
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5745

State of Washington

69th Legislature

2025 Regular Session

By Senate Ways & Means (originally sponsored by Senators Dhingra, Bateman, Lovick, Nobles, and Pedersen)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to legal representation under the involuntary
2 treatment act; amending RCW 71.05.110, 71.05.130, 71.05.730,
3 72.23.010, 72.23.020, 2.70.020, and 2.70.023; reenacting and amending
4 RCW 71.05.020, 71.05.020, 71.34.020, and 71.34.020; repealing 2024 c
5 62 ss 26 and 27; providing contingent effective dates; providing
6 contingent expiration dates; and declaring an emergency.

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

8 **Sec. 1.** RCW 71.05.020 and 2024 c 371 s 17, 2024 c 209 s 5, and
9 2024 c 62 s 18 are each reenacted and amended to read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "23-hour crisis relief center" has the same meaning as under
13 RCW 71.24.025;

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

18 (3) "Alcoholism" means a disease, characterized by a dependency
19 on alcoholic beverages, loss of control over the amount and
20 circumstances of use, symptoms of tolerance, physiological or
21 psychological withdrawal, or both, if use is reduced or discontinued,

1 and impairment of health or disruption of social or economic
2 functioning;

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

7 (5) "Approved substance use disorder treatment program" means a
8 program for persons with a substance use disorder provided by a
9 treatment program certified by the department as meeting standards
10 adopted under chapter 71.24 RCW;

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

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

15 (8) "Behavioral health disorder" means either a mental disorder
16 as defined in this section, a substance use disorder as defined in
17 this section, or a co-occurring mental disorder and substance use
18 disorder;

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

36 (10) "Co-occurring disorder specialist" means an individual
37 possessing an enhancement granted by the department of health under
38 chapter 18.205 RCW that certifies the individual to provide substance
39 use disorder counseling subject to the practice limitations under RCW
40 18.205.105;

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

4 (12) "Community behavioral health agency" has the same meaning as
5 "licensed or certified behavioral health agency" defined in RCW
6 71.24.025;

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

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

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

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

20 (17) "Designated crisis responder" means a mental health
21 professional appointed by the county, by an entity appointed by the
22 county, or by the authority in consultation with a tribe or after
23 meeting and conferring with an Indian health care provider, to
24 perform the duties specified in this chapter;

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

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

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

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

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

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

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

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

31 (26) "Habilitative services" means those services provided by
32 program personnel to assist persons in acquiring and maintaining life
33 skills and in raising their levels of physical, mental, social, and
34 vocational functioning. Habilitative services include education,
35 training for employment, and therapy. The habilitative process shall
36 be undertaken with recognition of the risk to the public safety
37 presented by the person being assisted as manifested by prior charged
38 criminal conduct;

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

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

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

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

11 (31) "Individualized service plan" means a plan prepared by a
12 developmental disabilities professional with other professionals as a
13 team, for a person with developmental disabilities, which shall
14 state:

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

17 (b) The conditions and strategies necessary to achieve the
18 purposes of habilitation;

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

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

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

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

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

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

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

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

1 (35) "Less restrictive alternative treatment" means a program of
2 individualized treatment in a less restrictive setting than inpatient
3 treatment that includes the services described in RCW 71.05.585. This
4 term includes: Treatment pursuant to a less restrictive alternative
5 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
6 to a conditional release under RCW 71.05.340; and treatment pursuant
7 to an assisted outpatient treatment order under RCW 71.05.148;

8 (36) "Licensed physician" means a person licensed to practice
9 medicine or osteopathic medicine and surgery in the state of
10 Washington;

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

12 (a) A substantial risk that: (i) Physical harm will be inflicted
13 by a person upon his or her own person, as evidenced by threats or
14 attempts to commit suicide or inflict physical harm on oneself; (ii)
15 physical harm will be inflicted by a person upon another, as
16 evidenced by behavior which has caused such harm or which places
17 another person or persons in reasonable fear of sustaining such harm;
18 or (iii) physical harm will be inflicted by a person upon the
19 property of others, as evidenced by behavior which has caused
20 substantial loss or damage to the property of others; or

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

23 (38) "Medical clearance" means a physician or other health care
24 provider, including an Indian health care provider, has determined
25 that a person is medically stable and ready for referral to the
26 designated crisis responder or facility. For a person presenting in
27 the community, no medical clearance is required prior to
28 investigation by a designated crisis responder;

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

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

35 (a) A psychiatrist, psychologist, physician assistant working
36 with a psychiatrist who is acting as a participating physician as
37 defined in RCW 18.71A.010, psychiatric advanced registered nurse
38 practitioner, psychiatric nurse, or social worker, as defined in this
39 chapter and chapter 71.34 RCW;

1 (b) A mental health counselor, mental health counselor associate,
2 marriage and family therapist, or marriage and family therapist
3 associate, as defined in chapter 18.225 RCW;

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

6 (d) A licensed psychological associate as described in chapter
7 18.83 RCW;

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

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

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

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

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

31 (46) "Psychiatrist" means a person having a license as a
32 physician and surgeon in this state who has in addition completed
33 three years of graduate training in psychiatry in a program approved
34 by the American medical association or the American osteopathic
35 association and is certified or eligible to be certified by the
36 American board of psychiatry and neurology;

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

39 (48) "Public agency" means any evaluation and treatment facility
40 or institution, secure withdrawal management and stabilization

1 facility, approved substance use disorder treatment program, or
2 hospital which is conducted for, or includes a department or ward
3 conducted for, the care and treatment of persons with behavioral
4 health disorders, if the agency is operated directly by federal,
5 state, county, or municipal government, or a combination of such
6 governments;

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

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

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

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

20 (a) Provide the following services:

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

23 (ii) Clinical stabilization services;

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

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

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

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

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

37 (54) "State facility" means:

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

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

4 (55) "State hospital" means a hospital designated under RCW
5 72.23.020;

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

12 ~~((55))~~ (57) "Substance use disorder professional" means a
13 person certified as a substance use disorder professional by the
14 department of health under chapter 18.205 RCW;

15 ~~((56))~~ (58) "Therapeutic court personnel" means the staff of a
16 mental health court or other therapeutic court which has jurisdiction
17 over defendants who are dually diagnosed with mental disorders,
18 including court personnel, probation officers, a court monitor,
19 prosecuting attorney, or defense counsel acting within the scope of
20 therapeutic court duties;

21 ~~((57))~~ (59) "Treatment records" include registration and all
22 other records concerning persons who are receiving or who at any time
23 have received services for behavioral health disorders, which are
24 maintained by the department of social and health services, the
25 department, the authority, behavioral health administrative services
26 organizations and their staffs, managed care organizations and their
27 staffs, and by treatment facilities. Treatment records include mental
28 health information contained in a medical bill including but not
29 limited to mental health drugs, a mental health diagnosis, provider
30 name, and dates of service stemming from a medical service. Treatment
31 records do not include notes or records maintained for personal use
32 by a person providing treatment services for the department of social
33 and health services, the department, the authority, behavioral health
34 administrative services organizations, managed care organizations, or
35 a treatment facility if the notes or records are not available to
36 others;

37 ~~((58))~~ (60) "Tribe" has the same meaning as in RCW 71.24.025;

38 ~~((59))~~ (61) "Video," unless the context clearly indicates
39 otherwise, means the delivery of behavioral health services through
40 the use of interactive audio and video technology, permitting real-

1 time communication between a person and a designated crisis
2 responder, for the purpose of evaluation. "Video" does not include
3 the use of audio-only telephone, facsimile, email, or store and
4 forward technology. "Store and forward technology" means use of an
5 asynchronous transmission of a person's medical information from a
6 mental health service provider to the designated crisis responder
7 which results in medical diagnosis, consultation, or treatment;

8 ~~((+60))~~ (62) "Violent act" means behavior that resulted in
9 homicide, attempted suicide, injury, or substantial loss or damage to
10 property.

11 **Sec. 2.** RCW 71.05.020 and 2024 c 371 s 18, 2024 c 209 s 6, and
12 2024 c 62 s 19 are each reenacted and amended to read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) "23-hour crisis relief center" has the same meaning as under
16 RCW 71.24.025;

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

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

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

31 (5) "Approved substance use disorder treatment program" means a
32 program for persons with a substance use disorder provided by a
33 treatment program certified by the department as meeting standards
34 adopted under chapter 71.24 RCW;

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

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

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

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

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

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

30 (12) "Community behavioral health agency" has the same meaning as
31 "licensed or certified behavioral health agency" defined in RCW
32 71.24.025;

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

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

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

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

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

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

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

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

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

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

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

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

1 separate and separately operated portion of a state hospital may be
2 designated as an evaluation and treatment facility. A facility which
3 is part of, or operated by, the department of social and health
4 services or any federal agency will not require certification. No
5 correctional institution or facility, or jail, shall be an evaluation
6 and treatment facility within the meaning of this chapter;

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

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

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

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

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

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

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

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

1 (b) The conditions and strategies necessary to achieve the
2 purposes of habilitation;

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

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

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

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

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

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

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

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

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

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

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

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

1 themselves or others; or (iii) physical harm will be inflicted by a
2 person upon the property of others, as evidenced by behavior which
3 has caused substantial loss or damage to the property of others; or

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

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

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

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

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

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

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

28 (d) A licensed psychological associate as described in chapter
29 18.83 RCW;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (a) Provide the following services:

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

6 (ii) Clinical stabilization services;

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

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

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

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

17 (53) "Severe deterioration from safe behavior" means that a
18 person will, if not treated, suffer or continue to suffer severe and
19 abnormal mental, emotional, or physical distress, and this distress
20 is associated with significant impairment of judgment, reason, or
21 behavior;

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

25 (55) "State facility" means:

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

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

31 (56) "State hospital" means a hospital designated under RCW
32 72.23.020;

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

1 (~~(56)~~) (58) "Substance use disorder professional" means a
2 person certified as a substance use disorder professional by the
3 department of health under chapter 18.205 RCW;

4 (~~(57)~~) (59) "Therapeutic court personnel" means the staff of a
5 mental health court or other therapeutic court which has jurisdiction
6 over defendants who are dually diagnosed with mental disorders,
7 including court personnel, probation officers, a court monitor,
8 prosecuting attorney, or defense counsel acting within the scope of
9 therapeutic court duties;

10 (~~(58)~~) (60) "Treatment records" include registration and all
11 other records concerning persons who are receiving or who at any time
12 have received services for behavioral health disorders, which are
13 maintained by the department of social and health services, the
14 department, the authority, behavioral health administrative services
15 organizations and their staffs, managed care organizations and their
16 staffs, and by treatment facilities. Treatment records include mental
17 health information contained in a medical bill including but not
18 limited to mental health drugs, a mental health diagnosis, provider
19 name, and dates of service stemming from a medical service. Treatment
20 records do not include notes or records maintained for personal use
21 by a person providing treatment services for the department of social
22 and health services, the department, the authority, behavioral health
23 administrative services organizations, managed care organizations, or
24 a treatment facility if the notes or records are not available to
25 others;

26 (~~(59)~~) (61) "Tribe" has the same meaning as in RCW 71.24.025;

27 (~~(60)~~) (62) "Video," unless the context clearly indicates
28 otherwise, means the delivery of behavioral health services through
29 the use of interactive audio and video technology, permitting real-
30 time communication between a person and a designated crisis
31 responder, for the purpose of evaluation. "Video" does not include
32 the use of audio-only telephone, facsimile, email, or store and
33 forward technology. "Store and forward technology" means use of an
34 asynchronous transmission of a person's medical information from a
35 mental health service provider to the designated crisis responder
36 which results in medical diagnosis, consultation, or treatment;

37 (~~(61)~~) (63) "Violent act" means behavior that resulted in
38 homicide, attempted suicide, injury, or substantial loss or damage to
39 property.

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

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

7 (a) Directly;

8 (b) By contracting for that representation; or

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

13 (2) The health care authority shall notify the county within 30
14 days of receiving notice from the office of public defense that
15 appointed counsel cannot be provided by the office of public defense
16 under subsection (1)(c) of this section. Upon such notice, the county
17 shall provide appointed counsel pursuant to subsection (1)(a) or (b)
18 of this section.

19 (3) Attorneys appointed for persons pursuant to this chapter
20 shall be compensated for their services as follows: (~~(1)~~) (a) The
21 person for whom an attorney is appointed shall, if he or she is
22 financially able pursuant to standards as to financial capability and
23 indigency set by the superior court of the county in which the
24 proceeding is held, bear the costs of such legal services; (~~(2)~~)
25 (b) if such person is indigent pursuant to such standards, the
26 behavioral health administrative services organization shall
27 reimburse the county in which the proceeding is held for the direct
28 costs of such legal services except when the office of public defense
29 is providing counsel under subsection (1)(c) of this section, as
30 provided in RCW 71.05.730.

31 (4) This section supersedes any local ordinance, charter, or
32 rule.

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

35 In any judicial proceeding for involuntary commitment or
36 detention except under RCW 71.05.201, or in any proceeding
37 challenging involuntary commitment or detention, the prosecuting
38 attorney for the county in which the proceeding was initiated shall
39 represent the individuals or agencies petitioning for commitment or

1 detention and shall defend all challenges to such commitment or
2 detention, except that the attorney general shall represent and
3 provide legal services and advice to state hospitals (~~or~~
4 ~~institutions~~) and state facilities with regard to all provisions of
5 and proceedings under this chapter other than proceedings initiated
6 by such hospitals and (~~institutions~~) facilities seeking (~~fourteen~~
7 ~~day~~) 14-day detention.

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

10 (1) A county may apply to its behavioral health administrative
11 services organization on a quarterly basis for reimbursement of its
12 direct costs in providing judicial services for civil commitment
13 cases under this chapter and chapter 71.34 RCW. A tribe may apply to
14 the authority on a quarterly basis for reimbursement of its direct
15 costs in providing judicial services for civil commitment cases under
16 this chapter and chapter 71.34 RCW. The behavioral health
17 administrative services organization shall in turn be entitled to
18 reimbursement from the behavioral health administrative services
19 organization that serves the county of residence of the individual
20 who is the subject of the civil commitment case.

21 (2) Reimbursement for judicial services shall be provided per
22 civil commitment case at a rate to be determined based on an
23 independent assessment of the county's or tribe's actual direct
24 costs. This assessment must be based on an average of the
25 expenditures for judicial services within the county or tribe over
26 the past three years. In the event that a baseline cannot be
27 established because there is no significant history of similar cases
28 within the county or tribe, the reimbursement rate shall be equal to
29 80 percent of the median reimbursement rate of counties or tribes, if
30 applicable included in the independent assessment.

31 (3) For the purposes of this section:

32 (a) "Civil commitment case" includes all judicial hearings
33 related to a single episode of hospitalization or less restrictive
34 alternative treatment, except that the filing of a petition for a one
35 hundred eighty-day commitment under this chapter or a petition for a
36 successive 180-day commitment under chapter 71.34 RCW shall be
37 considered to be a new case regardless of whether there has been a
38 break in detention. "Civil commitment case" does not include the

1 filing of a petition for a 180-day commitment under this chapter on
2 behalf of a patient at a state (~~psychiatric~~) hospital.

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

7 (4) In the case where a county has requested that the health care
8 authority contract for public defense services on the county's behalf
9 under RCW 71.05.110, the authority shall reduce the funding provided
10 to the county's behavioral health administrative services
11 organization equivalent to the authority's expense in contracting
12 with the office of public defense for that representation. The
13 county's behavioral health administrative services organization may
14 still seek reimbursement from the behavioral health administrative
15 services organization that serves the county of residence of the
16 individual who is the subject of the civil commitment case under
17 subsection (1) of this section.

18 (5) To the extent that resources have a shared purpose, the
19 behavioral health administrative services organization may only
20 reimburse counties to the extent such resources are necessary for and
21 devoted to judicial services as described in this section. To the
22 extent that resources have a shared purpose, the authority may only
23 reimburse tribes to the extent the resources are necessary for and
24 devoted to judicial services as described in this section.

25 (~~(5)~~) (6) No filing fee may be charged or collected for any
26 civil commitment case subject to reimbursement under this section.

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

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

31 (1) "23-hour crisis relief center" has the same meaning as
32 provided in RCW 71.24.025.

33 (2) "Admission" or "admit" means a decision by a physician,
34 physician assistant, or psychiatric advanced registered nurse
35 practitioner that a minor should be examined or treated as a patient
36 in a hospital.

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

38 (4) "Alcoholism" means a disease, characterized by a dependency
39 on alcoholic beverages, loss of control over the amount and

1 circumstances of use, symptoms of tolerance, physiological or
2 psychological withdrawal, or both, if use is reduced or discontinued,
3 and impairment of health or disruption of social or economic
4 functioning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (25) "Evaluation and treatment facility" means a public or
40 private facility or unit that is licensed or certified by the

1 department of health to provide emergency, inpatient, residential, or
2 outpatient mental health evaluation and treatment services for
3 minors. A physically separate and separately operated portion of a
4 state hospital may be designated as an evaluation and treatment
5 facility for minors. A facility which is part of or operated by the
6 state or federal agency does not require licensure or certification.
7 No correctional institution or facility, juvenile court detention
8 facility, or jail may be an evaluation and treatment facility within
9 the meaning of this chapter.

10 (26) "Evaluation and treatment program" means the total system of
11 services and facilities coordinated and approved by a county or
12 combination of counties for the evaluation and treatment of minors
13 under this chapter.

14 (27) "Gravely disabled minor" means a minor who, as a result of a
15 behavioral health disorder, (a) is in danger of serious physical harm
16 resulting from a failure to provide for his or her essential human
17 needs of health or safety, or (b) manifests severe deterioration in
18 routine functioning evidenced by repeated and escalating loss of
19 cognitive or volitional control over his or her actions and is not
20 receiving such care as is essential for his or her health or safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (35) "Kinship caregiver" has the same meaning as in RCW
30 74.13.031(~~((22)(a))~~).

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

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

1 (38) "Licensed physician" means a person licensed to practice
2 medicine or osteopathic medicine and surgery in the state of
3 Washington.

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

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

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

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

18 (41) "Medical clearance" means a physician or other health care
19 provider, including an Indian health care provider, has determined
20 that a person is medically stable and ready for referral to the
21 designated crisis responder or facility. For a person presenting in
22 the community, no medical clearance is required prior to
23 investigation by a designated crisis responder.

24 (42) "Medical necessity" for inpatient care means a requested
25 service which is reasonably calculated to: (a) Diagnose, correct,
26 cure, or alleviate a mental disorder or substance use disorder; or
27 (b) prevent the progression of a mental disorder or substance use
28 disorder that endangers life or causes suffering and pain, or results
29 in illness or infirmity or threatens to cause or aggravate a
30 disability, or causes physical deformity or malfunction, and there is
31 no adequate less restrictive alternative available.

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

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

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

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

4 (47)(a) "Parent" has the same meaning as defined in RCW
5 26.26A.010, including either parent if custody is shared under a
6 joint custody agreement, or a person or agency judicially appointed
7 as legal guardian or custodian of the child.

8 (b) For purposes of family-initiated treatment under RCW
9 71.34.600 through 71.34.670, "parent" also includes a person to whom
10 a parent defined in (a) of this subsection has given a signed
11 authorization to make health care decisions for the adolescent, a
12 stepparent who is involved in caring for the adolescent, a kinship
13 caregiver who is involved in caring for the adolescent, or another
14 relative who is responsible for the health care of the adolescent,
15 who may be required to provide a declaration under penalty of perjury
16 stating that he or she is a relative responsible for the health care
17 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises
18 between individuals authorized to act as a parent for the purpose of
19 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
20 according to the priority established under RCW 7.70.065(2) (a).

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

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

27 (50) "Private agency" means any person, partnership, corporation,
28 or association that is not a public agency, whether or not financed
29 in whole or in part by public funds, that constitutes an evaluation
30 and treatment facility or private institution, or hospital, or
31 approved substance use disorder treatment program, that is conducted
32 for, or includes a distinct unit, floor, or ward conducted for, the
33 care and treatment of persons with mental illness, substance use
34 disorders, or both mental illness and substance use disorders.

35 (51) "Professional person in charge" or "professional person"
36 means a physician, other mental health professional, or other person
37 empowered by an evaluation and treatment facility, secure withdrawal
38 management and stabilization facility, or approved substance use
39 disorder treatment program with authority to make admission and
40 discharge decisions on behalf of that facility.

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

5 (53) "Psychiatrist" means a person having a license as a
6 physician in this state who has completed residency training in
7 psychiatry in a program approved by the American Medical Association
8 or the American Osteopathic Association, and is board eligible or
9 board certified in psychiatry.

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

12 (55) "Public agency" means any evaluation and treatment facility
13 or institution, or hospital, or approved substance use disorder
14 treatment program that is conducted for, or includes a distinct unit,
15 floor, or ward conducted for, the care and treatment of persons with
16 mental illness, substance use disorders, or both mental illness and
17 substance use disorders if the agency is operated directly by
18 federal, state, county, or municipal government, or a combination of
19 such governments.

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

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

24 (58) "Responsible other" means the minor, the minor's parent or
25 estate, or any other person legally responsible for support of the
26 minor.

27 (59) "Secretary" means the secretary of the department or
28 secretary's designee.

29 (60) "Secure withdrawal management and stabilization facility"
30 means a facility operated by either a public or private agency or by
31 the program of an agency which provides care to voluntary individuals
32 and individuals involuntarily detained and committed under this
33 chapter for whom there is a likelihood of serious harm or who are
34 gravely disabled due to the presence of a substance use disorder.
35 Secure withdrawal management and stabilization facilities must:

36 (a) Provide the following services:

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

39 (ii) Clinical stabilization services;

1 (iii) Acute or subacute detoxification services for intoxicated
2 individuals; and

3 (iv) Discharge assistance provided by certified substance use
4 disorder professionals or co-occurring disorder specialists,
5 including facilitating transitions to appropriate voluntary or
6 involuntary inpatient services or to less restrictive alternatives as
7 appropriate for the individual;

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

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

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

14 (62) "Start of initial detention" means the time of arrival of
15 the minor at the first evaluation and treatment facility, secure
16 withdrawal management and stabilization facility, or approved
17 substance use disorder treatment program offering inpatient treatment
18 if the minor is being involuntarily detained at the time. With regard
19 to voluntary patients, "start of initial detention" means the time at
20 which the minor gives notice of intent to leave under the provisions
21 of this chapter.

22 (63) "State hospital" means a hospital designated under RCW
23 72.23.020.

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

28 ~~((64))~~ (65) "Substance use disorder" means a cluster of
29 cognitive, behavioral, and physiological symptoms indicating that an
30 individual continues using the substance despite significant
31 substance-related problems. The diagnosis of a substance use disorder
32 is based on a pathological pattern of behaviors related to the use of
33 the substances.

34 ~~((65))~~ (66) "Substance use disorder professional" means a
35 person certified as a substance use disorder professional by the
36 department of health under chapter 18.205 RCW.

37 ~~((66))~~ (67) "Therapeutic court personnel" means the staff of a
38 mental health court or other therapeutic court which has jurisdiction
39 over defendants who are dually diagnosed with mental disorders,
40 including court personnel, probation officers, a court monitor,

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

3 ~~((+67))~~ (68) "Treatment records" include registration and all
4 other records concerning persons who are receiving or who at any time
5 have received services for mental illness, which are maintained by
6 the department, the department of health, the authority, behavioral
7 health organizations and their staffs, and by treatment facilities.
8 Treatment records include mental health information contained in a
9 medical bill including but not limited to mental health drugs, a
10 mental health diagnosis, provider name, and dates of service stemming
11 from a medical service. Treatment records do not include notes or
12 records maintained for personal use by a person providing treatment
13 services for the department, the department of health, the authority,
14 behavioral health organizations, or a treatment facility if the notes
15 or records are not available to others.

16 ~~((+68))~~ (69) "Tribe" has the same meaning as in RCW 71.24.025.

17 ~~((+69))~~ (70) "Video" means the delivery of behavioral health
18 services through the use of interactive audio and video technology,
19 permitting real-time communication between a person and a designated
20 crisis responder, for the purpose of evaluation. "Video" does not
21 include the use of audio-only telephone, facsimile, email, or store
22 and forward technology.

23 ~~((+70))~~ (71) "Violent act" means behavior that resulted in
24 homicide, attempted suicide, injury, or substantial loss or damage to
25 property.

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

28 Unless the context clearly requires otherwise, the definitions in
29 this section apply throughout this chapter.

30 (1) "23-hour crisis relief center" has the same meaning as
31 provided in RCW 71.24.025.

32 (2) "Admission" or "admit" means a decision by a physician,
33 physician assistant, or psychiatric advanced registered nurse
34 practitioner that a minor should be examined or treated as a patient
35 in a hospital.

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

37 (4) "Alcoholism" means a disease, characterized by a dependency
38 on alcoholic beverages, loss of control over the amount and
39 circumstances of use, symptoms of tolerance, physiological or

1 psychological withdrawal, or both, if use is reduced or discontinued,
2 and impairment of health or disruption of social or economic
3 functioning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (25) "Evaluation and treatment facility" means a public or
38 private facility or unit that is licensed or certified by the
39 department of health to provide emergency, inpatient, residential, or
40 outpatient mental health evaluation and treatment services for

1 minors. A physically separate and separately operated portion of a
2 state hospital may be designated as an evaluation and treatment
3 facility for minors. A facility which is part of or operated by the
4 state or federal agency does not require licensure or certification.
5 No correctional institution or facility, juvenile court detention
6 facility, or jail may be an evaluation and treatment facility within
7 the meaning of this chapter.

8 (26) "Evaluation and treatment program" means the total system of
9 services and facilities coordinated and approved by a county or
10 combination of counties for the evaluation and treatment of minors
11 under this chapter.

12 (27) "Gravely disabled minor" means a minor who, as a result of a
13 behavioral health disorder, (a) is in danger of serious physical harm
14 resulting from a failure to provide for his or her essential human
15 needs of health or safety, or (b) manifests severe deterioration from
16 safe behavior evidenced by repeated and escalating loss of cognitive
17 or volitional control over his or her actions and is not receiving
18 such care as is essential for his or her health or safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (41) "Medical clearance" means a physician or other health care
16 provider, including an Indian health care provider, has determined
17 that a person is medically stable and ready for referral to the
18 designated crisis responder or facility. For a person presenting in
19 the community, no medical clearance is required prior to
20 investigation by a designated crisis responder.

21 (42) "Medical necessity" for inpatient care means a requested
22 service which is reasonably calculated to: (a) Diagnose, correct,
23 cure, or alleviate a mental disorder or substance use disorder; or
24 (b) prevent the progression of a mental disorder or substance use
25 disorder that endangers life or causes suffering and pain, or results
26 in illness or infirmity or threatens to cause or aggravate a
27 disability, or causes physical deformity or malfunction, and there is
28 no adequate less restrictive alternative available.

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

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

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

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

1 (47) (a) "Parent" has the same meaning as defined in RCW
2 26.26A.010, including either parent if custody is shared under a
3 joint custody agreement, or a person or agency judicially appointed
4 as legal guardian or custodian of the child.

5 (b) For purposes of family-initiated treatment under RCW
6 71.34.600 through 71.34.670, "parent" also includes a person to whom
7 a parent defined in (a) of this subsection has given a signed
8 authorization to make health care decisions for the adolescent, a
9 stepparent who is involved in caring for the adolescent, a kinship
10 caregiver who is involved in caring for the adolescent, or another
11 relative who is responsible for the health care of the adolescent,
12 who may be required to provide a declaration under penalty of perjury
13 stating that he or she is a relative responsible for the health care
14 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises
15 between individuals authorized to act as a parent for the purpose of
16 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
17 according to the priority established under RCW 7.70.065(2) (a).

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

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

24 (50) "Private agency" means any person, partnership, corporation,
25 or association that is not a public agency, whether or not financed
26 in whole or in part by public funds, that constitutes an evaluation
27 and treatment facility or private institution, or hospital, or
28 approved substance use disorder treatment program, that is conducted
29 for, or includes a distinct unit, floor, or ward conducted for, the
30 care and treatment of persons with mental illness, substance use
31 disorders, or both mental illness and substance use disorders.

32 (51) "Professional person in charge" or "professional person"
33 means a physician, other mental health professional, or other person
34 empowered by an evaluation and treatment facility, secure withdrawal
35 management and stabilization facility, or approved substance use
36 disorder treatment program with authority to make admission and
37 discharge decisions on behalf of that facility.

38 (52) "Psychiatric nurse" means a registered nurse who has
39 experience in the direct treatment of persons who have a mental

1 illness or who are emotionally disturbed, such experience gained
2 under the supervision of a mental health professional.

3 (53) "Psychiatrist" means a person having a license as a
4 physician in this state who has completed residency training in
5 psychiatry in a program approved by the American Medical Association
6 or the American Osteopathic Association, and is board eligible or
7 board certified in psychiatry.

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

10 (55) "Public agency" means any evaluation and treatment facility
11 or institution, or hospital, or approved substance use disorder
12 treatment program that is conducted for, or includes a distinct unit,
13 floor, or ward conducted for, the care and treatment of persons with
14 mental illness, substance use disorders, or both mental illness and
15 substance use disorders if the agency is operated directly by
16 federal, state, county, or municipal government, or a combination of
17 such governments.

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

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

22 (58) "Responsible other" means the minor, the minor's parent or
23 estate, or any other person legally responsible for support of the
24 minor.

25 (59) "Secretary" means the secretary of the department or
26 secretary's designee.

27 (60) "Secure withdrawal management and stabilization facility"
28 means a facility operated by either a public or private agency or by
29 the program of an agency which provides care to voluntary individuals
30 and individuals involuntarily detained and committed under this
31 chapter for whom there is a likelihood of serious harm or who are
32 gravely disabled due to the presence of a substance use disorder.
33 Secure withdrawal management and stabilization facilities must:

34 (a) Provide the following services:

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

37 (ii) Clinical stabilization services;

38 (iii) Acute or subacute detoxification services for intoxicated
39 individuals; and

1 (iv) Discharge assistance provided by certified substance use
2 disorder professionals or co-occurring disorder specialists,
3 including facilitating transitions to appropriate voluntary or
4 involuntary inpatient services or to less restrictive alternatives as
5 appropriate for the individual;

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

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

9 (61) "Severe deterioration from safe behavior" means that a
10 person will, if not treated, suffer or continue to suffer severe and
11 abnormal mental, emotional, or physical distress, and this distress
12 is associated with significant impairment of judgment, reason, or
13 behavior.

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

17 (63) "Start of initial detention" means the time of arrival of
18 the minor at the first evaluation and treatment facility, secure
19 withdrawal management and stabilization facility, or approved
20 substance use disorder treatment program offering inpatient treatment
21 if the minor is being involuntarily detained at the time. With regard
22 to voluntary patients, "start of initial detention" means the time at
23 which the minor gives notice of intent to leave under the provisions
24 of this chapter.

25 (64) "State hospital" means a hospital designated under RCW
26 72.23.020.

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

31 ~~((65))~~ (66) "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 ~~((66))~~ (67) "Substance use disorder professional" means a
38 person certified as a substance use disorder professional by the
39 department of health under chapter 18.205 RCW.

1 (~~(67)~~) (68) "Therapeutic court personnel" means the staff of a
2 mental health court or other therapeutic court which has jurisdiction
3 over defendants who are dually diagnosed with mental disorders,
4 including court personnel, probation officers, a court monitor,
5 prosecuting attorney, or defense counsel acting within the scope of
6 therapeutic court duties.

7 (~~(68)~~) (69) "Treatment records" include registration and all
8 other records concerning persons who are receiving or who at any time
9 have received services for mental illness, which are maintained by
10 the department, the department of health, the authority, behavioral
11 health organizations and their staffs, and by treatment facilities.
12 Treatment records include mental health information contained in a
13 medical bill including but not limited to mental health drugs, a
14 mental health diagnosis, provider name, and dates of service stemming
15 from a medical service. Treatment records do not include notes or
16 records maintained for personal use by a person providing treatment
17 services for the department, the department of health, the authority,
18 behavioral health organizations, or a treatment facility if the notes
19 or records are not available to others.

20 (~~(69)~~) (70) "Tribe" has the same meaning as in RCW 71.24.025.

21 (~~(70)~~) (71) "Video" means the delivery of behavioral health
22 services through the use of interactive audio and video technology,
23 permitting real-time communication between a person and a designated
24 crisis responder, for the purpose of evaluation. "Video" does not
25 include the use of audio-only telephone, facsimile, email, or store
26 and forward technology.

27 (~~(71)~~) (72) "Violent act" means behavior that resulted in
28 homicide, attempted suicide, injury, or substantial loss or damage to
29 property.

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

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

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

35 (2) "Department" means the department of social and health
36 services.

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

38 (4) "Licensed physician" means an individual permitted to
39 practice as a physician under the laws of the state, or a medical

1 officer, similarly qualified, of the government of the United States
2 while in this state in performance of his or her official duties.

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

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

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

12 (8) "Secretary" means the secretary of social and health
13 services.

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

18 (10) "Superintendent" means the superintendent of a state
19 hospital.

20 (11) "Violence" or "violent act" means any physical assault or
21 attempted physical assault against an employee or patient of a state
22 hospital.

23 Wherever used in this chapter, the masculine shall include the
24 feminine and the singular shall include the plural.

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

27 There are hereby permanently located and established the
28 following state hospitals: Western state hospital at Fort Steilacoom,
29 Pierce county; eastern state hospital at Medical Lake, Spokane
30 county; and (~~(northern state hospital near Sedro Woolley, Skagit~~
31 ~~county)~~) the child study and treatment center at Fort Steilacoom,
32 Pierce county.

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

35 The director shall:

36 (1) Administer all state-funded services in the following program
37 areas:

1 (a) Trial court criminal indigent defense, as provided in chapter
2 10.101 RCW;

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

5 (c) Representation of indigent parents qualified for appointed
6 counsel in dependency and termination cases, as provided in RCW
7 13.34.090 and 13.34.092;

8 (d) Extraordinary criminal justice cost petitions, as provided in
9 RCW 43.330.190;

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

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

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

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

21 (2) Subject to availability of funds appropriated for this
22 specific purpose, provide access to counsel for indigent persons
23 incarcerated in a juvenile rehabilitation or adult correctional
24 facility to file and prosecute a first, timely personal restraint
25 petition under RCW 10.73.150. The office shall establish eligibility
26 criteria that prioritize access to counsel for youth under age 25,
27 youth or adults with sentences in excess of 120 months, youth or
28 adults with disabilities, and youth or adults with limited English
29 proficiency. Nothing in this subsection creates an entitlement to
30 counsel at state expense to file a personal restraint petition;

31 (3) Subject to the availability of funds appropriated for this
32 specific purpose, appoint counsel to petition the sentencing court if
33 the legislature creates an ability to petition the sentencing court,
34 or appoint counsel to challenge a conviction or sentence if a final
35 decision of an appellate court creates the ability to challenge a
36 conviction or sentence. Nothing in this subsection creates an
37 entitlement to counsel at state expense to petition the sentencing
38 court;

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

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

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

9 (7) Provide oversight and technical assistance to ensure the
10 effective and efficient delivery of services in the office's program
11 areas;

12 (8) Recommend criteria and standards for determining and
13 verifying indigency. In recommending criteria for determining
14 indigency, the director shall compile and review the indigency
15 standards used by other state agencies and shall periodically submit
16 the compilation and report to the legislature on the appropriateness
17 and consistency of such standards;

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

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

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

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

28 (2) In order to protect and preserve client rights when
29 administering the office's statutory duties to provide initial
30 telephonic or video consultation services, managing and supervising
31 attorneys of the office of public defense who meet applicable public
32 defense qualifications may provide limited short-term coverage for
33 the consultation services if office of public defense contracted
34 counsel is unavailable to provide the consultation services. The
35 office shall provide services in a manner consistent with the rules
36 of professional conduct, chapter 42.52 RCW, and applicable policies
37 of the office of public defense.

38 (3) The office of public defense may facilitate and supervise
39 placement of law clerks, externs, and interns with office of public

1 defense contracted counsel, in a manner consistent with the
2 Washington admission and practice rules, the rules of professional
3 conduct, chapter 42.52 RCW, and applicable policies of the office of
4 public defense.

5 (4) Employees of the office of public defense may provide pro
6 bono legal services in a manner consistent with the rules of
7 professional conduct, chapter 42.52 RCW, and applicable policies of
8 the office of public defense. The policies of the office of public
9 defense must require that employees providing pro bono legal services
10 obtain and provide to the office a written statement, signed by any
11 pro bono client, acknowledging that:

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

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

18 The office of public defense shall retain the written statements
19 in a manner consistent with records relating to potential conflicts
20 of interest.

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

28 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
29 each repealed:

- 30 (1) 2024 c 62 s 26; and
- 31 (2) 2024 c 62 s 27.

32 NEW SECTION. **Sec. 13.** Section 1 of this act expires when
33 section 2 of this act takes effect.

34 NEW SECTION. **Sec. 14.** Section 2 of this act takes effect when
35 the contingency in section 26, chapter 433, Laws of 2023 takes
36 effect.

1 NEW SECTION. **Sec. 15.** Section 6 of this act expires when
2 section 7 of this act takes effect.

3 NEW SECTION. **Sec. 16.** Section 7 of this act takes effect when
4 the contingency in section 13, chapter 433, Laws of 2023 takes
5 effect.

6 NEW SECTION. **Sec. 17.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of
8 the state government and its existing public institutions, and takes
9 effect immediately.

--- END ---