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**SUBSTITUTE HOUSE BILL 1811**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Salahuddin, Davis, Santos, Parshley, Zahn, Doglio, Reed, Ormsby, Nance, Taylor, Walen, Wylie, Pollet, Macri, Fosse, Hill, Street, Scott, Callan, Stearns, and Leavitt)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to enhancing crisis response services through co-  
2 response integration and support; amending RCW 5.60.060 and  
3 51.32.181; reenacting and amending RCW 71.24.025; and creating a new  
4 section.

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

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

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

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

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "23-hour crisis relief center" means a community-based  
6 facility or portion of a facility which is licensed or certified by  
7 the department of health and open 24 hours a day, seven days a week,  
8 offering access to mental health and substance use care for no more  
9 than 23 hours and 59 minutes at a time per patient, and which accepts  
10 all behavioral health crisis walk-ins drop-offs from first  
11 responders, and individuals referred through the 988 system  
12 regardless of behavioral health acuity, and meets the requirements  
13 under RCW 71.24.916.

14       (2) "988 crisis hotline" means the universal telephone number  
15 within the United States designated for the purpose of the national  
16 suicide prevention and mental health crisis hotline system operating  
17 through the national suicide prevention lifeline.

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

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

22       (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
23 case of a child, a gravely disabled minor as defined in RCW  
24 71.34.020; or

25       (c) Presenting a likelihood of serious harm as defined in RCW  
26 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

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

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

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

38       (7) "Available resources" means funds appropriated for the  
39 purpose of providing community behavioral health programs, federal  
40 funds, except those provided according to Title XIX of the Social

1 Security Act, and state funds appropriated under this chapter or  
2 chapter 71.05 RCW by the legislature during any biennium for the  
3 purpose of providing residential services, resource management  
4 services, community support services, and other behavioral health  
5 services. This does not include funds appropriated for the purpose of  
6 operating and administering the state psychiatric hospitals.

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

13 (9) "Behavioral health aide" means a counselor, health educator,  
14 and advocate who helps address individual and community-based  
15 behavioral health needs, including those related to alcohol, drug,  
16 and tobacco abuse as well as mental health problems such as grief,  
17 depression, suicide, and related issues and is certified by a  
18 community health aide program of the Indian health service or one or  
19 more tribes or tribal organizations consistent with the provisions of  
20 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).

21 (10) "Behavioral health provider" means a person licensed under  
22 chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as  
23 it applies to registered nurses and advanced practice registered  
24 (~~nurse practitioners~~) nurses.

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

31 (12) "Child" means a person under the age of 18 years.

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

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

37 (b) Has experienced a continuous behavioral health  
38 hospitalization or residential treatment exceeding six months'  
39 duration within the preceding year; or

1 (c) Has been unable to engage in any substantial gainful activity  
2 by reason of any mental disorder which has lasted for a continuous  
3 period of not less than 12 months. "Substantial gainful activity"  
4 shall be defined by the authority by rule consistent with Public Law  
5 92-603, as amended.

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

9 (15) "Co-response" means a multidisciplinary partnership between  
10 first responders and human services professionals that responds to  
11 emergency situations involving behavioral health crises and people  
12 experiencing complex medical needs. Participants in co-response  
13 respond to in-progress 911 calls, 988 calls, and requests for service  
14 from dispatch and other first responders and include first responders  
15 such as public safety telecommunicators, law enforcement officers,  
16 firefighters, emergency medical technicians, and paramedics, and  
17 human services professionals such as social workers, behavioral  
18 health clinicians, advanced practice registered nurses, registered  
19 nurses, community health workers, and peer support specialists.

20 (16) "Community behavioral health program" means all  
21 expenditures, services, activities, or programs, including reasonable  
22 administration and overhead, designed and conducted to prevent or  
23 treat substance use disorder, mental illness, or both in the  
24 community behavioral health system.

25 (~~(16)~~) (17) "Community behavioral health service delivery  
26 system" means public, private, or tribal agencies that provide  
27 services specifically to persons with mental disorders, substance use  
28 disorders, or both, as defined under RCW 71.05.020 and receive  
29 funding from public sources.

30 (~~(17)~~) (18) "Community support services" means services  
31 authorized, planned, and coordinated through resource management  
32 services including, at a minimum, assessment, diagnosis, emergency  
33 crisis intervention available 24 hours, seven days a week,  
34 prescreening determinations for persons who are mentally ill being  
35 considered for placement in nursing homes as required by federal law,  
36 screening for patients being considered for admission to residential  
37 services, diagnosis and treatment for children who are acutely  
38 mentally ill or severely emotionally or behaviorally disturbed  
39 discovered under screening through the federal Title XIX early and  
40 periodic screening, diagnosis, and treatment program, investigation,

1 legal, and other nonresidential services under chapter 71.05 RCW,  
2 case management services, psychiatric treatment including medication  
3 supervision, counseling, psychotherapy, assuring transfer of relevant  
4 patient information between service providers, recovery services, and  
5 other services determined by behavioral health administrative  
6 services organizations.

7 ~~((18))~~ (19) "Community-based crisis team" means a team that is  
8 part of an emergency medical services agency, a fire service agency,  
9 a public health agency, a medical facility, a nonprofit crisis  
10 response provider, or a city or county government entity, other than  
11 a law enforcement agency, that provides the on-site community-based  
12 interventions of a mobile rapid response crisis team for individuals  
13 who are experiencing a behavioral health crisis.

14 ~~((19))~~ (20) "Consensus-based" means a program or practice that  
15 has general support among treatment providers and experts, based on  
16 experience or professional literature, and may have anecdotal or case  
17 study support, or that is agreed but not possible to perform studies  
18 with random assignment and controlled groups.

19 ~~((20))~~ (21) "Coordinated regional behavioral health crisis  
20 response system" means the coordinated operation of 988 call centers,  
21 regional crisis lines, certified public safety telecommunicators, and  
22 other behavioral health crisis system partners within each regional  
23 service area.

24 ~~((21))~~ (22) "County authority" means the board of county  
25 commissioners, county council, or county executive having authority  
26 to establish a behavioral health administrative services  
27 organization, or two or more of the county authorities specified in  
28 this subsection which have entered into an agreement to establish a  
29 behavioral health administrative services organization.

30 ~~((22))~~ (23) "Crisis stabilization services" means services such  
31 as 23-hour crisis relief centers, crisis stabilization units, short-  
32 term respite facilities, peer-run respite services, and same-day  
33 walk-in behavioral health services, including within the overall  
34 crisis system components that operate like hospital emergency  
35 departments that accept all walk-ins, and ambulance, fire, and police  
36 drop-offs, or determine the need for involuntary hospitalization of  
37 an individual.

38 ~~((23))~~ (24) "Crisis stabilization unit" has the same meaning as  
39 under RCW 71.05.020.

40 ~~((24))~~ (25) "Department" means the department of health.

1        ~~((25))~~ (26) "Designated 988 contact hub" or "988 contact hub"  
2 means a state-designated contact center that streamlines clinical  
3 interventions and access to resources for people experiencing a  
4 behavioral health crisis and participates in the national suicide  
5 prevention lifeline network to respond to statewide or regional 988  
6 contacts that meets the requirements of RCW 71.24.890.

7        ~~((26))~~ (27) "Designated crisis responder" has the same meaning  
8 as in RCW 71.05.020.

9        ~~((27))~~ (28) "Director" means the director of the authority.

10       ~~((28))~~ (29) "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       ~~((29))~~ (30) "Early adopter" means a regional service area for  
17 which all of the county authorities have requested that the authority  
18 purchase medical and behavioral health services through a managed  
19 care health system as defined under RCW 71.24.380(7).

20       ~~((30))~~ (31) "Emerging best practice" or "promising practice"  
21 means a program or practice that, based on statistical analyses or a  
22 well established theory of change, shows potential for meeting the  
23 evidence-based or research-based criteria, which may include the use  
24 of a program that is evidence-based for outcomes other than those  
25 listed in subsection ~~((31))~~ (32) of this section.

26       ~~((31))~~ (32) "Evidence-based" means a program or practice that  
27 has been tested in heterogeneous or intended populations with  
28 multiple randomized, or statistically controlled evaluations, or  
29 both; or one large multiple site randomized, or statistically  
30 controlled evaluation, or both, where the weight of the evidence from  
31 a systemic review demonstrates sustained improvements in at least one  
32 outcome. "Evidence-based" also means a program or practice that can  
33 be implemented with a set of procedures to allow successful  
34 replication in Washington and, when possible, is determined to be  
35 cost-beneficial.

36       ~~((32))~~ (33) "First responders" includes ambulance, fire, mobile  
37 rapid response crisis team, co-responder team, designated crisis  
38 responder, fire department mobile integrated health team, community  
39 assistance referral and education services program under RCW  
40 35.21.930, and law enforcement personnel.

1       (~~(33)~~) (34) "Immediate jeopardy" means a situation in which the  
2 licensed or certified behavioral health agency's noncompliance with  
3 one or more statutory or regulatory requirements has placed the  
4 health and safety of patients in its care at risk for serious injury,  
5 serious harm, serious impairment, or death.

6       (~~(34)~~) (35) "Indian health care provider" means a health care  
7 program operated by the Indian health service or by a tribe, tribal  
8 organization, or urban Indian organization as those terms are defined  
9 in the Indian health care improvement act (25 U.S.C. Sec. 1603).

10       (~~(35)~~) (36) "Intensive behavioral health treatment facility"  
11 means a community-based specialized residential treatment facility  
12 for individuals with behavioral health conditions, including  
13 individuals discharging from or being diverted from state and local  
14 hospitals, whose impairment or behaviors do not meet, or no longer  
15 meet, criteria for involuntary inpatient commitment under chapter  
16 71.05 RCW, but whose care needs cannot be met in other community-  
17 based placement settings.

18       (~~(36)~~) (37) "Licensed or certified behavioral health agency"  
19 means:

20       (a) An entity licensed or certified according to this chapter or  
21 chapter 71.05 RCW;

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

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

28       (~~(37)~~) (38) "Licensed physician" means a person licensed to  
29 practice medicine or osteopathic medicine and surgery in the state of  
30 Washington.

31       (~~(38)~~) (39) "Long-term inpatient care" means inpatient services  
32 for persons committed for, or voluntarily receiving intensive  
33 treatment for, periods of 90 days or greater under chapter 71.05 RCW.

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

35 (a) Services for individuals committed under chapter 71.05 RCW who  
36 are receiving services pursuant to a conditional release or a court-  
37 ordered less restrictive alternative to detention; or (b) services  
38 for individuals voluntarily receiving less restrictive alternative  
39 treatment on the grounds of the state hospital.

1        ~~((39))~~ (40) "Managed care organization" means an organization,  
2 having a certificate of authority or certificate of registration from  
3 the office of the insurance commissioner, that contracts with the  
4 authority under a comprehensive risk contract to provide prepaid  
5 health care services to enrollees under the authority's managed care  
6 programs under chapter 74.09 RCW.

7        ~~((40))~~ (41) "Mental health peer-run respite center" means a  
8 peer-run program to serve individuals in need of voluntary, short-  
9 term, noncrisis services that focus on recovery and wellness.

10       ~~((41))~~ (42) Mental health "treatment records" include  
11 registration and all other records concerning persons who are  
12 receiving or who at any time have received services for mental  
13 illness, which are maintained by the department of social and health  
14 services or the authority, by behavioral health administrative  
15 services organizations and their staffs, by managed care  
16 organizations and their staffs, or by treatment facilities.  
17 "Treatment records" do not include notes or records maintained for  
18 personal use by a person providing treatment services for the  
19 entities listed in this subsection, or a treatment facility if the  
20 notes or records are not available to others.

21       ~~((42))~~ (43) "Mentally ill persons," "persons who are mentally  
22 ill," and "the mentally ill" mean persons and conditions defined in  
23 subsections (3), (13), ~~((51))~~ (52), and ~~((52))~~ (53) of this  
24 section.

25       ~~((43))~~ (44) "Mobile rapid response crisis team" means a team  
26 that provides professional on-site community-based intervention such  
27 as outreach, de-escalation, stabilization, resource connection, and  
28 follow-up support for individuals who are experiencing a behavioral  
29 health crisis, that shall include certified peer counselors as a best  
30 practice to the extent practicable based on workforce availability,  
31 and that meets standards for response times established by the  
32 authority.

33       ~~((44))~~ (45) "Recovery" means a process of change through which  
34 individuals improve their health and wellness, live a self-directed  
35 life, and strive to reach their full potential.

36       ~~((45))~~ (46) "Regional crisis line" means the behavioral health  
37 crisis hotline in each regional service area which provides crisis  
38 response services 24 hours a day, seven days a week, 365 days a year  
39 including but not limited to dispatch of mobile rapid response crisis



1 teams, community-based crisis teams, and designated crisis  
2 responders.

3 ~~((46))~~ (47) "Research-based" means a program or practice that  
4 has been tested with a single randomized, or statistically controlled  
5 evaluation, or both, demonstrating sustained desirable outcomes; or  
6 where the weight of the evidence from a systemic review supports  
7 sustained outcomes as described in subsection ~~((31))~~ (32) of this  
8 section but does not meet the full criteria for evidence-based.

9 ~~((47))~~ (48) "Residential services" means a complete range of  
10 residences and supports authorized by resource management services  
11 and which may involve a facility, a distinct part thereof, or  
12 services which support community living, for persons who are acutely  
13 mentally ill, adults who are chronically mentally ill, children who  
14 are severely emotionally disturbed, or adults who are seriously  
15 disturbed and determined by the behavioral health administrative  
16 services organization or managed care organization to be at risk of  
17 becoming acutely or chronically mentally ill. The services shall  
18 include at least evaluation and treatment services as defined in  
19 chapter 71.05 RCW, acute crisis respite care, long-term adaptive and  
20 rehabilitative care, and supervised and supported living services,  
21 and shall also include any residential services developed to service  
22 persons who are mentally ill in nursing homes, residential treatment  
23 facilities, assisted living facilities, and adult family homes, and  
24 may include outpatient services provided as an element in a package  
25 of services in a supported housing model. Residential services for  
26 children in out-of-home placements related to their mental disorder  
27 shall not include the costs of food and shelter, except for  
28 children's long-term residential facilities existing prior to January  
29 1, 1991.

30 ~~((48))~~ (49) "Resilience" means the personal and community  
31 qualities that enable individuals to rebound from adversity, trauma,  
32 tragedy, threats, or other stresses, and to live productive lives.

33 ~~((49))~~ (50) "Resource management services" mean the planning,  
34 coordination, and authorization of residential services and community  
35 support services administered pursuant to an individual service plan  
36 for: (a) Adults and children who are acutely mentally ill; (b) adults  
37 who are chronically mentally ill; (c) children who are severely  
38 emotionally disturbed; or (d) adults who are seriously disturbed and  
39 determined by a behavioral health administrative services  
40 organization or managed care organization to be at risk of becoming

1 acutely or chronically mentally ill. Such planning, coordination, and  
2 authorization shall include mental health screening for children  
3 eligible under the federal Title XIX early and periodic screening,  
4 diagnosis, and treatment program. Resource management services  
5 include seven day a week, 24 hour a day availability of information  
6 regarding enrollment of adults and children who are mentally ill in  
7 services and their individual service plan to designated crisis  
8 responders, evaluation and treatment facilities, and others as  
9 determined by the behavioral health administrative services  
10 organization or managed care organization, as applicable.

11 ~~((50))~~ (51) "Secretary" means the secretary of the department  
12 of health.

13 ~~((51))~~ (52) "Seriously disturbed person" means a person who:

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

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

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

23 (d) Exhibits suicidal preoccupation or attempts; or

24 (e) Is a child diagnosed by a mental health professional, as  
25 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
26 is clearly interfering with the child's functioning in family or  
27 school or with peers or is clearly interfering with the child's  
28 personality development and learning.

29 ~~((52))~~ (53) "Severely emotionally disturbed child" or "child  
30 who is severely emotionally disturbed" means a child who has been  
31 determined by the behavioral health administrative services  
32 organization or managed care organization, if applicable, to be  
33 experiencing a mental disorder as defined in chapter 71.34 RCW,  
34 including those mental disorders that result in a behavioral or  
35 conduct disorder, that is clearly interfering with the child's  
36 functioning in family or school or with peers and who meets at least  
37 one of the following criteria:

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

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

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

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

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

9 (ii) Changes in custodial adult;

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

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

15 (v) Drug or alcohol abuse; or

16 (vi) Homelessness.

17 (~~(53)~~) (54) "State minimum standards" means minimum  
18 requirements established by rules adopted and necessary to implement  
19 this chapter by:

20 (a) The authority for:

21 (i) Delivery of mental health and substance use disorder  
22 services; and

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

24 (b) The department of health for:

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

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

30 (iii) Residential services.

31 (~~(54)~~) (55) "Substance use disorder" means a cluster of  
32 cognitive, behavioral, and physiological symptoms indicating that an  
33 individual continues using the substance despite significant  
34 substance-related problems. The diagnosis of a substance use disorder  
35 is based on a pathological pattern of behaviors related to the use of  
36 the substances.

37 (~~(55)~~) (56) "Tribe," for the purposes of this section, means a  
38 federally recognized Indian tribe.

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

3       (1) A spouse or domestic partner shall not be examined for or  
4 against his or her spouse or domestic partner, without the consent of  
5 the spouse or domestic partner; nor can either during marriage or  
6 during the domestic partnership or afterward, be without the consent  
7 of the other, examined as to any communication made by one to the  
8 other during the marriage or the domestic partnership. But this  
9 exception shall not apply to a civil action or proceeding by one  
10 against the other, nor to a criminal action or proceeding for a crime  
11 committed by one against the other, nor to a criminal action or  
12 proceeding against a spouse or domestic partner if the marriage or  
13 the domestic partnership occurred subsequent to the filing of formal  
14 charges against the defendant, nor to a criminal action or proceeding  
15 for a crime committed by said spouse or domestic partner against any  
16 child of whom said spouse or domestic partner is the parent or  
17 guardian, nor to a proceeding under chapter 71.05 or 71.09 RCW:  
18 PROVIDED, That the spouse or the domestic partner of a person sought  
19 to be detained under chapter 71.05 or 71.09 RCW may not be compelled  
20 to testify and shall be so informed by the court prior to being  
21 called as a witness.

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

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

31       (3) A member of the clergy, a Christian Science practitioner  
32 listed in the Christian Science Journal, or a priest shall not,  
33 without the consent of a person making the confession or sacred  
34 confidence, be examined as to any confession or sacred confidence  
35 made to him or her in his or her professional character, in the  
36 course of discipline enjoined by the church to which he or she  
37 belongs.

38       (4) Subject to the limitations under RCW 71.05.217 (6) and (7), a  
39 physician or surgeon or osteopathic physician or surgeon or podiatric  
40 physician or surgeon shall not, without the consent of his or her

1 patient, be examined in a civil action as to any information acquired  
2 in attending such patient, which was necessary to enable him or her  
3 to prescribe or act for the patient, except as follows:

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

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

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

15 (6)(a) A peer supporter shall not, without consent of the peer  
16 support services recipient making the communication, be compelled to  
17 testify about any communication made to the peer supporter by the  
18 peer support services recipient while receiving individual or group  
19 services. The peer supporter must be designated as such by their  
20 employing agency prior to providing peer support services. The  
21 privilege only applies when the communication was made to the peer  
22 supporter while acting in his or her capacity as a peer supporter.  
23 The privilege applies regardless of whether the peer support services  
24 recipient is an employee of the same agency as the peer supporter.  
25 Peer support services may be coordinated or designated among first  
26 responder agencies pursuant to chapter 10.93 RCW, interlocal  
27 agreement, or other similar provision, provided however that a  
28 written agreement is not required for the privilege to apply. The  
29 privilege does not apply if the peer supporter was an initial  
30 responding first responder, department of corrections staff person,  
31 or jail staff person; a witness; or a party to the incident which  
32 prompted the delivery of peer support services to the peer support  
33 services recipient.

34 (b) For purposes of this section:

35 (i) "First responder" means:

36 (A) A law enforcement officer;

37 (B) A limited authority law enforcement officer;

38 (C) A firefighter;

39 (D) An emergency services dispatcher or recordkeeper;

1 (E) Emergency medical personnel, as licensed or certified by this  
2 state;

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

6 (G) A coroner or medical examiner, or a coroner's or medical  
7 examiner's agent or employee; or

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

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

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

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

18 (A) A first responder;

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

20 (C) A jail staff person.

21 (v) "Peer supporter" means:

22 (A) A first responder, retired first responder, department of  
23 corrections staff person, or jail staff person or a civilian employee  
24 of a first responder entity or agency, local jail, or state agency  
25 who has received training to provide emotional and moral support and  
26 services to a peer support services recipient who needs those  
27 services as a result of an incident or incidents in which the peer  
28 support services recipient was involved while acting in his or her  
29 official capacity or to deal with other stress that is impacting the  
30 peer support services recipient's performance of official duties; or

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

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

1 (a) For purposes of this section, "sexual assault advocate" means  
2 the employee or volunteer from a community sexual assault program or  
3 underserved populations provider, victim assistance unit, program, or  
4 association, that provides information, medical or legal advocacy,  
5 counseling, or support to victims of sexual assault, who is  
6 designated by the victim to accompany the victim to the hospital or  
7 other health care facility and to proceedings concerning the alleged  
8 assault, including police and prosecution interviews and court  
9 proceedings.

10 (b) A sexual assault advocate may disclose a confidential  
11 communication without the consent of the victim if failure to  
12 disclose is likely to result in a clear, imminent risk of serious  
13 physical injury or death of the victim or another person. Any sexual  
14 assault advocate participating in good faith in the disclosing of  
15 records and communications under this section shall have immunity  
16 from any liability, civil, criminal, or otherwise, that might result  
17 from the action. In any proceeding, civil or criminal, arising out of  
18 a disclosure under this section, the good faith of the sexual assault  
19 advocate who disclosed the confidential communication shall be  
20 presumed.

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

24 (a) For purposes of this section, "domestic violence advocate"  
25 means an employee or supervised volunteer from a community-based  
26 domestic violence program or human services program that provides  
27 information, advocacy, counseling, crisis intervention, emergency  
28 shelter, or support to victims of domestic violence and who is not  
29 employed by, or under the direct supervision of, a law enforcement  
30 agency, a prosecutor's office, or the child protective services  
31 section of the department of children, youth, and families as defined  
32 in RCW 26.44.020.

33 (b) A domestic violence advocate may disclose a confidential  
34 communication without the consent of the victim if failure to  
35 disclose is likely to result in a clear, imminent risk of serious  
36 physical injury or death of the victim or another person. This  
37 section does not relieve a domestic violence advocate from the  
38 requirement to report or cause to be reported an incident under RCW  
39 26.44.030(1) or to disclose relevant records relating to a child as  
40 required by RCW 26.44.030(15). Any domestic violence advocate

1 participating in good faith in the disclosing of communications under  
2 this subsection is immune from liability, civil, criminal, or  
3 otherwise, that might result from the action. In any proceeding,  
4 civil or criminal, arising out of a disclosure under this subsection,  
5 the good faith of the domestic violence advocate who disclosed the  
6 confidential communication shall be presumed.

7 (9) A mental health counselor, independent clinical social  
8 worker, or marriage and family therapist licensed under chapter  
9 18.225 RCW may not disclose, or be compelled to testify about, any  
10 information acquired from persons consulting the individual in a  
11 professional capacity when the information was necessary to enable  
12 the individual to render professional services to those persons  
13 except:

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

16 (b) If the person waives the privilege by bringing charges  
17 against the mental health counselor licensed under chapter 18.225  
18 RCW;

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

22 (d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.217  
23 (6) or (7); or

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

30 (10) An individual who acts as a sponsor providing guidance,  
31 emotional support, and counseling in an individualized manner to a  
32 person participating in an alcohol or drug addiction recovery  
33 fellowship may not testify in any civil action or proceeding about  
34 any communication made by the person participating in the addiction  
35 recovery fellowship to the individual who acts as a sponsor except  
36 with the written authorization of that person or, in the case of  
37 death or disability, the person's personal representative.

38 (11)(a) Neither a union representative nor an employee the union  
39 represents or has represented shall be examined as to, or be required  
40 to disclose, any communication between an employee and union



1 representative or between union representatives made in the course of  
2 union representation except:

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

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

9 (iii) In actions, civil or criminal, where a union member is a  
10 party to the action, the union member may obtain a copy of any  
11 statement previously given by that union member concerning the  
12 subject matter of the action and may elicit testimony concerning such  
13 statements. The right of the union member to obtain such statements,  
14 or the union member's possession of such statements, does not render  
15 them discoverable over the objection of the union member;

16 (iv) In actions, regulatory, civil, or criminal, against the  
17 union or its affiliated, subordinate, or parent bodies or their  
18 agents; or

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

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

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

29 (d) For purposes of this subsection:

30 (i) "Employee" means a person represented by a certified or  
31 recognized union regardless of whether the employee is a member of  
32 the union.

33 (ii) "Union" means any lawful organization that has as one of its  
34 primary purposes the representation of employees in their employment  
35 relations with employers, including without limitation labor  
36 organizations defined by 29 U.S.C. Sec. 152(5) and 5 U.S.C. Sec.  
37 7103(a)(4), representatives defined by 45 U.S.C. Sec. 151, and  
38 bargaining representatives defined in RCW 41.56.030, and employee  
39 organizations as defined in RCW 28B.52.020, 41.59.020, 41.80.005,  
40 41.76.005, 47.64.011, and 53.18.010.

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

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

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

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

12 (1) For frontline employees who are covered under this title,  
13 there exists a prima facie presumption that any infectious or  
14 contagious diseases that are transmitted through respiratory droplets  
15 or aerosols, or through contact with contaminated surfaces and are  
16 the subject of a public health emergency are occupational diseases  
17 under RCW 51.08.140 during a public health emergency.

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

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

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

28 (b) The employee was working from the employee's home, on leave  
29 from the employee's employment, or some combination thereof, for the  
30 period of quarantine consistent with recommended guidance from state  
31 and federal health officials for the disease immediately prior to the  
32 employee's injury, occupational disease, or period of incapacity that  
33 resulted from exposure to the disease which is the subject of the  
34 public health emergency.

35 (4) (a) RCW 51.32.090(7) does not apply to an occupational disease  
36 under this section except that no worker shall receive compensation  
37 for or during the day on which the occupational disease was  
38 contracted. For the purposes of this subsection (4), the day on which

1 the occupational disease was contracted is whichever date occurs  
2 first of the following:

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

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

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

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

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

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

21 (7) As used in this section:

22 (a) "Assisted living facility" has the same meaning as in RCW  
23 18.20.020.

24 (b) "Farm work" means work performed on a farm, in the employ of  
25 any person, in connection with the cultivation of the soil, or in  
26 connection with raising or harvesting any agricultural or  
27 horticultural commodity, including raising, shearing, feeding, caring  
28 for, training, and management of livestock, bees, poultry, and  
29 furbearing animals and wildlife, or in the employ of the owner or  
30 tenant or other operator of a farm in connection with the operation,  
31 management, conservation, improvement, or maintenance of such farm  
32 and its tools and equipment. For the purposes of this subsection,  
33 "farm work" includes floriculture.

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

37 (d) "Food manufacturing work" means work performed for an  
38 employer whose North American industry classification code is within  
39 "311."

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

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

6 (i) First responders, including law enforcement officers,  
7 firefighters, emergency medical service providers, paramedics,  
8 ~~((and)) ambulance drivers, and other members of first response teams~~  
9 engaged in co-response, as defined in RCW 71.24.025. "Firefighters"

10 includes wildland firefighters when performing wildfire suppression  
11 or other emergency duties under the incident command system if the  
12 firefighter has in-person interaction with the general public or  
13 other firefighters as part of their job duties;

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

16 (iii) Maintenance, janitorial, and food service workers at any  
17 facility treating patients diagnosed with the infectious or  
18 contagious disease that is the subject of the public health  
19 emergency;

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

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

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

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

38 (viii) Employees employed by a restaurant, if the employee has  
39 in-person interaction with the general public as part of their job  
40 duties or works in the kitchen of the restaurant and has in-person

1 interaction with other employees. For the purposes of this  
2 subsection, "restaurant" has the same meaning as in RCW 66.04.010;

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

6 (x) (A) Corrections officers and correctional support employees  
7 working at a correctional institution.

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

9 (I) "Correctional institution" has the same meaning as in RCW  
10 9.94.049.

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

14 (III) "Correctional support employee" means any employee who  
15 provides food services or janitorial services in a correctional  
16 institution;

17 (xi) Educational employees, including classroom teachers,  
18 paraeducators, principals, librarians, school bus drivers, and other  
19 educational support staff, of any school district, or a contractor of  
20 a school district, that are required to be physically present at a  
21 school or on the grounds of a school where classes are being taught  
22 in person, in a transportation vehicle necessary for school  
23 operations, or in the home of a student as part of their job duties,  
24 if the employee has in-person interaction with students, a student's  
25 family members, or other employees as part of their job duties;

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

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

38 (xiv) Employees employed by the department of licensing who are  
39 assigned to review, process, approve, and issue driver licenses to  
40 the general public, if the employee has in-person interaction with

1 the general public as part of their job duties or has in-person  
2 interaction with other employees.

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

6 (h) "Nursing home" means a nursing home licensed under chapter  
7 18.51 RCW.

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

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

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

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

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