

SHB 2329 - S AMD 787

By Senator Hargrove

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 A minor child shall have no cause of action against an evaluation
14 and treatment facility or provider of outpatient mental health
15 treatment for admitting or accepting the minor in good faith for
16 evaluation or treatment under RCW 71.34.052 or 71.34.054 (as recodified
17 by this act) based solely upon the minor's lack of consent if the
18 minor's parent has consented to the evaluation or treatment.

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

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

25 (2) The consent of the minor is not required for admission,
26 evaluation, and treatment if the parent brings the minor to the
27 facility.

28 (3) An appropriately trained professional person may evaluate
29 whether the minor has a mental disorder. The evaluation shall be

1 completed within twenty-four hours of the time the minor was brought to
2 the facility, unless the professional person determines that the
3 condition of the minor necessitates additional time for evaluation. In
4 no event shall a minor be held longer than seventy-two hours for
5 evaluation. If, in the judgment of the professional person, it is
6 determined it is a medical necessity for the minor to receive inpatient
7 treatment, the minor may be held for treatment. The facility shall
8 limit treatment to that which the professional person determines is
9 medically necessary to stabilize the minor's condition until the
10 evaluation has been completed. Within twenty-four hours of completion
11 of the evaluation, the professional person shall notify the department
12 if the child is held for treatment and of the date of admission.

13 (4) No provider is obligated to provide treatment to a minor under
14 the provisions of this section except that no provider may refuse to
15 treat a minor under the provisions of this section solely on the basis
16 that the minor has not consented to the treatment. No provider may
17 admit a minor to treatment under this section unless it is medically
18 necessary.

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

21 (6) Prior to the review conducted under RCW 71.34.025 (as
22 recodified by this act), the professional person shall notify the minor
23 of his or her right to petition superior court for release from the
24 facility.

25 (~~(7) For the purposes of this section "professional person" does~~
26 ~~not include a social worker, unless the social worker is certified~~
27 ~~under RCW 18.19.110 and appropriately trained and qualified by~~
28 ~~education and experience, as defined by the department, in psychiatric~~
29 ~~social work.))~~

30 NEW SECTION. Sec. 4. (1) The code reviser shall recodify, as
31 necessary, the following sections of chapter 71.34 RCW in the following
32 order, using the indicated subchapter headings:

- 33 General
- 34 71.34.010
- 35 71.34.020
- 36 71.34.140
- 37 71.34.032
- 38 71.34.250

1	71.34.280
2	71.34.260
3	71.34.240
4	71.34.230
5	71.34.210
6	71.34.200
7	71.34.225
8	71.34.220
9	71.34.160
10	71.34.190
11	71.34.170
12	71.34.290
13	71.34.056
14	71.34.800
15	71.34.805
16	71.34.810
17	71.34.015
18	71.34.027
19	71.34.130
20	71.34.270
21	Minor-Initiated Treatment
22	71.34.042
23	71.34.044
24	71.34.046
25	71.34.030
26	Parent-Initiated Treatment
27	71.34.052
28	71.34.025
29	71.34.162
30	71.34.164
31	71.34.035
32	71.34.054
33	Involuntary Commitment
34	71.34.040
35	71.34.050
36	71.34.060
37	71.34.070
38	71.34.080
39	71.34.090

1 71.34.100
2 71.34.120
3 71.34.110
4 71.34.150
5 71.34.180
6 Technical
7 71.34.900
8 71.34.901

9 (2) The code reviser shall correct all statutory references to
10 sections recodified by this section."

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11 On page 1, beginning on line 1 of the title, after "minors;" strike
12 the remainder of the title and insert "amending RCW 71.34.052; adding
13 new sections to chapter 71.34 RCW; creating a new section; and
14 recodifying RCW 71.34.010, 71.34.020, 71.34.140, 71.34.032, 71.34.250,
15 71.34.280, 71.34.260, 71.34.240, 71.34.230, 71.34.210, 71.34.200,
16 71.34.225, 71.34.220, 71.34.160, 71.34.190, 71.34.170, 71.34.290,
17 71.34.056, 71.34.800, 71.34.805, 71.34.810, 71.34.015, 71.34.027,
18 71.34.130, 71.34.270, 71.34.042, 71.34.044, 71.34.046, 71.34.030,
19 71.34.052, 71.34.025, 71.34.162, 71.34.164, 71.34.035, 71.34.054,
20 71.34.040, 71.34.050, 71.34.060, 71.34.070, 71.34.080, 71.34.090,
21 71.34.100, 71.34.120, 71.34.110, 71.34.150, 71.34.180, 71.34.900, and
22 71.34.901."

EFFECT: Strikes underlying language; provides 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; recodifies chapter 71.34 RCW; and adds an intent section.

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