

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1811

69th Legislature
2025 Regular Session

Passed by the House April 21, 2025
Yeas 59 Nays 38

**Speaker of the House of
Representatives**

Passed by the Senate April 16, 2025
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1811** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1811

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

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, 51.32.181,
3 and 71.24.905; reenacting and amending RCW 71.24.025; and creating a
4 new 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. A regional crisis line may not dispatch law enforcement.

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.

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

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

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

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

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

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

38 (ii) Current alignment of co-response teams with cities,
39 counties, behavioral health administrative services organizations,

1 and call centers; distribution among police, fire, and EMS-based co-
2 response models; and desired alignment;

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

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

8 (v) Current training practices and identification of future state
9 training practices;

10 (vi) Alignment with designated crisis responder activities;

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

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

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

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

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

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

30 (3) (a) By January 1, 2026, the University of Washington school of
31 social work, in consultation with the authority and the behavioral
32 health administrative services organizations, shall establish a
33 program to administer a crisis responder training academy resulting
34 in a certification in best practices in crisis response in three
35 behavioral health administrative services organizations with a
36 significant co-response footprint. The curriculum must include:
37 Safety and crisis de-escalation tactics, teamwork across the
38 disciplines including peer support workers, culturally responsive
39 crisis care, suicide intervention, substance use disorder engagement,
40 overdose response, and an eight-hour session with clinical staff of

1 designated 988 contact hubs, crisis relief centers, crisis call
2 centers, and employees of 911 public safety answering points,
3 explaining best coordination strategies. Best practices for regional
4 protocol development must be included.

5 (b) By January 1, 2027, the crisis responder training academy
6 shall be expanded to all behavioral health administrative services
7 organizations and provide openings for 988 rapid response teams, co-
8 response teams, mobile community response teams, and alternative
9 response teams. The behavioral health administrative services
10 organizations shall promote the training academy available to local
11 crisis responder and co-response teams in their regions. The
12 certification shall be optional and may not serve as an additional
13 requirement for licensure for crisis responders or licensed human
14 services professionals.

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