
SUBSTITUTE SENATE BILL 5620

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Deccio, Prentice, Franklin and Patterson)

Read first time 02/24/1999. Referred to Committee on .

1 AN ACT Relating to chemical dependency treatment services; amending
2 RCW 70.96A.010, 70.96A.011, 70.96A.020, 70.96A.030, 70.96A.040,
3 70.96A.043, 70.96A.050, 70.96A.070, 70.96A.085, 70.96A.087, 70.96A.090,
4 70.96A.100, 70.96A.110, 70.96A.120, 70.96A.145, 70.96A.150, 70.96A.160,
5 70.96A.180, 70.96A.265, 70.96A.300, 70.96A.310, and 70.96A.320;
6 reenacting RCW 70.96A.430; adding new sections to chapter 70.96A RCW;
7 recodifying RCW 70.96A.430; repealing RCW 70.96A.060, 70.96A.080,
8 70.96A.140, and 70.96.150; and providing an effective date.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.96A RCW
11 to read as follows:

12 It is the intent of the legislature to: (1) Clarify that it is the
13 nature of a person's current conduct, current chemical abuse, current
14 mental condition, history, and likelihood of committing future acts
15 that pose a threat to public safety or himself or herself that should
16 determine treatment procedures and level; and (2) provide additional
17 opportunities for chemical dependency treatment for persons whose
18 conduct threatens themselves or threatens public safety as a result of
19 the chemical dependency.

1 **Sec. 2.** RCW 70.96A.010 and 1989 c 271 s 304 are each amended to
2 read as follows:

3 It is the policy of this state that (~~(alcoholics and intoxicated)~~)
4 chemically dependent persons may not be subjected to criminal
5 prosecution solely because of their consumption of alcoholic beverages
6 or psychoactive chemicals but rather should(~~(, within available~~
7 ~~funds,)) be afforded a continuum of treatment in order that they may
8 lead normal lives as productive members of society. (~~(Within available~~
9 ~~funds, treatment should also be provided for drug addicts.))~~)~~

10 **Sec. 3.** RCW 70.96A.011 and 1989 c 270 s 1 are each amended to read
11 as follows:

12 The legislature finds that the (~~(use))~~ abuse of alcohol and (~~(other~~
13 ~~drugs has become))~~ psychoactive chemicals is a serious threat to the
14 health of the citizens of the state of Washington. The (~~(use))~~ abuse
15 of psychoactive chemicals (~~(has been found to be))~~ is a prime factor in
16 the (~~(current))~~ AIDS epidemic. Therefore, a comprehensive statute to
17 deal with (~~(alcoholism and other drug addiction))~~ chemical dependency
18 is necessary.

19 The legislature agrees with the 1987 resolution of the American
20 Medical Association that endorses the proposition that all chemical
21 dependencies, including alcoholism, are diseases. It is the intent of
22 the legislature to end the sharp distinctions between alcoholism
23 services and other drug addiction services, to recognize that chemical
24 dependency is a disease, and to insure that prevention and treatment
25 services are available and are of high quality. It is the purpose of
26 this chapter to provide the financial assistance necessary to enable
27 the department (~~(of social and health services))~~ to provide a discrete
28 program of (~~(alcoholism and other drug addiction))~~ chemical dependency
29 services. It is not the intent of the legislature that the department
30 or its contractors use the existence of a discrete program to prevent,
31 avoid, or impede collaboration or coordinated delivery of services to
32 persons with mental disorders.

33 **Sec. 4.** RCW 70.96A.020 and 1998 c 296 s 22 are each amended to
34 read as follows:

35 For the purposes of this chapter the following words and phrases
36 shall have the following meanings unless the context clearly requires
37 otherwise:

1 (1) "Alcoholic" means a person who suffers from the disease of
2 alcoholism.

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

8 (3) "Approved treatment program" means a discrete program of
9 chemical dependency treatment provided by a treatment program certified
10 by the department of social and health services as meeting standards
11 adopted under this chapter.

12 (4) "Chemical dependency" means: (a) Alcoholism ~~((or))~~; (b) drug
13 addiction ~~((or))~~; or (c) dependence on alcohol and one or more other
14 psychoactive chemicals, as the context requires.

15 (5) "Chemical dependency program" means expenditures and activities
16 of the department designed and conducted to prevent or treat alcoholism
17 and other drug addiction, including reasonable administration and
18 overhead.

19 (6) "Chemically dependent person" means a person with a chemical
20 dependency.

21 (7) "Department" means the department of social and health
22 services.

23 ~~((+7))~~ (8) "Designated chemical dependency specialist" or
24 "specialist" means a person designated by the county ~~((alcoholism and~~
25 ~~other drug addiction))~~ chemical dependency program coordinator
26 designated under RCW 70.96A.310 to perform the commitment duties
27 described in ~~((RCW 70.96A.140))~~ sections 16 through 25 of this act and
28 qualified to do so by meeting standards adopted by the department.

29 ~~((+8))~~ (9) "Director" means the person administering the chemical
30 dependency program within the department.

31 ~~((+9))~~ (10) "Drug addict" means a person who suffers from the
32 disease of drug addiction.

33 ~~((+10))~~ (11) "Drug addiction" means a disease characterized by a
34 dependency on psychoactive chemicals, loss of control over the amount
35 and circumstances of use, symptoms of tolerance, physiological or
36 psychological withdrawal, or both, if use is reduced or discontinued,
37 and impairment of health or disruption of social or economic
38 functioning.

1 (~~(11)~~) (12) "Emergency service patrol" means a patrol established
2 under RCW 70.96A.170.

3 (~~(12)~~) (13) "Gravely disabled by alcohol or other (~~(drugs)~~)
4 psychoactive chemicals" or "gravely disabled" means that a person, as
5 a result of the use of alcohol or other (~~(drugs)~~) psychoactive
6 chemicals: (a) Is in danger of serious physical harm resulting from a
7 failure to provide for his or her essential human needs of health or
8 safety; or (b) manifests severe deterioration in routine functioning
9 evidenced by a repeated and escalating loss of cognition or volitional
10 control over his or her actions and is not receiving care or treatment
11 as essential for his or her health or safety.

12 (~~(13)~~) (14) "History of one or more violent acts" refers to the
13 period of time ten years prior to the filing of a petition under this
14 chapter, excluding any time spent, but not any violent acts committed,
15 in a mental health facility, a long-term alcoholism or drug treatment
16 facility, or in confinement.

17 (15) "Incapacitated by alcohol or other psychoactive chemicals" or
18 "incapacitated" means that a person, as a result of the use of alcohol
19 or other psychoactive chemicals, has his or her judgment so impaired
20 that he or she is incapable of realizing and making a rational decision
21 with respect to his or her need for treatment and presents a likelihood
22 of serious harm to himself or herself, to any other person, or to
23 property.

24 (~~(14)~~) (16) "Incompetent person" means a person who has been
25 adjudged incompetent by the superior court.

26 (~~(15)~~) (17) "Intoxicated person" means a person whose mental or
27 physical functioning is substantially impaired as a result of the use
28 of alcohol or other psychoactive chemicals.

29 (~~(16)~~) (18) "Licensed physician" means a person licensed to
30 practice medicine or osteopathic medicine and surgery in the state of
31 Washington.

32 (~~(17)~~) (19) "Likelihood of serious harm" means (~~(either)~~):

33 (a) A substantial risk that: (i) Physical harm will be inflicted
34 by an individual upon his or her own person, as evidenced by threats or
35 attempts to commit suicide or inflict physical harm on one's self;
36 (~~(b) a substantial risk that~~) (ii) physical harm will be inflicted by
37 an individual upon another, as evidenced by behavior that has caused
38 the harm or that places another person or persons in reasonable fear of
39 sustaining the harm; or (~~(c) a substantial risk that~~) (iii) physical

1 harm will be inflicted by an individual upon the property of others, as
2 evidenced by behavior that has caused substantial loss or damage to the
3 property of others; or

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

6 ~~((+18+))~~ (20) "Medical necessity" for inpatient ~~((care))~~ treatment
7 of a minor means a requested certified inpatient service that is
8 reasonably calculated to: (a) Diagnose, arrest, or alleviate a
9 chemical dependency; or (b) prevent the worsening of chemical
10 dependency conditions that endanger life or cause suffering and pain,
11 or result in illness or infirmity or threaten to cause or aggravate a
12 handicap, or cause physical deformity or malfunction, and there is no
13 adequate less restrictive alternative available.

14 ~~((+19+))~~ (21) "Minor" means a person less than eighteen years of
15 age.

16 ~~((+20+))~~ (22) "Parent" means the parent or parents who have the
17 legal right to custody of the child. Parent includes custodian or
18 guardian.

19 ~~((+21+))~~ (23) "Peace officer" means a law enforcement official of
20 a public agency or governmental unit, and includes persons specifically
21 given peace officer powers by any state law, local ordinance, or
22 judicial order of appointment.

23 ~~((+22+))~~ (24) "Person" means an individual, including a minor.

24 ~~((+23+))~~ (25) "Professional person in charge" or "professional
25 person" means a physician or chemical dependency counselor as defined
26 in rule by the department, who is empowered by a certified treatment
27 program with authority to make assessment, admission, continuing
28 ~~((care))~~ treatment, and discharge decisions on behalf of the certified
29 program.

30 ~~((+24+))~~ (26) "Secretary" means the secretary of the department of
31 social and health services.

32 ~~((+25+))~~ (27) "Treatment" means the broad range of emergency,
33 detoxification, residential, and outpatient services and care,
34 including diagnostic evaluation, chemical dependency education and
35 counseling, medical, psychiatric, psychological, and social service
36 care, vocational rehabilitation and career counseling, which may be
37 extended to ~~((alcoholics and other drug addicts))~~ chemically dependent
38 persons and their families, persons incapacitated by alcohol or other
39 psychoactive chemicals, and intoxicated persons.

1 (~~(26)~~) (28) "Treatment program" means an organization,
2 institution, or corporation, public or private, engaged in the care,
3 treatment, or rehabilitation of (~~(alcoholics or other drug addicts)~~)
4 chemically dependent persons.

5 (29) "Violent act" means behavior that resulted in homicide,
6 attempted suicide, nonfatal injuries, or substantial damage to
7 property.

8 **Sec. 5.** RCW 70.96A.030 and 1989 c 270 s 4 are each amended to read
9 as follows:

10 A discrete (~~(program of)~~) chemical dependency program is
11 established within the department (~~(of social and health services)~~), to
12 be administered by a qualified person who has training and experience
13 in (~~(handling alcoholism and other drug addiction problems)~~): (1)
14 Providing chemical dependency treatment; or (2) the organization or
15 administration of (~~(treatment services for persons suffering from~~
16 ~~alcoholism or other drug addiction problems)~~) chemical dependency
17 treatment programs.

18 **Sec. 6.** RCW 70.96A.040 and 1989 c 270 s 5 are each amended to read
19 as follows:

20 The department, in the operation of the chemical dependency
21 program, may:

22 (1) Plan, establish, and maintain prevention and treatment programs
23 as necessary or desirable;

24 (2) Make contracts necessary or incidental to the performance of
25 its duties and the execution of its powers under this chapter,
26 including contracts with public and private agencies, organizations,
27 and individuals to pay them for services (~~(rendered or furnished)~~)
28 provided to (~~(alcoholics or other drug addicts)~~) chemically dependent
29 persons, persons incapacitated or gravely disabled by alcohol or other
30 psychoactive chemicals, or intoxicated persons;

31 (3) Enter into agreements for monitoring of verification of
32 qualifications of counselors employed by approved treatment programs;

33 (4) Adopt rules under chapter 34.05 RCW to carry out the provisions
34 and purposes of this chapter, and (~~(contract)~~) cooperate(~~(~~) and
35 coordinate with other public or private agencies or individuals for
36 those purposes;

1 (5) Solicit and accept for use any gift or bequest of money or
2 property (~~made by will or otherwise~~), and any grant of money,
3 services, or property from the federal government, the state, or any
4 political subdivision thereof or any private source, and do all things
5 necessary to cooperate with the federal government or any of its
6 agencies in making an application for any grant;

7 (6) Administer or supervise the administration of the provisions
8 (~~relating to alcoholics, other drug addicts, and intoxicated persons~~)
9 of any state plan submitted for federal funding pursuant to federal
10 health, welfare, or treatment legislation relating to alcoholics, other
11 drug addicts, and intoxicated persons;

12 (7)(a) Coordinate its activities and cooperate with chemical
13 dependency programs in this and other states(~~(7)~~); and

14 (b) Make contracts and other joint or cooperative arrangements with
15 state, local, or private agencies in this and other states for: (i)
16 The treatment of (~~alcoholics and other drug addicts~~) chemically
17 dependent persons and their families(~~(7)~~); persons incapacitated by
18 alcohol or other psychoactive chemicals(~~(7)~~); and intoxicated persons;
19 and (~~for~~) (ii) the common advancement of chemical dependency
20 programs;

21 (8) Keep records and engage in research and the gathering of
22 relevant statistics;

23 (9) Do other acts and things necessary or convenient to execute the
24 authority expressly granted to it; and

25 (10) Acquire, hold, or dispose of real property or any interest
26 therein, and construct, lease, or otherwise provide treatment programs.

27 **Sec. 7.** RCW 70.96A.043 and 1989 c 270 s 7 are each amended to read
28 as follows:

29 Pursuant to (~~the Interlocal Cooperation Act,~~) chapter 39.34 RCW,
30 the department may enter into agreements to accomplish the purposes of
31 this chapter.

32 **Sec. 8.** RCW 70.96A.050 and 1989 c 270 s 6 are each amended to read
33 as follows:

34 The department shall:

35 (1) Develop, encourage, and foster state-wide, regional, and local
36 plans and programs for the prevention of (~~alcoholism and other drug~~
37 ~~addiction~~) chemical dependency, treatment of (~~alcoholics and other~~

1 ~~drug addicts~~) chemically dependent persons and their families, persons
2 incapacitated by alcohol or other psychoactive chemicals, and
3 intoxicated persons in cooperation with public and private agencies,
4 organizations, and individuals and provide technical assistance and
5 consultation services for these purposes;

6 (2) Coordinate the efforts and enlist the assistance of all public
7 and private agencies, organizations, and individuals interested in
8 prevention of (~~alcoholism and drug addiction~~) chemical dependency,
9 and treatment of (~~alcoholics and other drug addicts~~) chemically
10 dependent persons and their families, persons incapacitated by alcohol
11 or other psychoactive chemicals, and intoxicated persons;

12 (3) Cooperate with public and private agencies in establishing and
13 conducting programs to provide treatment for (~~alcoholics and other~~
14 ~~drug addicts~~) chemically dependent persons and their families, persons
15 incapacitated by alcohol or other psychoactive chemicals, and
16 intoxicated persons who are (~~clients of the~~) under the supervision of
17 the state or local correctional systems;

18 (4) Cooperate with the superintendent of public instruction, state
19 board of education, schools, police departments, courts, and other
20 public and private agencies, organizations, and individuals in
21 establishing programs for the prevention of (~~alcoholism and other drug~~
22 ~~addiction~~) chemical dependency, treatment of (~~alcoholics or other~~
23 ~~drug addicts~~) chemically dependent persons and their families, persons
24 incapacitated or gravely disabled by alcohol (~~and~~) or other
25 psychoactive chemicals, and intoxicated persons, and preparing
26 curriculum materials thereon for use at all levels of school education;

27 (5) Prepare, publish, evaluate, and disseminate educational
28 material dealing with the nature and effects of alcohol and other
29 psychoactive chemicals and the consequences of their use;

30 (6) Develop and implement, as an integral part of treatment
31 programs, an educational program for use in the treatment of
32 (~~alcoholics or other drug addicts~~) chemically dependent persons,
33 persons incapacitated by alcohol (~~and~~) or other psychoactive
34 chemicals, and intoxicated persons(~~, which~~). The program shall
35 include the dissemination of information concerning: (a) The nature
36 and effects of alcohol and other psychoactive chemicals(~~()~~); (b) the
37 consequences of their use(~~()~~); (c) the principles of recovery(~~()~~)
38 from chemical dependency; and (d) HIV and AIDS;

1 (7) Organize and foster training programs for persons engaged in
2 treatment of (~~alcoholics or other drug addicts~~) chemically dependent
3 persons, persons incapacitated by alcohol (~~and~~) or other psychoactive
4 chemicals, and intoxicated persons;

5 (8) Sponsor and encourage research into the causes and nature of
6 (~~alcoholism and other drug addiction~~) chemical dependency, treatment
7 of (~~alcoholics and other drug addicts~~) chemically dependent persons,
8 persons incapacitated by alcohol (~~and~~) or other psychoactive
9 chemicals, and intoxicated persons, and serve as a clearing house for
10 information relating to (~~alcoholism or other drug addiction~~) chemical
11 dependency;

12 (9) Specify uniform methods for keeping statistical information by
13 public and private agencies, organizations, and individuals, and
14 collect and make available relevant statistical information, including
15 number of persons treated, frequency of admission and readmission, and
16 frequency and duration of treatment;

17 (10) Advise the governor in the preparation of a comprehensive plan
18 for treatment of (~~alcoholics and other drug addicts~~) chemically
19 dependent persons, persons incapacitated by alcohol or other
20 psychoactive chemicals, and intoxicated persons for inclusion in the
21 state's comprehensive health plan;

22 (11) Review all state health, welfare, and treatment plans to be
23 submitted for federal funding under federal legislation, and advise the
24 governor on provisions to be included relating to (~~alcoholism and~~
25 ~~other drug addiction~~) chemical dependency, chemically dependent
26 persons, persons incapacitated by alcohol or other psychoactive
27 chemicals, and intoxicated persons;

28 (12) Assist in the development of, and cooperate with, programs for
29 (~~alcohol and other psychoactive chemical~~) chemical dependency
30 education and treatment for employees of state and local governments
31 and businesses and industries in the state;

32 (13) Use the support and assistance of interested persons in the
33 community to encourage (~~alcoholics and other drug addicts~~) chemically
34 dependent persons voluntarily to undergo treatment;

35 (14) Cooperate with public and private agencies in establishing and
36 conducting programs designed to deal with the problem of persons
37 operating motor vehicles while intoxicated;

38 (15) Encourage general hospitals and other appropriate health
39 facilities to admit without discrimination (~~alcoholics and other drug~~

1 addicts)) chemically dependent persons, persons incapacitated by
2 alcohol or other psychoactive chemicals, and intoxicated persons and to
3 provide them with adequate and appropriate treatment;

4 (16) Encourage all health and disability insurance programs to
5 include (~~(alcoholism and other drug addiction)~~) chemical dependency as
6 a covered illness; and

7 (17) Organize and sponsor a state-wide program to help judges and
8 court personnel(~~(, including judges,)~~) better understand (~~(the disease~~
9 ~~of alcoholism and other drug addiction)~~) chemical dependency and the
10 uses of chemical dependency treatment programs.

11 **Sec. 9.** RCW 70.96A.070 and 1994 c 231 s 2 are each amended to read
12 as follows:

13 Pursuant to the provisions of RCW 43.20A.360, there shall be a
14 citizens advisory council composed of not less than seven nor more than
15 fifteen members. It is the intent of the legislature that the citizens
16 advisory council broadly represent citizens who have been recipients of
17 voluntary or involuntary treatment for (~~(alcoholism or other drug~~
18 ~~addiction)~~) chemical dependency and who have been in recovery from
19 chemical dependency for a minimum of two years. To meet this intent,
20 at least two-thirds of the council's members shall be former recipients
21 of these services and not employed in an occupation relating to
22 (~~(alcoholism or drug addiction)~~) chemical dependency. The remaining
23 members shall be broadly representative of the community, shall include
24 representation from business and industry, organized labor, the
25 judiciary, and minority groups, chosen for their demonstrated concern
26 with (~~(alcoholism and other drug addiction)~~) chemical dependency
27 problems. Members shall be appointed by the secretary.

28 In addition to advising the department in carrying out the purposes
29 of this chapter, the council shall develop and propose to the secretary
30 for his or her consideration the rules for the implementation of the
31 chemical dependency program of the department. Rules and policies
32 governing treatment programs shall be developed in collaboration among
33 the council, department staff, local government, and administrators of
34 voluntary and involuntary treatment programs. The secretary shall
35 thereafter adopt such rules that, in his or her judgment properly
36 implement the chemical dependency program of the department consistent
37 with the welfare of those to be served, the legislative intent, and the
38 public good.

1 **Sec. 10.** RCW 70.96A.085 and 1989 c 270 s 12 are each amended to
2 read as follows:

3 A city, town, or county that does not have its own facility or
4 program for the treatment and rehabilitation of (~~alcoholics and other~~
5 ~~drug addicts~~) chemically dependent persons may share in the use of a
6 facility or program maintained by another city or county so long as it
7 contributes no less than two percent of its share of liquor taxes and
8 profits to the support of the facility or program.

9 **Sec. 11.** RCW 70.96A.087 and 1989 c 270 s 13 are each amended to
10 read as follows:

11 To be eligible to receive its share of liquor taxes and profits,
12 each city and county shall devote no less than two percent of its share
13 of liquor taxes and profits to the support of a chemical dependency
14 program (~~of alcoholism and other drug addiction~~) approved by the
15 (~~alcoholism and other drug addiction~~) chemical dependency board
16 authorized by RCW 70.96A.300 and the secretary.

17 **Sec. 12.** RCW 70.96A.090 and 1995 c 312 s 46 are each amended to
18 read as follows:

19 (1) The (~~department~~) secretary shall adopt rules establishing
20 standards for approved treatment programs, the process for the review
21 and inspection of programs applying to the department for certification
22 as an approved treatment program, and fixing the fees to be charged by
23 the department for the required inspections. The standards may concern
24 the health standards to be met and standards of services and treatment
25 to be afforded patients.

26 (2) The department may suspend, revoke, limit, restrict, or modify
27 an approval, or refuse to grant approval, for failure to meet the
28 provisions of this chapter, or the standards adopted under this
29 chapter. RCW 43.20A.205 governs notice of a license denial,
30 revocation, suspension, or modification and provides the right to an
31 adjudicative proceeding.

32 (3) No treatment program may advertise or represent itself as an
33 approved treatment program if approval has not been granted, has been
34 denied, suspended, revoked, or canceled.

35 (4) Certification as an approved treatment program is effective for
36 one calendar year from the date of issuance of the certificate. The
37 certification shall specify the types of services provided by the

1 approved treatment program that meet the standards adopted under this
2 chapter. Renewal of certification shall be made in accordance with
3 this section for initial approval and in accordance with the standards
4 set forth in rules adopted by the secretary.

5 (5) Approved treatment programs shall not provide (~~alcoholism or~~
6 ~~other drug addiction~~) chemical dependency treatment services for which
7 the approved treatment program has not been certified. Approved
8 treatment programs may provide services for which approval has been
9 sought and is pending, if approval for the services has not been
10 previously revoked or denied.

11 (6) The department periodically shall inspect and evaluate approved
12 public and private treatment programs at reasonable times and in a
13 reasonable manner.

14 (7) The department shall maintain and periodically publish a
15 current list of approved treatment programs.

16 (8) Each approved treatment program shall file with the department
17 on request, data, statistics, schedules, and information the department
18 reasonably requires. An approved treatment program that, without good
19 cause, fails to furnish any data, statistics, schedules, or information
20 as requested, or files fraudulent returns thereof, may be removed from
21 the list of approved treatment programs(~~(7)~~) and its certification
22 revoked or suspended.

23 (9) In addition to the requirements of subsection (6) of this
24 section, the department shall use the data provided in subsection (8)
25 of this section to evaluate each program that admits children to
26 inpatient treatment upon application of their parents. The evaluation
27 shall be done at least once every twelve months. In addition, the
28 department shall randomly select and review the information on
29 individual children who are admitted on application of the child's
30 parent for the purpose of determining whether the child was
31 appropriately placed into treatment based on an objective evaluation of
32 the child's condition and the outcome of the child's treatment.

33 (10) Upon petition of the department and after a hearing held upon
34 reasonable notice to the facility, the superior court may issue a
35 warrant to an officer or employee of the department authorizing him or
36 her to enter and inspect at reasonable times, and examine the books and
37 accounts of, any approved public or private treatment program refusing
38 to consent to inspection or examination by the department or which the

1 department has reasonable cause to believe is operating in violation of
2 this chapter.

3 **Sec. 13.** RCW 70.96A.100 and 1989 c 270 s 23 are each amended to
4 read as follows:

5 The secretary shall adopt and may amend and repeal rules for
6 acceptance of persons into the approved treatment program, considering
7 available treatment resources and facilities, for the purpose of early
8 and effective treatment of ~~((alcoholics and other drug addicts))~~
9 chemically dependent persons, persons incapacitated by alcohol or other
10 psychoactive chemicals, and intoxicated persons. In ~~((establishing))~~
11 adopting the rules, the secretary shall be guided by the following
12 standards:

13 (1) If possible a ~~((patient))~~ person shall be treated on a
14 voluntary rather than an involuntary basis.

15 (2) A ~~((patient))~~ person shall be initially assigned or transferred
16 to outpatient treatment, unless he or she is found to require
17 residential treatment.

18 (3) A person shall not be denied treatment solely because he or she
19 has withdrawn from treatment against medical advice on a prior occasion
20 or because he or she has relapsed after earlier treatment.

21 (4) An individualized treatment plan shall be prepared and
22 maintained on a current basis for each ~~((patient))~~ person.

23 (5) Provision shall be made for a continuum of coordinated
24 treatment services, so that a person who leaves a facility or a form of
25 treatment will have available and use other appropriate treatment.

26 **Sec. 14.** RCW 70.96A.110 and 1990 c 151 s 7 are each amended to
27 read as follows:

28 (1) ~~((An alcoholic or other drug addict))~~ A chemically dependent
29 person may apply for voluntary treatment directly to an approved
30 treatment program. If the ~~((proposed patient))~~ person is a minor or an
31 incompetent person, he or she, a parent, a legal guardian, or other
32 legal representative may make the application.

33 (2) Subject to rules adopted by the secretary, the administrator in
34 charge of an approved treatment program may determine who shall be
35 admitted for treatment. If a person is refused admission to an
36 approved treatment program, the administrator, subject to rules adopted

1 by the secretary, shall refer the person to another approved treatment
2 program for treatment if possible and appropriate.

3 (3) If a ~~((patient))~~ person receiving inpatient ~~((care))~~ treatment
4 leaves an approved treatment program, he or she shall be encouraged to
5 consent to appropriate outpatient treatment.

6 If it appears to the administrator in charge of the treatment
7 program that the ~~((patient is an alcoholic or other drug addict))~~
8 person is a chemically dependent person who requires ~~((help))~~
9 additional services, the department may arrange for assistance in
10 obtaining supportive services and residential programs.

11 (4) ~~((If a patient))~~ The secretary shall adopt rules and develop
12 working agreements which will ensure that chemically dependent persons
13 assisted under subsection (3) of this section will be assisted in
14 making application for medicaid, housing, and other resources necessary
15 for continuation of services.

16 (5) When a person leaves an approved public treatment program,
17 ~~((with or against the advice of the administrator in charge of the~~
18 ~~program,))~~ the department may make reasonable provisions for his or her
19 transportation to another program or to his or her home or services
20 provided under subsection (4) of this section. ~~((If the patient has no~~
21 ~~home he or she should be assisted in obtaining shelter.))~~ If the
22 ~~((patient))~~ person is less than fourteen years of age or an incompetent
23 person the request for discharge from an inpatient program shall be
24 made by a parent, legal guardian, or other legal representative or by
25 the minor or incompetent if he or she was the original applicant.

26 **Sec. 15.** RCW 70.96A.120 and 1991 c 290 s 6 are each amended to
27 read as follows:

28 (1) An intoxicated person may come voluntarily to an approved
29 treatment program for treatment. A person who appears to be
30 intoxicated in a public place and to be in need of help, if ~~((he or~~
31 ~~she))~~ the person consents to the proffered help, may be assisted to his
32 or her home, an approved treatment program, or other health facility.

33 (2) ~~((Except for a person who may be apprehended for possible~~
34 ~~violation of laws not relating to alcoholism, drug addiction, or~~
35 ~~intoxication and except for a person who may be apprehended for~~
36 ~~possible violation of laws relating to driving or being in physical~~
37 ~~control of a vehicle while under the influence of intoxicating liquor~~
38 ~~or any drug and except for a person who may wish to avail himself or~~

1 herself of the provisions of RCW 46.20.308, a person who appears to be
2 incapacitated or gravely disabled by alcohol or other drugs and who is
3 in a public place or who has threatened, attempted, or inflicted
4 physical harm on himself, herself, or another, shall be taken into
5 protective custody by a peace officer or staff designated by the county
6 and as soon as practicable, but in no event beyond eight hours brought
7 to an approved treatment program for treatment. If no approved
8 treatment program is readily available he or she shall be taken to an
9 emergency medical service customarily used for incapacitated persons.
10 The peace officer or staff designated by the county, in detaining the
11 person and in taking him or her to an approved treatment program, is
12 taking him or her into protective custody and shall make every
13 reasonable effort to protect his or her health and safety. In taking
14 the person into protective custody, the detaining peace officer or
15 staff designated by the county may take reasonable steps including
16 reasonable force if necessary to protect himself or herself or effect
17 the custody. A taking into protective custody under this section is
18 not an arrest. No entry or other record shall be made to indicate that
19 the person has been arrested or charged with a crime.))

20 (a) A peace officer or staff designated by the county shall take
21 into protective custody a person who appears to be incapacitated or
22 gravely disabled by alcohol or other psychoactive chemicals and who:

23 (i) Is in a public place; or

24 (ii) Has threatened, attempted, or inflicted physical harm on
25 himself, herself, or another; or

26 (iii) Is not in a public place, if directed by the designated
27 chemical dependency specialist pursuant to (b) of this subsection.

28 (b) A designated chemical dependency specialist may take into
29 protective custody, or may cause a peace officer or staff designated by
30 the county to take into protective custody, a person who is at imminent
31 risk of harm and appears to be incapacitated or gravely disabled by
32 alcohol or other psychoactive chemicals and who is not in a public
33 place.

34 (c) This subsection does not apply to a person who:

35 (i) May be apprehended for possible violation of laws not relating
36 to chemical dependency or intoxication;

37 (ii) May be apprehended for possible violation of laws relating to
38 driving or being in physical control of a vehicle while under the
39 influence of intoxicating liquor or any psychoactive chemical; or

1 (iii) May wish to avail himself or herself of the provisions of RCW
2 46.20.308.

3 (d) A person taken into protective custody must be taken to an
4 approved treatment program as soon as practicable, but in any event
5 within eight hours. If no approved treatment program is available the
6 person shall be taken to an emergency medical service customarily used
7 for incapacitated persons.

8 (e) In taking a person into protective custody, the detaining
9 police officer or staff designated by the county shall make every
10 reasonable effort to protect the person's health and safety and may
11 take reasonable steps, including reasonable force, if necessary, to
12 protect himself or herself or to effect the custody.

13 (f) Taking a person into protective custody under this subsection
14 is not an arrest. No entry or other record shall be made to indicate
15 that the person has been arrested or charged with a crime.

16 (3) A person who comes voluntarily or is brought to an approved
17 treatment program shall be examined by a qualified person. ~~((He or~~
18 ~~she)) The person may then be admitted as a patient or referred to
19 another health facility, which provides emergency medical treatment,
20 where it appears that such treatment may be necessary. The referring
21 approved treatment program shall arrange for ~~((his or her)) the~~
22 person's transportation.~~

23 (4) A person who is found to be incapacitated or gravely disabled
24 by alcohol or other ~~((drugs)) psychoactive chemicals at the time of
25 ~~((his or her)) the person's admission or to have become incapacitated~~
26 or gravely disabled at any time after his or her admission, may not be
27 detained at the program for more than seventy-two hours after admission
28 as a patient, unless a petition is filed under RCW 70.96A.140~~((, as now~~
29 ~~or hereafter amended))~~: PROVIDED, That the treatment personnel at an
30 approved treatment program are authorized to use such reasonable
31 physical restraint as may be necessary to retain an incapacitated or
32 gravely disabled person for up to seventy-two hours from the time of
33 admission. The seventy-two hour periods specified in this section
34 shall be computed by excluding Saturdays, Sundays, and holidays. A
35 person may consent to remain in the program as long as the physician in
36 charge believes appropriate.~~

37 (5) A person who: (a) Is not admitted to an approved treatment
38 program, (b) is not referred to another health facility, and (c) has no
39 funds, may be taken to his or her home~~((, if any))~~. If ~~((he or she))~~

1 the person has no home, the approved treatment program shall provide
2 him or her with information and assistance to access available
3 community shelter resources.

4 (6) If a (~~(patient)~~) person is admitted to an approved treatment
5 program, (~~(his or her)~~) the person's family or next of kin shall be
6 notified as promptly as possible by the treatment program. If an adult
7 patient who is not incapacitated or gravely disabled requests that
8 there be no notification, his or her request shall be respected.

9 (7) The peace officer, staff designated by the county, or treatment
10 facility personnel, who act in compliance with this chapter and are
11 performing in the course of their official duty are not criminally or
12 civilly liable therefor.

13 (8) If the person in charge of the approved treatment program
14 determines that appropriate treatment is available, the patient shall
15 be encouraged to agree to further diagnosis and appropriate voluntary
16 treatment.

17 NEW SECTION. **Sec. 16.** A new section is added to chapter 70.96A
18 RCW to read as follows:

19 (1) When a designated chemical dependency specialist receives
20 information alleging that a person is incapacitated or gravely disabled
21 by alcohol or other psychoactive chemicals, if the specialist, after
22 investigating and evaluating the specific facts alleged and the
23 reliability and credibility of any person providing the information to
24 initiate a commitment, is satisfied that the allegations are true and
25 that the person will not voluntarily seek appropriate evaluation and
26 treatment, the specialist may file a petition for involuntary
27 commitment. Before filing the petition, the specialist must personally
28 interview the person, unless the person refuses an interview, and
29 determine whether the person will voluntarily receive appropriate
30 evaluation and treatment at an approved treatment program.

31 (2) If a petition for commitment is not filed in the case of a
32 minor, the parent, guardian, or custodian who has custody of the minor
33 may seek review of that decision made by the specialist in superior or
34 district court. The parent, guardian, or custodian shall file notice
35 with the court and provide a copy of the specialist's report.

36 NEW SECTION. **Sec. 17.** A new section is added to chapter 70.96A
37 RCW to read as follows:

1 If the designated chemical dependency specialist finds that the
2 initial needs of a person identified under section 16 of this act would
3 be better served by placement within the mental health system, the
4 person shall be referred to an evaluation and treatment facility as
5 defined in RCW 71.05.020 or 71.34.020.

6 NEW SECTION. **Sec. 18.** A new section is added to chapter 70.96A
7 RCW to read as follows:

8 (1) A petition filed under section 16 of this act shall allege that
9 the person is chemically dependent and:

10 (a) Is incapacitated or gravely disabled by alcohol or other
11 psychoactive chemicals; or

12 (b) Has twice before in the preceding twelve months been admitted
13 for detoxification or chemical dependency treatment pursuant to RCW
14 70.96A.110 or 70.96A.120, and is in need of a more sustained treatment
15 program; or

16 (c) Presents a likelihood of serious harm.

17 (2) The petition shall be accompanied by a certificate of a
18 licensed physician who has examined the person within five days before
19 submission of the petition, unless the person whose commitment is
20 sought has refused to submit to a medical examination, in which case
21 the fact of refusal shall be alleged in the petition. The certificate
22 shall set forth the licensed physician's findings in support of the
23 allegations of the petition. A physician employed by the petitioning
24 program or the department is eligible to be the certifying physician.

25 (3) A refusal to undergo treatment, by itself, does not constitute
26 evidence of lack of judgment as to the need for treatment.

27 NEW SECTION. **Sec. 19.** A new section is added to chapter 70.96A
28 RCW to read as follows:

29 Upon filing the petition, the court shall fix a date for a hearing
30 no less than two and no more than seven days after the date the
31 petition was filed unless the person petitioned against is presently
32 being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or
33 71.34.050, in which case the hearing shall be held within seventy-two
34 hours of the filing of the petition, excluding Saturdays, Sundays, and
35 holidays. The court may, upon motion of the person whose commitment is
36 sought, or upon motion of the petitioner with written permission of the
37 person whose commitment is sought, or his or her counsel, and upon good

1 cause shown, extend the date for the hearing. A copy of the petition,
2 the certificate, and the notice of the hearing, including the date
3 fixed by the court, shall be served by the designated chemical
4 dependency specialist on the person whose commitment is sought, his or
5 her next of kin, a parent or his or her legal guardian if he or she is
6 a minor, and any other person the court finds advisable.

7 NEW SECTION. **Sec. 20.** A new section is added to chapter 70.96A
8 RCW to read as follows:

9 (1)(a) At the hearing the court shall hear all relevant testimony,
10 including, if possible, the testimony of at least one licensed
11 physician who has examined the person whose commitment is sought. The
12 testimony of the licensed physician may be telephonic. Communications
13 otherwise deemed privileged under the laws of this state are deemed to
14 be waived in proceedings under this chapter when a court of competent
15 jurisdiction determines that the waiver is necessary to protect either
16 the detained person or the public. The waiver of a privilege under
17 this section is limited to records or testimony relevant to evaluation
18 of the detained person for purposes of a proceeding under this chapter.
19 Upon motion by the detained person, or on its own motion, the court
20 shall examine a record or testimony sought by a petitioner to determine
21 whether it is within the scope of the waiver.

22 (b) The record maker shall not be required to testify in order to
23 introduce medical, nursing, or psychological records of detained
24 persons so long as the requirements of RCW 5.45.020 are met. Portions
25 of the record that contain opinions as to whether the detained person
26 is chemically dependent shall be deleted from the records unless the
27 person offering the opinions is available for cross-examination. The
28 detained person shall be present unless the court believes that the
29 detained person's presence is likely to be injurious to himself or
30 herself. In this event the court may deem it appropriate to appoint a
31 guardian ad litem to represent the person throughout the proceeding.
32 If deemed advisable, the court may examine the person out of the
33 courtroom. If the person has refused to be examined by a licensed
34 physician, the person shall be given an opportunity to be examined by
35 a court-appointed licensed physician. If the person refuses and there
36 is sufficient evidence to believe that the allegations of the petition
37 are true, or if the court believes that more medical evidence is
38 necessary, the court may make a temporary order committing the person

1 to an approved treatment program for a period of not more than five
2 days for purposes of a diagnostic examination.

3 (2) If after hearing all relevant evidence, including the results
4 of any diagnostic examination, the court finds that grounds for
5 involuntary commitment have been established by clear, cogent, and
6 convincing evidence, it shall enter an order of commitment to an
7 approved treatment program.

8 NEW SECTION. **Sec. 21.** A new section is added to chapter 70.96A
9 RCW to read as follows:

10 In making a determination of whether there is a likelihood of
11 serious harm in a hearing conducted under section 19 of this act, the
12 court shall give great weight to any evidence before the court
13 regarding whether the person has: (1) A recent history of one or more
14 violent acts; or (2) a recent history of one or more commitments under
15 this chapter or its equivalent provisions under the laws of another
16 state which were based on a likelihood of serious harm. The existence
17 of prior violent acts or commitments under this chapter or its
18 equivalent shall not be the sole basis for determining whether a person
19 presents a likelihood of serious harm.

20 For the purposes of this section "recent" refers to the period of
21 time not exceeding three years prior to the current hearing.

22 NEW SECTION. **Sec. 22.** A new section is added to chapter 70.96A
23 RCW to read as follows:

24 (1)(a) A person committed under section 20 of this act shall remain
25 in the program for treatment for a period of sixty days unless sooner
26 discharged. At the end of the sixty-day period, the person shall be
27 discharged automatically unless the program, before expiration of the
28 period, files a petition for his or her recommitment upon the grounds
29 set forth in section 16 of this act for a further period of ninety days
30 unless sooner discharged.

31 (b) If a petition for recommitment is not filed in the case of a
32 minor, the parent, guardian, or custodian who has custody of the minor
33 may seek review of that decision made by the designated chemical
34 dependency specialist in superior or district court. The parent,
35 guardian, or custodian shall file notice with the court and provide a
36 copy of the treatment progress report.

1 (c) If a person has been committed pursuant to section 18(1)(c) of
2 this act, the program shall apply for recommitment if, after
3 examination, it is determined that the likelihood still exists.

4 (2) Upon the filing of a petition for recommitment under subsection
5 (1) of this section, the court shall fix a date for hearing no less
6 than two and no more than seven days after the date the petition was
7 filed. The court may, upon motion of the person whose commitment is
8 sought and upon good cause shown, extend the date for the hearing. A
9 copy of the petition and of the notice of hearing, including the date
10 fixed by the court, shall be served by the treatment program on the
11 person whose commitment is sought, the person's next of kin, the
12 original petitioner under section 16 of this act if different from the
13 petitioner for recommitment, one of the person's parents or the
14 person's legal guardian if the person is a minor, the person's
15 attorney, and any other person the court finds advisable. At the
16 hearing the court shall proceed as provided in section 20 of this act.

17 NEW SECTION. **Sec. 23.** A new section is added to chapter 70.96A
18 RCW to read as follows:

19 (1) The approved treatment program shall provide for adequate and
20 appropriate treatment of a person committed or recommitted to its
21 custody.

22 (2) A person committed under this section may be transferred from
23 one approved public treatment program to another if transfer is
24 medically advisable.

25 (3) A person committed to the custody of a program for treatment
26 may be discharged at any time before the end of the period for which
27 the person has been committed by the responsible professional in charge
28 or by order of the committing court if:

29 (a) The person was committed pursuant to section 18(1) (a) or (b)
30 of this act and the incapacity, grave disability, or need for treatment
31 no longer exists;

32 (b) The person was committed pursuant to section 18(1)(c) of this
33 act and no longer presents a likelihood of serious harm; or

34 (c) The person was committed pursuant to section 18(1)(c) of this
35 act and (i) is unlikely to experience significant improvement in his or
36 her condition or is unable to obtain adequate or appropriate treatment
37 at the facility; and (ii) was referred to the county-designated mental
38 health professional for evaluation and treatment under chapter 71.05

1 RCW and the county-designated mental health professional has declined
2 to file a petition for involuntary mental health treatment.

3 (4) When a person in an involuntary treatment program is discharged
4 before the end of the period of commitment, the professional person in
5 charge shall provide written notice of the release containing the
6 reason for the discharge and the person's postrelease address or
7 location, if known or reasonably able to be discovered. The notice
8 shall be provided to the county-designated chemical dependency
9 specialist, to the court of original commitment or in which the
10 petition for commitment was filed, and to the prosecuting attorney who
11 prosecuted the petition, if any.

12 (5) When a person is released pursuant to subsection (3) of this
13 section, the designated chemical dependency specialist or the
14 prosecuting attorney shall file a new petition for involuntary
15 treatment if the person:

- 16 (a) Was committed pursuant to section 18(1)(c) of this act; and
17 (b) As a result of chemical dependency continues to present a
18 likelihood of serious harm; or
19 (c) Is gravely disabled.

20 NEW SECTION. **Sec. 24.** A new section is added to chapter 70.96A
21 RCW to read as follows:

22 (1) The court shall inform the person whose commitment or
23 recommitment is sought of the person's right to contest the
24 application, be represented by counsel at every stage of any
25 proceedings relating to his or her commitment and recommitment, and
26 have counsel appointed by the court or provided by the court, if the
27 person wants the assistance of counsel and is unable to obtain counsel.
28 If the court believes that the person needs the assistance of counsel,
29 the court shall require, by appointment if necessary, counsel for the
30 person. The person shall, if financially able, bear the costs of such
31 legal service; otherwise such legal service shall be at public expense.
32 The person whose commitment or recommitment is sought shall be informed
33 of the right to be examined by a licensed physician of the person's
34 choice. If the person is unable to obtain a licensed physician and
35 requests examination by a physician, the court shall employ a licensed
36 physician.

1 (2) A person committed under this chapter may at any time seek to
2 be discharged from commitment by writ of habeas corpus in a court of
3 competent jurisdiction.

4 (3) The venue for proceedings under this section is the county in
5 which the person for whom commitment is sought resides or is present.

6 NEW SECTION. **Sec. 25.** A new section is added to chapter 70.96A
7 RCW to read as follows:

8 (1) When, in the opinion of the professional person, the committed
9 person can be appropriately served by less restrictive treatment before
10 expiration of the period of commitment, the less restrictive treatment
11 may be required as a condition for early release. The period of early
12 release, when added to the initial treatment period, may not exceed the
13 period of commitment ordered by the court. If the program designated
14 to provide the less restrictive treatment is not the program providing
15 the initial involuntary treatment, the designated program must agree in
16 writing to accept the person for treatment. A copy of the conditions
17 for early release shall be given to the person, the designated
18 treatment program, the designated chemical dependency specialist of
19 original commitment, and the court of original commitment. The program
20 designated to provide less restrictive treatment may modify the
21 conditions for continued release when the modifications are in the best
22 interests of the person.

23 (2) If the program providing less restrictive treatment and the
24 designated chemical dependency specialist determine that a
25 conditionally released patient is failing to adhere to the terms and
26 conditions of release, or that substantial deterioration in the
27 person's functioning due to the use of alcohol or psychoactive
28 substances has occurred, the designated chemical dependency specialist
29 shall notify the court of original commitment and request a hearing to
30 be held no less than two and no more than seven days after the date of
31 the request to determine whether or not the person should be returned
32 to more restrictive treatment. The designated chemical dependency
33 specialist shall file a petition with the court stating the facts
34 substantiating the need for the hearing along with the treatment
35 recommendations. The conditionally released person shall have the same
36 rights with respect to notice, hearing, and counsel as for the original
37 involuntary treatment proceedings.

38 (3) The issues to be determined at the hearing are whether:

1 (a) The conditionally released person did or did not adhere to the
2 terms and conditions of the person's release to less restrictive
3 treatment;

4 (b) Substantial deterioration of the patient's functioning has
5 occurred; and

6 (c) The conditions of release should be modified or the person
7 should be returned to a more restrictive program.

8 (4) The hearing may be waived by the person and his or her counsel,
9 guardian, or conservator, if any, but may not be waived unless all such
10 persons agree to the waiver. Upon waiver, the person may be returned
11 for involuntary treatment or continued on conditional release on the
12 same or modified conditions.

13 **Sec. 26.** RCW 70.96A.145 and 1993 c 137 s 1 are each amended to
14 read as follows:

15 ~~((The prosecuting attorney of the county in which such action is
16 taken may, at the discretion of the prosecuting attorney, represent the
17 designated chemical dependency specialist or treatment program in
18 judicial proceedings under RCW 70.96A.140 for the involuntary
19 commitment or recommitment of an individual, including any judicial
20 proceeding where the individual sought to be committed or recommitted
21 challenges the action.))~~

22 In any judicial proceeding for involuntary commitment or
23 recommitment, or in any proceeding challenging a commitment or
24 recommitment, the prosecuting attorney for the county in which the
25 proceeding was initiated shall represent the individuals or agencies
26 petitioning for commitment and shall defend all challenges to the
27 commitment.

28 **Sec. 27.** RCW 70.96A.150 and 1990 c 151 s 1 are each amended to
29 read as follows:

30 (1) The registration and other records of treatment programs shall
31 remain confidential. Records may be disclosed (a) in accordance with
32 the prior written consent of the ~~((patient))~~ person with respect to
33 whom such record is maintained, (b) if authorized by an appropriate
34 order of a court of competent jurisdiction granted after application
35 showing good cause, (c) to comply with state laws mandating the
36 reporting of suspected child abuse or neglect, or (d) when a patient

1 commits a crime on program premises or against program personnel, or
2 threatens to do so.

3 (2) Notwithstanding subsection (1) of this section, the secretary
4 may receive information from patients' records for purposes of research
5 into the causes and treatment of alcoholism and other drug addiction,
6 verification of eligibility and appropriateness of reimbursement, and
7 the evaluation of ~~((alcoholism and other drug treatment))~~ chemical
8 dependency programs. Information under this subsection shall not be
9 published in a way that discloses patients' names or otherwise
10 discloses their identities.

11 (3) Nothing contained in this chapter relieves a person or firm
12 from the requirements under federal regulations for the confidentiality
13 of alcohol and drug abuse patient records. Obligations imposed on drug
14 and alcohol treatment programs and protections afforded alcohol and
15 drug abuse patients under federal regulations apply to all programs
16 approved by the department under RCW 70.96A.090.

17 **Sec. 28.** RCW 70.96A.160 and 1989 c 270 s 29 are each amended to
18 read as follows:

19 ~~((1) Subject to reasonable rules regarding hours of visitation
20 which the secretary may adopt, patients in any approved treatment
21 program shall be granted opportunities for adequate consultation with
22 counsel, and for continuing contact with family and friends consistent
23 with an effective treatment program.~~

24 ~~(2) Neither mail nor other communication to or from a patient in
25 any approved treatment program may be intercepted, read, or censored.
26 The secretary may adopt reasonable rules regarding the use of telephone
27 by patients in approved treatment programs.))~~

28 The secretary shall adopt rules regarding visitation with and
29 communication to and by patients in an approved treatment program. The
30 rules shall permit access to counsel, contact with family and friends,
31 and unrestricted communication to family and other persons. The rules
32 shall be consistent with an effective treatment program and may include
33 limitations on the use of facilities.

34 **Sec. 29.** RCW 70.96A.180 and 1990 c 151 s 6 are each amended to
35 read as follows:

36 (1) If treatment is provided by an approved treatment program and
37 the ~~((patient))~~ person has not paid or is unable to pay the charge

1 therefor, the program is entitled to any payment (a) received by the
2 ((patient)) person or to which ((he)) the person may be entitled
3 because of the services rendered, and (b) from any public or private
4 source available to the program because of the treatment provided to
5 the ((patient)) person.

6 (2) A ((patient)) person in a program, or the estate of the
7 ((patient)) person, or a person obligated to provide for the cost of
8 treatment and having sufficient financial ability, is liable to the
9 program for cost of maintenance and treatment of the ((patient)) person
10 therein in accordance with rates established.

11 (3) The secretary shall adopt rules governing financial ability
12 that take into consideration the income, savings, and other personal
13 and real property of the person required to pay, and any support being
14 furnished by ((him)) the person to any other person he or she is
15 required by law to support.

16 **Sec. 30.** RCW 70.96A.265 and 1998 c 296 s 32 are each amended to
17 read as follows:

18 For purposes of eligibility for medical assistance under chapter
19 74.09 RCW, minors in inpatient chemical dependency treatment shall be
20 considered to be part of their parent's or legal guardian's household,
21 unless the minor has been assessed by the department or its designee as
22 likely to require such treatment for at least ninety consecutive days,
23 or is in out-of-home care in accordance with chapter 13.34 RCW, or the
24 parents are found to not be exercising responsibility for care and
25 control of the minor. Payment for such ((care)) treatment by the
26 department shall be made only in accordance with rules, guidelines, and
27 clinical criteria applicable to inpatient treatment of minors
28 established by the department.

29 **Sec. 31.** RCW 70.96A.300 and 1989 c 270 s 15 are each amended to
30 read as follows:

31 (1) A county or combination of counties acting jointly by
32 agreement, referred to as "county" in this chapter, may create ((an
33 ~~alcoholism and other drug addiction~~)) a chemical dependency board.
34 This board may also be designated as a board for other related
35 purposes.

36 (2) The board shall be composed of not less than seven nor more
37 than fifteen members, who shall be chosen for their demonstrated

1 concern for (~~alcoholism and other drug addiction~~) chemical dependency
2 problems. Members of the board shall be representative of the
3 community, shall include at least one-quarter recovered alcoholics or
4 other recovered drug addicts, and shall include minority group
5 representation. No member may be a provider of (~~alcoholism and other~~
6 ~~drug addiction~~) chemical dependency treatment services. No more than
7 four elected or appointed city or county officials may serve on the
8 board at the same time. Members of the board shall serve three-year
9 terms and hold office until their successors are appointed and
10 qualified. They shall not be compensated for the performance of their
11 duties as members of the board, but may be reimbursed for travel
12 expenses.

13 (3) The (~~alcoholism and other drug addiction~~) chemical dependency
14 board shall:

15 (a) Conduct public hearings and other investigations to determine
16 the needs and priorities of county citizens;

17 (b) Prepare and recommend to the county legislative authority for
18 approval, all plans, budgets, and applications by the county to the
19 department and other state agencies on behalf of the county
20 (~~alcoholism and other drug addiction~~) chemical dependency program;

21 (c) Monitor the implementation of the (~~alcoholism and other drug~~
22 ~~addiction~~) chemical dependency plan and evaluate the performance of
23 the (~~alcoholism and drug addiction~~) chemical dependency program at
24 least annually;

25 (d) Advise the county legislative authority and county (~~alcoholism~~
26 ~~and other drug addiction~~) chemical dependency program coordinator on
27 matters relating to the (~~alcoholism and other drug addiction~~)
28 chemical dependency program, including prevention and education;

29 (e) Nominate individuals to the county legislative authority for
30 the position of county (~~alcoholism and other drug addiction~~) chemical
31 dependency program coordinator. The nominees should have training and
32 experience in the administration of (~~alcoholism and other drug~~
33 ~~addiction~~) chemical dependency services and shall meet the minimum
34 qualifications established by rule of the (~~department~~) secretary;

35 (f) Carry out other duties that the (~~department~~) secretary may
36 prescribe by rule.

37 **Sec. 32.** RCW 70.96A.310 and 1989 c 270 s 16 are each amended to
38 read as follows:

1 (1) The chief executive officer of the county (~~alcoholism and~~
2 ~~other drug addiction~~) chemical dependency program shall be the county
3 (~~alcoholism and other drug addiction~~) chemical dependency program
4 coordinator. The coordinator shall:

5 (a) In consultation with the county (~~alcoholism and other drug~~
6 ~~addiction~~) chemical dependency board, provide general supervision over
7 the county (~~alcoholism and other drug addiction~~) chemical dependency
8 program;

9 (b) Prepare plans and applications for funds to support the
10 (~~alcoholism and other drug addiction~~) chemical dependency program in
11 consultation with the county (~~alcoholism and other drug addiction~~)
12 chemical dependency board;

13 (c) Monitor the delivery of services to assure conformance with
14 plans and contracts and, at the discretion of the board, but at least
15 annually, report to the (~~alcoholism and other drug addiction~~)
16 chemical dependency board the results of the monitoring;

17 (d) Provide staff support to the county (~~alcoholism and other drug~~
18 ~~addiction~~) chemical dependency board.

19 (2) The county (~~alcoholism and other drug addiction~~) chemical
20 dependency program coordinator shall be appointed by the county
21 legislative authority from nominations by the (~~alcoholism and other~~
22 ~~drug addiction program~~) chemical dependency board. The coordinator
23 may serve on either a full-time or part-time basis. Only with the
24 prior approval of the secretary may the coordinator be an employee of
25 a government or private agency under contract with the department to
26 provide (~~alcoholism or other drug addiction~~) chemical dependency
27 services.

28 **Sec. 33.** RCW 70.96A.320 and 1990 c 151 s 9 are each amended to
29 read as follows:

30 (1) A county legislative authority, or two or more counties acting
31 jointly, may establish (~~an alcoholism and other drug addiction~~) a
32 chemical dependency program. If two or more counties jointly establish
33 the program, they shall designate one county to provide administrative
34 and financial services.

35 (2) To be eligible for funds from the department for the support of
36 the county (~~alcoholism and other drug addiction~~) chemical dependency
37 program, the county legislative authority shall establish a (~~county~~
38 ~~alcoholism and other drug addiction~~) chemical dependency board under

1 RCW 70.96A.300 and appoint a county (~~alcoholism and other drug~~
2 ~~addiction~~) chemical dependency program coordinator under RCW
3 70.96A.310.

4 (3) The county legislative authority may apply to the department
5 for financial support for the county chemical dependency program (~~of~~
6 ~~alcoholism and other drug addiction~~). To receive financial support,
7 the county legislative authority shall submit a plan that (~~meets the~~
8 ~~following conditions~~):

9 (a) (~~It shall~~) Describes the services and activities to be
10 provided;

11 (b) (~~It shall~~) Includes anticipated expenditures and revenues;

12 (c) (~~It shall be~~) Is prepared by the county (~~alcoholism and~~
13 ~~other drug addiction program~~) chemical dependency board and be adopted
14 by the county legislative authority;

15 (d) (~~It shall~~) Reflects maximum effective use of existing
16 services and programs; and

17 (e) (~~It shall~~) Meets other conditions that the secretary may
18 require.

19 (4) The county may accept and spend gifts, grants, and fees, from
20 public and private sources, to implement its chemical dependency
21 program (~~of alcoholism and other drug addiction~~).

22 (5) The county may subcontract for detoxification, residential
23 treatment, or outpatient treatment with approved treatment programs
24 (~~that are approved treatment programs~~). The county may subcontract
25 for other services with individuals or organizations approved by the
26 department.

27 (6) To continue to be eligible for financial support from the
28 department for the county (~~alcoholism and other drug addiction~~)
29 chemical dependency program, an increase in state financial support
30 shall not be used to supplant local funds from a source that was used
31 to support the county (~~alcoholism and other drug addiction~~) chemical
32 dependency program before the effective date of the increase.

33 NEW SECTION. Sec. 34. A new section is added to chapter 70.96A
34 RCW to read as follows:

35 The department shall develop state-wide protocols to be utilized by
36 professional persons and county-designated chemical dependency
37 specialists in administration of this chapter and chapter 74.50 RCW.
38 The protocols shall be updated at least every three years. The

1 protocols shall provide uniform development and application of criteria
2 in evaluation and commitment recommendations, of persons who have, or
3 are alleged to have, chemical dependency disorders and are subject to
4 this chapter.

5 The initial protocols shall be developed not later than September
6 1, 2000. The department shall develop and update the protocols in
7 consultation with representatives of county-designated chemical
8 dependency specialists, local government, law enforcement, county and
9 city prosecutors, public defenders, and groups concerned with chemical
10 dependency. The protocols shall be submitted to the governor and
11 legislature upon adoption by the department.

12 **Sec. 35.** RCW 70.96A.430 and 1989 c 271 s 308 are each reenacted to
13 read as follows:

14 The department shall not refuse admission for diagnosis,
15 evaluation, guidance or treatment to any applicant because it is
16 determined that the applicant is financially unable to contribute fully
17 or in part to the cost of any services or facilities available under
18 the program on alcoholism.

19 The department may limit admissions of such applicants or modify
20 its programs in order to ensure that expenditures for services or
21 programs do not exceed amounts appropriated by the legislature and are
22 allocated by the department for such services or programs. The
23 department may establish admission priorities in the event that the
24 number of eligible applicants exceeds the limits set by the department.

25 NEW SECTION. **Sec. 36.** RCW 70.96A.430 is recodified to immediately
26 follow RCW 70.96A.180.

27 NEW SECTION. **Sec. 37.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 70.96A.060 (Interdepartmental coordinating committee) and
30 1989 c 270 s 8, 1979 c 158 s 220, & 1972 ex.s. c 122 s 6;

31 (2) RCW 70.96A.080 (Comprehensive program for treatment--Regional
32 facilities) and 1989 c 270 s 18 & 1972 ex.s. c 122 s 8;

33 (3) RCW 70.96A.140 (Involuntary commitment of persons incapacitated
34 by chemical dependency) and 1995 c 312 s 49, 1993 c 362 s 1, 1991 c 364
35 s 10, 1990 c 151 s 3, 1989 c 271 s 307, 1987 c 439 s 14, 1977 ex.s. c
36 129 s 1, 1974 ex.s. c 175 s 2, & 1972 ex.s. c 122 s 14; and

1 (4) RCW 70.96.150 (Inability to contribute to cost no bar to
2 admission--Department may limit admissions) and 1989 c 271 s 308 & 1959
3 c 85 s 15.

4 NEW SECTION. **Sec. 38.** This act takes effect January 1, 2001.

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