
SUBSTITUTE SENATE BILL 6539

State of Washington

61st Legislature

2010 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senator Brandland)

READ FIRST TIME 02/04/10.

1 AN ACT Relating to treatment for behavioral health disorders;
2 amending RCW 70.96A.020; and adding a new section to chapter 70.96A
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.96A RCW
6 to read as follows:

7 (1) The legislature recognizes that there is significant but not
8 complete overlap between the populations of persons in need of
9 treatment for alcoholism and substance abuse disorders and persons in
10 need of treatment for mental disorders. At times, it may be efficient
11 to colocate services for patients with a spectrum of behavioral health
12 disorders in the same treatment facility. The legislature directs that
13 state agencies shall do everything possible to facilitate the efficient
14 and effective operation of such programs when the programs serve
15 patients in a safe and clinically appropriate manner consistent with
16 federal law and regulation.

17 (2) A facility certified to serve patients in crisis with chemical
18 dependency and/or mental disorders need not divide these clients into
19 separate sleeping rooms.

1 **Sec. 2.** RCW 70.96A.020 and 2001 c 13 s 1 are each amended to read
2 as follows:

3 For the purposes of this chapter the following words and phrases
4 shall have the following meanings unless the context clearly requires
5 otherwise:

6 (1) "Alcoholic" means a person who suffers from the disease of
7 alcoholism.

8 (2) "Alcoholism" means a disease, characterized by a dependency on
9 alcoholic beverages, loss of control over the amount and circumstances
10 of use, symptoms of tolerance, physiological or psychological
11 withdrawal, or both, if use is reduced or discontinued, and impairment
12 of health or disruption of social or economic functioning.

13 (3) "Approved treatment program" means: (a) A discrete program of
14 chemical dependency treatment provided by a treatment program certified
15 by the department of social and health services as meeting standards
16 adopted under this chapter; or (b) a crisis facility that is certified
17 by the department as a detoxification, triage, or crisis stabilization
18 program.

19 (4) "Chemical dependency" means:

20 (a) Alcoholism; (b) drug addiction; or (c) dependence on alcohol
21 and one or more other psychoactive chemicals, as the context requires.

22 (5) "Chemical dependency program" means expenditures and activities
23 of the department designed and conducted to prevent or treat alcoholism
24 and other drug addiction, including reasonable administration and
25 overhead.

26 (6) "Department" means the department of social and health
27 services.

28 (7) "Designated chemical dependency specialist" or "specialist"
29 means a person designated by the county alcoholism and other drug
30 addiction program coordinator designated under RCW 70.96A.310 to
31 perform the commitment duties described in RCW 70.96A.140 and qualified
32 to do so by meeting standards adopted by the department.

33 (8) "Director" means the person administering the chemical
34 dependency program within the department.

35 (9) "Drug addict" means a person who suffers from the disease of
36 drug addiction.

37 (10) "Drug addiction" means a disease characterized by a dependency
38 on psychoactive chemicals, loss of control over the amount and

1 circumstances of use, symptoms of tolerance, physiological or
2 psychological withdrawal, or both, if use is reduced or discontinued,
3 and impairment of health or disruption of social or economic
4 functioning.

5 (11) "Emergency service patrol" means a patrol established under
6 RCW 70.96A.170.

7 (12) "Gravely disabled by alcohol or other psychoactive chemicals"
8 or "gravely disabled" means that a person, as a result of the use of
9 alcohol or other psychoactive chemicals: (a) Is in danger of serious
10 physical harm resulting from a failure to provide for his or her
11 essential human needs of health or safety; or (b) manifests severe
12 deterioration in routine functioning evidenced by a repeated and
13 escalating loss of cognition or volitional control over his or her
14 actions and is not receiving care as essential for his or her health or
15 safety.

16 (13) "History of one or more violent acts" refers to the period of
17 time ten years prior to the filing of a petition under this chapter,
18 excluding any time spent, but not any violent acts committed, in a
19 mental health facility, or a long-term alcoholism or drug treatment
20 facility, or in confinement.

21 (14) "Incapacitated by alcohol or other psychoactive chemicals"
22 means that a person, as a result of the use of alcohol or other
23 psychoactive chemicals, is gravely disabled or presents a likelihood of
24 serious harm to himself or herself, to any other person, or to
25 property.

26 (15) "Incompetent person" means a person who has been adjudged
27 incompetent by the superior court.

28 (16) "Intoxicated person" means a person whose mental or physical
29 functioning is substantially impaired as a result of the use of alcohol
30 or other psychoactive chemicals.

31 (17) "Licensed physician" means a person licensed to practice
32 medicine or osteopathic medicine and surgery in the state of
33 Washington.

34 (18) "Likelihood of serious harm" means:

35 (a) A substantial risk that: (i) Physical harm will be inflicted
36 by an individual upon his or her own person, as evidenced by threats or
37 attempts to commit suicide or inflict physical harm on one's self; (ii)
38 physical harm will be inflicted by an individual upon another, as

1 evidenced by behavior that has caused the harm or that places another
2 person or persons in reasonable fear of sustaining the harm; or (iii)
3 physical harm will be inflicted by an individual upon the property of
4 others, as evidenced by behavior that has caused substantial loss or
5 damage to the property of others; or

6 (b) The individual has threatened the physical safety of another
7 and has a history of one or more violent acts.

8 (19) "Medical necessity" for inpatient care of a minor means a
9 requested certified inpatient service that is reasonably calculated to:

10 (a) Diagnose, arrest, or alleviate a chemical dependency; or (b)
11 prevent the worsening of chemical dependency conditions that endanger
12 life or cause suffering and pain, or result in illness or infirmity or
13 threaten to cause or aggravate a handicap, or cause physical deformity
14 or malfunction, and there is no adequate less restrictive alternative
15 available.

16 (20) "Minor" means a person less than eighteen years of age.

17 (21) "Parent" means the parent or parents who have the legal right
18 to custody of the child. Parent includes custodian or guardian.

19 (22) "Peace officer" means a law enforcement official of a public
20 agency or governmental unit, and includes persons specifically given
21 peace officer powers by any state law, local ordinance, or judicial
22 order of appointment.

23 (23) "Person" means an individual, including a minor.

24 (24) "Professional person in charge" or "professional person" means
25 a physician or chemical dependency counselor as defined in rule by the
26 department, who is empowered by a certified treatment program with
27 authority to make assessment, admission, continuing care, and discharge
28 decisions on behalf of the certified program.

29 (25) "Secretary" means the secretary of the department of social
30 and health services.

31 (26) "Treatment" means the broad range of emergency,
32 detoxification, residential, and outpatient services and care,
33 including diagnostic evaluation, chemical dependency education and
34 counseling, medical, psychiatric, psychological, and social service
35 care, vocational rehabilitation and career counseling, which may be
36 extended to alcoholics and other drug addicts and their families,
37 persons incapacitated by alcohol or other psychoactive chemicals, and
38 intoxicated persons.

1 (27) "Treatment program" means an organization, institution, or
2 corporation, public or private, engaged in the care, treatment, or
3 rehabilitation of alcoholics or other drug addicts.

4 (28) "Violent act" means behavior that resulted in homicide,
5 attempted suicide, nonfatal injuries, or substantial damage to
6 property.

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