

SHB 1320 - H AMD 286

By Representative Delvin

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 71.34.052 and 1998 c 296 s 17 are each amended to
4 read as follows:

5 (1) A parent may bring, or authorize the bringing of, his or her
6 minor child, age thirteen or older, to an evaluation and treatment
7 facility and request that the professional person examine the minor to
8 determine whether the minor has a mental disorder and is in need of
9 inpatient treatment.

10 (2) The consent of the minor is not required for admission,
11 evaluation, and treatment if the parent brings the minor to the
12 facility.

13 (3) An appropriately trained professional person may evaluate
14 whether the minor has a mental disorder. The evaluation shall be
15 completed within twenty-four hours of the time the minor was brought to
16 the facility, unless the professional person determines that the
17 condition of the minor necessitates additional time for evaluation. In
18 no event shall a minor be held longer than seventy-two hours for
19 evaluation. If, in the judgment of the professional person, it is
20 determined it is a medical necessity for the minor to receive inpatient
21 treatment, the minor may be held for treatment. The facility shall
22 limit treatment to that which the professional person determines is
23 medically necessary to stabilize the minor's condition until the
24 evaluation has been completed. Within twenty-four hours of completion
25 of the evaluation, the professional person shall notify the department
26 if the child is held for treatment and of the date of admission.

27 (4) No provider is obligated to provide treatment to a minor under
28 the provisions of this section. No provider may admit a minor to
29 treatment under this section unless it is medically necessary.

1 (5) No minor receiving inpatient treatment under this section may
2 be discharged from the facility based solely on his or her request.

3 (6) Prior to the review conducted under RCW 71.34.025, the
4 professional person shall notify the minor of his or her right to
5 petition superior court for release from the facility.

6 (7) For the purposes of this section "professional person" does not
7 include a social worker, unless the social worker is (~~certified under~~
8 ~~RCW 18.19.110 and appropriately trained and qualified by education and~~
9 ~~experience, as defined by the department, in psychiatric social work~~)
10 a licensed independent clinical social worker who is licensed under RCW
11 18.225.090.

12 **Sec. 2.** RCW 71.34.054 and 1998 c 296 s 18 are each amended to read
13 as follows:

14 (1) A parent may bring, or authorize the bringing of, his or her
15 minor child, age thirteen or older, to a provider of outpatient mental
16 health treatment and request that an appropriately trained professional
17 person examine the minor to determine whether the minor has a mental
18 disorder and is in need of outpatient treatment.

19 (2) The consent of the minor is not required for evaluation if the
20 parent brings the minor to the provider.

21 (3) The professional person may evaluate whether the minor has a
22 mental disorder and is in need of outpatient treatment.

23 (4) Any minor admitted to inpatient treatment under RCW 71.34.042
24 or 71.34.052 shall be discharged immediately from inpatient treatment
25 upon written request of the parent.

26 **Sec. 3.** RCW 71.34.025 and 1998 c 296 s 9 are each amended to read
27 as follows:

28 (1) The department shall assure that, for any minor admitted to
29 inpatient treatment under RCW 71.34.052, a review is conducted by a
30 physician or other mental health professional who is employed by the
31 department, or an agency under contract with the department, and who
32 neither has a financial interest in continued inpatient treatment of
33 the minor nor is affiliated with the facility providing the treatment.
34 The physician or other mental health professional shall conduct the
35 review not less than (~~seven~~) three nor more than (~~fourteen~~) seven

1 days following the date the minor was brought to the facility under RCW
2 71.34.052 to determine whether it is a medical necessity to continue
3 the minor's treatment on an inpatient basis.

4 (2) In making a determination under subsection (1) of this section,
5 the department shall consider the opinion of the treatment provider,
6 the safety of the minor, and the likelihood the minor's mental health
7 will deteriorate if released from inpatient treatment. The department
8 shall consult with the parent in advance of making its determination.

9 (3) If, after any review conducted by the department under this
10 section, the department determines it is no longer a medical necessity
11 for a minor to receive inpatient treatment, the department shall
12 immediately notify the parents and the facility. The facility shall
13 release the minor to the parents within twenty-four hours of receiving
14 notice. If the professional person in charge and the parent believe
15 that it is a medical necessity for the minor to remain in inpatient
16 treatment, the minor shall be released to the parent on the second
17 judicial day following the department's determination in order to allow
18 the parent time to file an at-risk youth petition under chapter 13.32A
19 RCW. If the department determines it is a medical necessity for the
20 minor to receive outpatient treatment and the minor declines to obtain
21 such treatment, such refusal shall be grounds for the parent to file an
22 at-risk youth petition.

23 (4) If the evaluation conducted under RCW 71.34.052 is done by the
24 department, the reviews required by subsection (1) of this section
25 shall be done by contract with an independent agency.

26 (5) The department may, subject to available funds, contract with
27 other governmental agencies to conduct the reviews under this section.
28 The department may seek reimbursement from the parents, their
29 insurance, or medicaid for the expense of any review conducted by an
30 agency under contract.

31 (6) In addition to the review required under this section, the
32 department may periodically determine and redetermine the medical
33 necessity of treatment for purposes of payment with public funds.

34 **Sec. 4.** RCW 71.34.162 and 1998 c 296 s 19 are each amended to read
35 as follows:

36 Following the review conducted under RCW 71.34.025, a minor child
37 may petition the superior court for his or her release from the

1 facility. (~~The petition may be filed not sooner than five days~~
2 ~~following the review.~~) The court shall release the minor unless it
3 finds, upon a preponderance of the evidence, that it is a medical
4 necessity for the minor to remain at the facility.

5 **Sec. 5.** RCW 71.34.270 and 1985 c 354 s 27 are each amended to read
6 as follows:

7 No public or private agency or governmental entity, nor officer of
8 a public or private agency, nor the superintendent, or professional
9 person in charge, his or her professional designee or attending staff
10 of any such agency, nor any public official performing functions
11 necessary to the administration of this chapter, nor peace officer
12 responsible for detaining a person under this chapter, nor any county
13 designated mental health professional, nor professional person, nor
14 evaluation and treatment facility, shall be civilly or criminally
15 liable for performing his or her duties under this chapter with regard
16 to the decision of whether to admit, release, or detain a person for
17 evaluation and treatment: PROVIDED, That such duties were performed in
18 good faith and without gross negligence."

19 Correct the title.

EFFECT: (1) Removes the change in the original bill that raised
the age of consent from 13 to 16 years of age for voluntary inpatient
mental health treatment. The age of consent for inpatient mental
health treatment remains 13 years of age.

(2) The parent-initiated statutes are changed to allow for a
quicker review of the decision to hold the minor for inpatient
treatment by both the Department of Social and Health Services and the
court.

(3) The liability limitation is the same as in the original bill
and includes the professional person and evaluation and treatment
facilities in the list of persons who will not be civilly or criminally
liable for performing his or her duties under the chapter relating to
mental health. The persons listed in the statute will not be held
civilly or criminally liable with regard to his or her decision to
admit, release, or detain a person for evaluation and treatment so long
as the person was acting in good faith and without gross negligence.

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