
SUBSTITUTE SENATE BILL 5279

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Long, Fairley, Prentice and Winsley)

Read first time 03/03/1999.

1 AN ACT Relating to placement of children in mental health care by
2 the department of social and health services; adding new sections to
3 chapter 13.34 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature that
6 minor children in the custody of the department of social and health
7 services pursuant to chapter 13.32A, 13.34, or 26.44 RCW be provided
8 the most appropriate possible mental health care consistent with the
9 child's best interests, family reconciliation, the child's medical need
10 for mental health treatment, available state and community resources,
11 and professional standards of medical care. The legislature intends
12 that admission of such minors for mental health hospitalization be made
13 pursuant to the criteria and standards for mental health services for
14 minors established in chapter 71.34 RCW and that minor children in the
15 custody of the department in need of mental health hospitalization
16 shall retain all rights set forth therein. The legislature
17 specifically intends that this act shall not be construed to affect the
18 standards or procedures established for the involuntary commitment of
19 minors under chapter 71.34 RCW.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34 RCW
2 to read as follows:

3 (1) No minor child under the jurisdiction of the department
4 pursuant to this chapter, chapter 13.32A RCW, or chapter 26.44 RCW
5 shall be admitted into a facility for inpatient mental health
6 hospitalization unless the secretary determines by clear, cogent, and
7 convincing evidence: (a) It is medically necessary for the child to
8 receive treatment on an inpatient basis based on an evaluation of the
9 child's case by the responsible mental health regional support network
10 pursuant to the criteria and procedures set forth in chapter 71.34 RCW;
11 (b) the facility to which the child is admitted offers the most
12 appropriate and available services and facilities for the needs of the
13 child; (c) the facility is the facility with available treatment space
14 closest to the child's home unless the secretary in consultation with
15 the admitting authority finds that admission into the facility closest
16 to the child's home would jeopardize the health or safety of the child;
17 (d) the facility complies with all state-required licensing and
18 professional standards for providing inpatient mental health care to
19 minors; and (e) the proposed treatment plan gives consideration to
20 treatment in the least restrictive manner and includes a plan to
21 transfer the child to outpatient care as soon as such transfer is
22 medically appropriate. The department shall establish rules and
23 procedures consistent with these criteria.

24 (2) The fact of admission and all information obtained through
25 treatment under this section is confidential and may be disclosed only
26 pursuant to RCW 71.34.200 and 71.34.210.

27 (3) Except as otherwise provided in this section, the department
28 shall seek to obtain the prior consent of a child's parent, legal
29 guardian, or legal custodian before a child is admitted into an
30 inpatient mental health treatment facility under this section. If the
31 child's parent, legal guardian, or legal custodian is unavailable or
32 does not agree with the proposed admission, the department shall
33 request a hearing and provide notice to all interested parties to seek
34 prior approval of the juvenile court before such admission. In the
35 event that an emergent situation creating a risk of substantial harm to
36 the health and welfare of a child in the custody of the department does
37 not allow time for the department to obtain prior approval or to
38 request a court hearing before consenting to the admission of the child
39 into an inpatient mental health hospital the department will seek court

1 approval by requesting that a hearing be set on the first available
2 court date.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.34 RCW
4 to read as follows:

5 (1) The secretary shall maintain a list of all facilities to which
6 minor children under the jurisdiction of the department may be admitted
7 for inpatient mental health hospitalization pursuant to this chapter,
8 chapter 13.32A RCW, or chapter 26.44 RCW. Facilities shall not be
9 listed unless they comply with all medicaid, federal, and state-
10 required licensing and professional standards for providing inpatient
11 mental health treatment to minors and are sufficiently financially
12 stable to continue in operation for the foreseeable future. The list
13 shall be updated each time a facility is added or deleted and shall be
14 published by the secretary once a year in a format intended to provide
15 the public with the maximum opportunity to learn the name, address, and
16 telephone number of each facility.

17 (2) Not later than December 1st of each year, the secretary shall
18 provide the governor and legislature a report setting forth: (a) The
19 number of minor children under the jurisdiction of the department who
20 have been placed in mental health inpatient treatment; (b) the
21 facilities that received minor children for treatment; (c) the number
22 of minor children treated at each facility; and (d) the number of
23 inpatient treatment days provided at each facility for each child.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34 RCW
25 to read as follows:

26 No facility that owes the federal government, or state government,
27 financial penalties related to noncompliance with federal medicaid
28 rules or state licensing or health safety regulations may be listed
29 under section 3 of this act.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW
31 to read as follows:

32 For minors who cannot consent to release of their records with the
33 department because they are not old enough to consent to treatment or,
34 if old enough, lack the capacity to consent, or the minor is receiving
35 treatment involuntarily with a provider the department has authorized
36 to provide mental health treatment under section 2 of this act, the

1 department shall disclose, upon the treating physician's request, all
2 relevant records, including the minor's passport, in the department's
3 possession that the treating physician determines contain information
4 required for treatment of the minor. The treating physician shall
5 maintain all records received from the department in a manner that
6 distinguishes the records from any other records in the minor's file
7 with the treating physician and the department records shall not be
8 disclosed by the treating physician to any other person or entity
9 absent a court order.

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