
SENATE BILL 6539

State of Washington

61st Legislature

2010 Regular Session

By Senator Brandland

Read first time 01/18/10. Referred to Committee on Human Services & Corrections.

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 health disorders. At times, it may be
11 efficient to colocate services for patients with a spectrum of
12 behavioral health disorders in the same treatment facility. The
13 legislature directs that state agencies shall do everything possible to
14 facilitate the efficient and effective operation of such programs when
15 the programs serve patients in a safe and clinically appropriate manner
16 consistent with federal law and regulation.

17 (2) A residential program which serves patients with substance
18 abuse disorders and patients with mental health disorders need not

1 divide these clients into separate sleeping rooms if other reasonable
2 strategies are implemented to safeguard patient confidentiality.

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

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

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

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

15 (3) "Approved treatment program" means a ((discrete)) program of
16 chemical dependency treatment provided by a treatment program certified
17 by the department of social and health services as meeting standards
18 adopted under this chapter.

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.

1 (10) "Drug addiction" means a disease characterized by a dependency
2 on psychoactive chemicals, loss of control over the amount and
3 circumstances of use, symptoms of tolerance, physiological or
4 psychological withdrawal, or both, if use is reduced or discontinued,
5 and impairment of health or disruption of social or economic
6 functioning.

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

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

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

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

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

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

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

36 (18) "Likelihood of serious harm" means:
37 (a) A substantial risk that: (i) Physical harm will be inflicted
38 by an individual upon his or her own person, as evidenced by threats or

1 attempts to commit suicide or inflict physical harm on one's self; (ii)
2 physical harm will be inflicted by an individual upon another, as
3 evidenced by behavior that has caused the harm or that places another
4 person or persons in reasonable fear of sustaining the harm; or (iii)
5 physical harm will be inflicted by an individual upon the property of
6 others, as evidenced by behavior that has caused substantial loss or
7 damage to the property of others; or

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

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

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

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

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

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

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

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

31 (25) "Secretary" means the secretary of the department of social
32 and health services.

33 (26) "Treatment" means the broad range of emergency,
34 detoxification, residential, and outpatient services and care,
35 including diagnostic evaluation, chemical dependency education and
36 counseling, medical, psychiatric, psychological, and social service
37 care, vocational rehabilitation and career counseling, which may be

1 extended to alcoholics and other drug addicts and their families,
2 persons incapacitated by alcohol or other psychoactive chemicals, and
3 intoxicated persons.

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

7 (28) "Violent act" means behavior that resulted in homicide,
8 attempted suicide, nonfatal injuries, or substantial damage to
9 property.

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