

SHB 2329 - S COMM AMD

By Committee on Children & Family Services & Corrections

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that, despite
4 explicit statements in statute that the consent of a minor child is not
5 required for a parent-initiated admission to inpatient or outpatient
6 mental health treatment, treatment providers consistently refuse to
7 accept a minor aged thirteen or over if the minor does not also consent
8 to treatment. The legislature intends that the parent-initiated
9 treatment provisions, with their accompanying due process provisions
10 for the minor, be made fully available to parents.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.34 RCW
12 to read as follows:

13 (1) When a parent brings his or her minor child to an evaluation
14 and treatment facility or a provider of outpatient mental health
15 treatment under RCW 71.34.052 or 71.34.054 for examination to determine
16 whether the minor child has a mental disorder and is in need of
17 treatment, and the evaluation and treatment facility or the outpatient
18 mental health treatment provider refuses to examine or treat the minor
19 solely because the minor is aged thirteen or older and has not
20 consented to the treatment, the parent shall have a cause of action for
21 damages against the evaluation and treatment facility or the provider
22 of outpatient mental health treatment, provided that the evaluation and
23 treatment facility or the provider is a public facility.

24 (2) A minor child shall have no cause of action against an
25 evaluation and treatment facility or provider of outpatient mental
26 health treatment for admitting or accepting the minor in good faith for
27 evaluation or treatment under RCW 71.34.052 or 71.34.054 based solely
28 upon the minor's lack of consent if the minor's parent has consented to
29 the evaluation or treatment.

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

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

7 (2) The consent of the minor is not required for admission,
8 evaluation, and treatment if the parent brings the minor to the
9 facility.

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

24 (4) No provider is obligated to provide treatment to a minor under
25 the provisions of this section except that no provider may refuse to
26 treat a minor under the provisions of this section solely on the basis
27 that the minor has not consented to the treatment. No provider may
28 admit a minor to treatment under this section unless it is medically
29 necessary.

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

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

35 ~~((7) For the purposes of this section "professional person" does~~
36 ~~not include a social worker, unless the social worker is certified~~

1 ~~under RCW 18.19.110 and appropriately trained and qualified by~~
2 ~~education and experience, as defined by the department, in psychiatric~~
3 ~~social work.))"~~

SHB 2329 - S COMM AMD

By Committee on Children & Family Services & Corrections

4 On page 1, beginning on line 1 of the title, after "minors;" strike
5 the remainder of the title and insert "amending RCW 71.34.052; adding
6 a new section to chapter 71.34 RCW; and creating a new section."

EFFECT: Strikes underlying language; provides that a parent has a civil cause of action for a treatment provider's refusal to accept a parent initiated admission and that a child may not sue solely based on a provider's good faith admission under the parent-initiated provisions; strikes references to social workers certified under a repealed statute; and adds an intent section.

--- END ---