

SHB 1058 - S COMM AMD

By Committee on Human Services & Corrections

NOT ADOPTED 04/14/2005

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 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, inpatient facility, or provider of outpatient
15 mental health treatment for admitting or accepting the minor in good
16 faith for evaluation or treatment under RCW 71.34.052 or 71.34.054
17 based solely upon the minor's lack of consent if the minor's parent has
18 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 or an inpatient
23 facility and request that the professional person examine the minor to
24 determine whether the minor has a mental disorder and is in need of
25 inpatient treatment.

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

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

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

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

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

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

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

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