SHB 1058 - S AMD 620
     By Senators Hargrove, Stevens

ADOPTED 04/21/2005

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   **Sec. 2.** RCW 71.34.042 and 1998 c 296 s 14 are each amended to read
12   as follows:
13   (1) A minor thirteen years or older may admit himself or herself to
14   an evaluation and treatment facility for inpatient mental treatment,
15   without parental consent. The admission shall occur only if the
16   professional person in charge of the facility concurs with the need for
17   inpatient treatment. Parental authorization is required for inpatient
18   treatment of a minor under the age of thirteen.
19   (2) When, in the judgment of the professional person in charge of
20   an evaluation and treatment facility, there is reason to believe that
21   a minor is in need of inpatient treatment because of a mental disorder,
22   and the facility provides the type of evaluation and treatment needed
23   by the minor, and it is not feasible to treat the minor in any less
24   restrictive setting or the minor's home, the minor may be admitted to
25   an evaluation and treatment facility.
26   (3) Written renewal of voluntary consent must be obtained from the
27   applicant no less than once every twelve months. The minor's need for
28   continued inpatient treatments shall be reviewed and documented no less
29   than every one hundred eighty days.

1   NEW SECTION. **Sec. 3.** A new section is added to chapter 71.34 RCW
  2   to read as follows:
  3   A minor child shall have no cause of action against an evaluation
  4   and treatment facility, inpatient facility, or provider of outpatient
  5   mental health treatment for admitting or accepting the minor in good
  6   faith for evaluation or treatment under RCW 71.34.052 or 71.34.054
  7   based solely upon the fact that the minor did not consent to evaluation
  8   or treatment if the minor's parent has consented to the evaluation or
  9   treatment.

 10   **Sec. 4.** RCW 71.34.052 and 1998 c 296 s 17 are each amended to read
 11   as follows:
 12   (1) A parent may bring, or authorize the bringing of, his or her
 13   minor child to an evaluation and treatment facility or an inpatient
 14   facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request
 15   that the professional person as defined in RCW 71.05.020(24) examine
 16   the minor to determine whether the minor has a mental disorder and is
 17   in need of inpatient treatment.
 18   (2) The consent of the minor is not required for admission,
 19   evaluation, and treatment if the parent brings the minor to the
 20   facility.
 21   (3) An appropriately trained professional person may evaluate
 22   whether the minor has a mental disorder. The evaluation shall be
 23   completed within twenty-four hours of the time the minor was brought to
 24   the facility, unless the professional person determines that the
 25   condition of the minor necessitates additional time for evaluation. In
 26   no event shall a minor be held longer than seventy-two hours for
 27   evaluation. If, in the judgment of the professional person, it is
 28   determined it is a medical necessity for the minor to receive inpatient
 29   treatment, the minor may be held for treatment. The facility shall
 30   limit treatment to that which the professional person determines is
 31   medically necessary to stabilize the minor's condition until the
 32   evaluation has been completed. Within twenty-four hours of completion
 33   of the evaluation, the professional person shall notify the department
 34   if the child is held for treatment and of the date of admission.
 35   (4) No provider is obligated to provide treatment to a minor under
 36   the provisions of this section except that no provider may refuse to
 37   treat a minor under the provisions of this section solely on the basis

1 that the minor has not consented to the treatment. No provider may
2 admit a minor to treatment under this section unless it is medically
3 necessary.
4   (5) No minor receiving inpatient treatment under this section may
5 be discharged from the facility based solely on his or her request.
6   (6) Prior to the review conducted under RCW 71.34.025, the
7 professional person shall notify the minor of his or her right to
8 petition superior court for release from the facility.
9   (7) For the purposes of this section "professional person" ((does
10 not include a social worker, unless the social worker is certified
11 under RCW 18.19.110 and appropriately trained and qualified by
12 education and experience, as defined by the department, in psychiatric
13 social work)) means "professional person" as defined in RCW 71.05.020.

14   **Sec. 5.** RCW 71.34.270 and 1985 c 354 s 27 are each amended to read
15 as follows:
16   No public or private agency or governmental entity, nor officer of
17 a public or private agency, nor the superintendent, or professional
18 person in charge, his or her professional designee or attending staff
19 of any such agency, nor any public official performing functions
20 necessary to the administration of this chapter, nor peace officer
21 responsible for detaining a person under this chapter, nor any county
22 designated mental health professional, nor professional person, nor
23 evaluation and treatment facility, shall be civilly or criminally
24 liable for performing ((his or her duties under)) actions authorized in
25 this chapter with regard to the decision of whether to admit, release,
26 or detain a person for evaluation and treatment: PROVIDED, That such
27 duties were performed in good faith and without gross negligence.

28   NEW SECTION. **Sec. 6.** (1) The code reviser shall recodify, as
29 necessary, the following sections of chapter 71.34 RCW in the following
30 order, using the indicated subchapter headings:
31   General
32   71.34.010
33   71.34.020
34   71.34.140
35   71.34.032
36   71.34.250

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 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
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1        71.34.090
2        71.34.100
3        71.34.120
4        71.34.110
5        71.34.150
6        71.34.180
7        Technical
8        71.34.900
9        71.34.901
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10   (2) The code reviser shall correct all statutory references to
11   sections recodified by this section.

12   NEW SECTION. **Sec. 7.** If any provision of this act or its
13   application to any person or circumstance is held invalid, the
14   remainder of the act or the application of the provision to other
15   persons or circumstances is not affected."

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16   On page 1, line 1 of the title, after "minors;" strike the
17   remainder of the title and insert "amending RCW 71.34.042, 71.34.052,
18   and 71.34.270; adding new sections to chapter 71.34 RCW; creating a new
19   section; and recodifying RCW 71.34.010, 71.34.020, 71.34.140,
20   71.34.032, 71.34.250, 71.34.280, 71.34.260, 71.34.240, 71.34.230,
21   71.34.210, 71.34.200, 71.34.225, 71.34.220, 71.34.160, 71.34.190,
22   71.34.170, 71.34.290, 71.34.056, 71.34.800, 71.34.805, 71.34.810,
23   71.34.015, 71.34.027, 71.34.130, 71.34.270, 71.34.042, 71.34.044,
24   71.34.046, 71.34.030, 71.34.052, 71.34.025, 71.34.162, 71.34.164,
25   71.34.035, 71.34.054, 71.34.040, 71.34.050, 71.34.060, 71.34.070,
26   71.34.080, 71.34.090, 71.34.100, 71.34.120, 71.34.110, 71.34.150,
27   71.34.180, 71.34.900, and 71.34.901."

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