain, or results  
16 in illness or infirmity or threatens to cause or aggravate a  
17 disability, or causes physical deformity or malfunction, and there is  
18 no adequate less restrictive alternative available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (55) "Public agency" means any evaluation and treatment facility  
40 or institution, or hospital, or approved substance use disorder

1 treatment program that is conducted for, or includes a distinct unit,  
2 floor, or ward conducted for, the care and treatment of persons with  
3 mental illness, substance use disorders, or both mental illness and  
4 substance use disorders if the agency is operated directly by  
5 federal, state, county, or municipal government, or a combination of  
6 such governments.

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

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

11 (58) "Responsible other" means the minor, the minor's parent or  
12 estate, or any other person legally responsible for support of the  
13 minor.

14 (59) "Secretary" means the secretary of the department or  
15 secretary's designee.

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

23 (a) Provide the following services:

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

26 (ii) Clinical stabilization services;

27 (iii) Acute or subacute detoxification services for intoxicated  
28 individuals; and

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

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

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

37 (61) "Severe deterioration from safe behavior" means that a  
38 person will, if not treated, suffer or continue to suffer severe and  
39 abnormal mental, emotional, or physical distress, and this distress

1 is associated with significant impairment of judgment, reason, or  
2 behavior.

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

6 ~~((62))~~ (63) "Start of initial detention" means the time of  
7 arrival of the minor at the first evaluation and treatment facility,  
8 secure withdrawal management and stabilization facility, or approved  
9 substance use disorder treatment program offering inpatient treatment  
10 if the minor is being involuntarily detained at the time. With regard  
11 to voluntary patients, "start of initial detention" means the time at  
12 which the minor gives notice of intent to leave under the provisions  
13 of this chapter.

14 ~~((63))~~ (64) "Store and forward technology" means use of an  
15 asynchronous transmission of a person's medical information from a  
16 mental health service provider to the designated crisis responder  
17 which results in medical diagnosis, consultation, or treatment.

18 ~~((64))~~ (65) "Substance use disorder" means a cluster of  
19 cognitive, behavioral, and physiological symptoms indicating that an  
20 individual continues using the substance despite significant  
21 substance-related problems. The diagnosis of a substance use disorder  
22 is based on a pathological pattern of behaviors related to the use of  
23 the substances.

24 ~~((65))~~ (66) "Substance use disorder professional" means a  
25 person certified as a substance use disorder professional by the  
26 department of health under chapter 18.205 RCW.

27 ~~((66))~~ (67) "Therapeutic court personnel" means the staff of a  
28 mental health court or other therapeutic court which has jurisdiction  
29 over defendants who are dually diagnosed with mental disorders,  
30 including court personnel, probation officers, a court monitor,  
31 prosecuting attorney, or defense counsel acting within the scope of  
32 therapeutic court duties.

33 ~~((67))~~ (68) "Treatment records" include registration and all  
34 other records concerning persons who are receiving or who at any time  
35 have received services for mental illness, which are maintained by  
36 the department, the department of health, the authority, behavioral  
37 health organizations and their staffs, and by treatment facilities.  
38 Treatment records include mental health information contained in a  
39 medical bill including but not limited to mental health drugs, a  
40 mental health diagnosis, provider name, and dates of service stemming

1 from a medical service. Treatment records do not include notes or  
2 records maintained for personal use by a person providing treatment  
3 services for the department, the department of health, the authority,  
4 behavioral health organizations, or a treatment facility if the notes  
5 or records are not available to others.

6 ~~((68))~~ (69) "Tribe" has the same meaning as in RCW 71.24.025.

7 ~~((69))~~ (70) "Video" means the delivery of behavioral health  
8 services through the use of interactive audio and video technology,  
9 permitting real-time communication between a person and a designated  
10 crisis responder, for the purpose of evaluation. "Video" does not  
11 include the use of audio-only telephone, facsimile, email, or store  
12 and forward technology.

13 ~~((70))~~ (71) "Violent act" means behavior that resulted in  
14 homicide, attempted suicide, injury, or substantial loss or damage to  
15 property.

16 **Sec. 4.** RCW 71.34.020 and 2024 c 209 s 7 and 2024 c 62 s 26 are  
17 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 hospitalization, or to determine the need for involuntary commitment  
2 of an individual.

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

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

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

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

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

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

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

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

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

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

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

3 (26) "Gravely disabled minor" means a minor who(~~(7-as)~~):

4 (a) As a result of a ((behavioral health)) mental disorder,  
5 ((a)) (i) is in danger of serious physical harm resulting from a  
6 failure to provide for his or her essential human needs of health or  
7 safety, or ((b)) (ii) manifests severe deterioration in routine  
8 functioning evidenced by repeated and escalating loss of cognitive or  
9 volitional control over his or her actions and is not receiving such  
10 care as is essential for his or her health or safety; or

11 (b) As a result of a substance use disorder, (i) is in danger of  
12 serious physical harm resulting from a failure to provide for his or  
13 her essential human needs of health or safety, or (ii) manifests  
14 severe deterioration from safe behavior evidenced by repeated and  
15 escalating loss of cognitive or volitional control over his or her  
16 actions and is not receiving such care as is essential for his or her  
17 health or safety.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

2 (a) With respect to a minor with a mental disorder:

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

13 ((-b-)) (ii) The minor has threatened the physical safety of  
14 another and has a history of one or more violent acts; or

15 (b) With respect to a minor with a substance use disorder:

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

25 (ii) The minor has threatened the physical safety of another and  
26 has a history of one or more violent acts.

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

29 (40) "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 (41) "Medical necessity" for inpatient care means a requested  
36 service which is reasonably calculated to: (a) Diagnose, correct,  
37 cure, or alleviate a mental disorder or substance use disorder; or  
38 (b) prevent the progression of a mental disorder or substance use  
39 disorder that endangers life or causes suffering and pain, or results  
40 in illness or infirmity or threatens to cause or aggravate a

1 disability, or causes physical deformity or malfunction, and there is  
2 no adequate less restrictive alternative available.

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

9 (43) "Mental health professional" means a psychiatrist,  
10 psychiatric advanced registered nurse practitioner, physician  
11 assistant working with a psychiatrist who is acting as a  
12 participating physician as defined in RCW 18.71A.010, psychologist,  
13 psychiatric nurse, social worker, and such other mental health  
14 professionals as defined by rules adopted by the secretary of the  
15 department of health under this chapter.

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

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

20 (46)(a) "Parent" has the same meaning as defined in RCW  
21 26.26A.010, including either parent if custody is shared under a  
22 joint custody agreement, or a person or agency judicially appointed  
23 as legal guardian or custodian of the child.

24 (b) For purposes of family-initiated treatment under RCW  
25 71.34.600 through 71.34.670, "parent" also includes a person to whom  
26 a parent defined in (a) of this subsection has given a signed  
27 authorization to make health care decisions for the adolescent, a  
28 stepparent who is involved in caring for the adolescent, a kinship  
29 caregiver who is involved in caring for the adolescent, or another  
30 relative who is responsible for the health care of the adolescent,  
31 who may be required to provide a declaration under penalty of perjury  
32 stating that he or she is a relative responsible for the health care  
33 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises  
34 between individuals authorized to act as a parent for the purpose of  
35 RCW 71.34.600 through 71.34.670, the disagreement must be resolved  
36 according to the priority established under RCW 7.70.065(2)(a).

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

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

3 (49) "Private agency" means any person, partnership, corporation,  
4 or association that is not a public agency, whether or not financed  
5 in whole or in part by public funds, that constitutes an evaluation  
6 and treatment facility or private institution, or hospital, or  
7 approved substance use disorder treatment program, that is conducted  
8 for, or includes a distinct unit, floor, or ward conducted for, the  
9 care and treatment of persons with mental illness, substance use  
10 disorders, or both mental illness and substance use disorders.

11 (50) "Professional person in charge" or "professional person"  
12 means a physician, other mental health professional, or other person  
13 empowered by an evaluation and treatment facility, secure withdrawal  
14 management and stabilization facility, or approved substance use  
15 disorder treatment program with authority to make admission and  
16 discharge decisions on behalf of that facility.

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

21 (52) "Psychiatrist" means a person having a license as a  
22 physician in this state who has completed residency training in  
23 psychiatry in a program approved by the American Medical Association  
24 or the American Osteopathic Association, and is board eligible or  
25 board certified in psychiatry.

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

28 (54) "Public agency" means any evaluation and treatment facility  
29 or institution, or hospital, or approved substance use disorder  
30 treatment program that is conducted for, or includes a distinct unit,  
31 floor, or ward conducted for, the care and treatment of persons with  
32 mental illness, substance use disorders, or both mental illness and  
33 substance use disorders if the agency is operated directly by  
34 federal, state, county, or municipal government, or a combination of  
35 such governments.

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

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

1 (57) "Responsible other" means the minor, the minor's parent or  
2 estate, or any other person legally responsible for support of the  
3 minor.

4 (58) "Secretary" means the secretary of the department or  
5 secretary's designee.

6 (59) "Secure withdrawal management and stabilization facility"  
7 means a facility operated by either a public or private agency or by  
8 the program of an agency which provides care to voluntary individuals  
9 and individuals involuntarily detained and committed under this  
10 chapter for whom there is a likelihood of serious harm or who are  
11 gravely disabled due to the presence of a substance use disorder.  
12 Secure withdrawal management and stabilization facilities must:

13 (a) Provide the following services:

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

16 (ii) Clinical stabilization services;

17 (iii) Acute or subacute detoxification services for intoxicated  
18 individuals; and

19 (iv) Discharge assistance provided by certified substance use  
20 disorder professionals or co-occurring disorder specialists,  
21 including facilitating transitions to appropriate voluntary or  
22 involuntary inpatient services or to less restrictive alternatives as  
23 appropriate for the individual;

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

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

27 (60) "Severe deterioration from safe behavior" means that a  
28 person will, if not treated, suffer or continue to suffer severe and  
29 abnormal mental, emotional, or physical distress, and this distress  
30 is associated with significant impairment of judgment, reason, or  
31 behavior.

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

35 ((+61)) (62) "Start of initial detention" means the time of  
36 arrival of the minor at the first evaluation and treatment facility,  
37 secure withdrawal management and stabilization facility, or approved  
38 substance use disorder treatment program offering inpatient treatment  
39 if the minor is being involuntarily detained at the time. With regard  
40 to voluntary patients, "start of initial detention" means the time at

1 which the minor gives notice of intent to leave under the provisions  
2 of this chapter.

3 ~~((+62))~~ (63) "Store and forward technology" means use of an  
4 asynchronous transmission of a person's medical information from a  
5 mental health service provider to the designated crisis responder  
6 which results in medical diagnosis, consultation, or treatment.

7 ~~((+63))~~ (64) "Substance use disorder" means a cluster of  
8 cognitive, behavioral, and physiological symptoms indicating that an  
9 individual continues using the substance despite significant  
10 substance-related problems. The diagnosis of a substance use disorder  
11 is based on a pathological pattern of behaviors related to the use of  
12 the substances.

13 ~~((+64))~~ (65) "Substance use disorder professional" means a  
14 person certified as a substance use disorder professional by the  
15 department of health under chapter 18.205 RCW.

16 ~~((+65))~~ (66) "Therapeutic court personnel" means the staff of a  
17 mental health court or other therapeutic court which has jurisdiction  
18 over defendants who are dually diagnosed with mental disorders,  
19 including court personnel, probation officers, a court monitor,  
20 prosecuting attorney, or defense counsel acting within the scope of  
21 therapeutic court duties.

22 ~~((+66))~~ (67) "Treatment records" include registration and all  
23 other records concerning persons who are receiving or who at any time  
24 have received services for mental illness, which are maintained by  
25 the department, the department of health, the authority, behavioral  
26 health organizations and their staffs, and by treatment facilities.  
27 Treatment records include mental health information contained in a  
28 medical bill including but not limited to mental health drugs, a  
29 mental health diagnosis, provider name, and dates of service stemming  
30 from a medical service. Treatment records do not include notes or  
31 records maintained for personal use by a person providing treatment  
32 services for the department, the department of health, the authority,  
33 behavioral health organizations, or a treatment facility if the notes  
34 or records are not available to others.

35 ~~((+67))~~ (68) "Tribe" has the same meaning as in RCW 71.24.025.

36 ~~((+68))~~ (69) "Video" means the delivery of behavioral health  
37 services through the use of interactive audio and video technology,  
38 permitting real-time communication between a person and a designated  
39 crisis responder, for the purpose of evaluation. "Video" does not

1 include the use of audio-only telephone, facsimile, email, or store  
2 and forward technology.

3 ~~((69))~~ (70) "Violent act" means behavior that resulted in  
4 homicide, attempted suicide, injury, or substantial loss or damage to  
5 property.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.05  
7 RCW to read as follows:

8 The substance use disorder treatment facilities construction  
9 account is created in the state treasury. The account shall consist  
10 of funds appropriated by the legislature. Moneys in the account may  
11 be spent only after appropriation. Expenditures from the account may  
12 be used only to support the siting, design, and construction of  
13 secure withdrawal management and stabilization facilities. Any  
14 facilities sited or constructed with funds appropriated from the  
15 account must be sited in a county with the highest level of single  
16 bed certifications according to authority reports, a county with a  
17 population of over 500,000 located on the east side of the crest of  
18 the Cascade mountains, or a county located on the west side of the  
19 crest of the Cascade mountains that shares a land border with Canada.

20 NEW SECTION. **Sec. 6.** Section 2 of this act expires when section  
21 18, chapter 371, Laws of 2024 takes effect.

22 NEW SECTION. **Sec. 7.** Sections 3 and 4 of this act expire when  
23 section 8, chapter 209, Laws of 2024 takes effect.

24 NEW SECTION. **Sec. 8.** This act takes effect July 1, 2027.

--- END ---