

SHB 1170 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED AND ENGROSSED 4/8/11

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 71.05.020 and 2009 c 320 s 1 and 2009 c 217 s 20 are  
4 each reenacted and amended to read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (1) "Admission" or "admit" means a decision by a physician or  
8 psychiatric advanced registered nurse practitioner that a person should  
9 be examined or treated as a patient in a hospital;

10 (2) "Antipsychotic medications" means that class of drugs primarily  
11 used to treat serious manifestations of mental illness associated with  
12 thought disorders, which includes, but is not limited to atypical  
13 antipsychotic medications;

14 (3) "Attending staff" means any person on the staff of a public or  
15 private agency having responsibility for the care and treatment of a  
16 patient;

17 (4) "Commitment" means the determination by a court that a person  
18 should be detained for a period of either evaluation or treatment, or  
19 both, in an inpatient or a less restrictive setting;

20 (5) "Conditional release" means a revocable modification of a  
21 commitment, which may be revoked upon violation of any of its terms;

22 (6) "Crisis stabilization unit" means a short-term facility or a  
23 portion of a facility licensed by the department of health and  
24 certified by the department of social and health services under RCW  
25 71.24.035, such as an evaluation and treatment facility or a hospital,  
26 which has been designed to assess, diagnose, and treat individuals  
27 experiencing an acute crisis without the use of long-term  
28 hospitalization;

29 (7) "Custody" means involuntary detention under the provisions of

1 this chapter or chapter 10.77 RCW, uninterrupted by any period of  
2 unconditional release from commitment from a facility providing  
3 involuntary care and treatment;

4 (8) "Department" means the department of social and health  
5 services;

6 (9) "Designated chemical dependency specialist" means a person  
7 designated by the county alcoholism and other drug addiction program  
8 coordinator designated under RCW 70.96A.310 to perform the commitment  
9 duties described in chapters 70.96A and 70.96B RCW;

10 (10) "Designated crisis responder" means a mental health  
11 professional appointed by the county or the regional support network to  
12 perform the duties specified in this chapter;

13 (11) "Designated mental health professional" means a mental health  
14 professional designated by the county or other authority authorized in  
15 rule to perform the duties specified in this chapter;

16 (12) "Detention" or "detain" means the lawful confinement of a  
17 person, under the provisions of this chapter;

18 (13) "Developmental disabilities professional" means a person who  
19 has specialized training and three years of experience in directly  
20 treating or working with persons with developmental disabilities and is  
21 a psychiatrist, psychologist, psychiatric advanced registered nurse  
22 practitioner, or social worker, and such other developmental  
23 disabilities professionals as may be defined by rules adopted by the  
24 secretary;

25 (14) "Developmental disability" means that condition defined in RCW  
26 71A.10.020(3);

27 (15) "Discharge" means the termination of hospital medical  
28 authority. The commitment may remain in place, be terminated, or be  
29 amended by court order;

30 (16) "Evaluation and treatment facility" means any facility which  
31 can provide directly, or by direct arrangement with other public or  
32 private agencies, emergency evaluation and treatment, outpatient care,  
33 and timely and appropriate inpatient care to persons suffering from a  
34 mental disorder, and which is certified as such by the department. A  
35 physically separate and separately operated portion of a state hospital  
36 may be designated as an evaluation and treatment facility. A facility  
37 which is part of, or operated by, the department or any federal agency

1 will not require certification. No correctional institution or  
2 facility, or jail, shall be an evaluation and treatment facility within  
3 the meaning of this chapter;

4 (17) "Gravely disabled" means a condition in which a person, as a  
5 result of a mental disorder: (a) Is in danger of serious physical harm  
6 resulting from a failure to provide for his or her essential human  
7 needs of health or safety; or (b) manifests severe deterioration in  
8 routine functioning evidenced by repeated and escalating loss of  
9 cognitive or volitional control over his or her actions and is not  
10 receiving such care as is essential for his or her health or safety;

11 (18) "Habilitative services" means those services provided by  
12 program personnel to assist persons in acquiring and maintaining life  
13 skills and in raising their levels of physical, mental, social, and  
14 vocational functioning. Habilitative services include education,  
15 training for employment, and therapy. The habilitative process shall  
16 be undertaken with recognition of the risk to the public safety  
17 presented by the person being assisted as manifested by prior charged  
18 criminal conduct;

19 (19) "History of one or more violent acts" refers to the period of  
20 time ten years prior to the filing of a petition under this chapter,  
21 excluding any time spent, but not any violent acts committed, in a  
22 mental health facility or in confinement as a result of a criminal  
23 conviction;

24 (20) "Imminent" means the state or condition of being likely to  
25 occur at any moment or near at hand, rather than distant or remote;

26 (21) "Individualized service plan" means a plan prepared by a  
27 developmental disabilities professional with other professionals as a  
28 team, for a person with developmental disabilities, which shall state:

29 (a) The nature of the person's specific problems, prior charged  
30 criminal behavior, and habilitation needs;

31 (b) The conditions and strategies necessary to achieve the purposes  
32 of habilitation;

33 (c) The intermediate and long-range goals of the habilitation  
34 program, with a projected timetable for the attainment;

35 (d) The rationale for using this plan of habilitation to achieve  
36 those intermediate and long-range goals;

37 (e) The staff responsible for carrying out the plan;

1 (f) Where relevant in light of past criminal behavior and due  
2 consideration for public safety, the criteria for proposed movement to  
3 less-restrictive settings, criteria for proposed eventual discharge or  
4 release, and a projected possible date for discharge or release; and

5 (g) The type of residence immediately anticipated for the person  
6 and possible future types of residences;

7 (22) "Information related to mental health services" means all  
8 information and records compiled, obtained, or maintained in the course  
9 of providing services to either voluntary or involuntary recipients of  
10 services by a mental health service provider. This may include  
11 documents of legal proceedings under this chapter or chapter 71.34 or  
12 10.77 RCW, or somatic health care information;

13 (23) "Judicial commitment" means a commitment by a court pursuant  
14 to the provisions of this chapter;

15 (24) "Legal counsel" means attorneys and staff employed by county  
16 prosecutor offices or the state attorney general acting in their  
17 capacity as legal representatives of public mental health service  
18 providers under RCW 71.05.130;

19 (25) "Likelihood of serious harm" means:

20 (a) A substantial risk that: (i) Physical harm will be inflicted  
21 by a person upon his or her own person, as evidenced by threats or  
22 attempts to commit suicide or inflict physical harm on oneself; (ii)  
23 physical harm will be inflicted by a person upon another, as evidenced  
24 by behavior which has caused such harm or which places another person  
25 or persons in reasonable fear of sustaining such harm; or (iii)  
26 physical harm will be inflicted by a person upon the property of  
27 others, as evidenced by behavior which has caused substantial loss or  
28 damage to the property of others; or

29 (b) The person has threatened the physical safety of another and  
30 has a history of one or more violent acts;

31 (26) "Mental disorder" means any organic, mental, or emotional  
32 impairment which has substantial adverse effects on a person's  
33 cognitive or volitional functions;

34 (27) "Mental health professional" means a psychiatrist,  
35 psychologist, psychiatric advanced registered nurse practitioner,  
36 psychiatric nurse, or social worker, and such other mental health  
37 professionals as may be defined by rules adopted by the secretary  
38 pursuant to the provisions of this chapter;

1 (28) "Mental health service provider" means a public or private  
2 agency that provides mental health services to persons with mental  
3 disorders as defined under this section and receives funding from  
4 public sources. This includes, but is not limited to, hospitals  
5 licensed under chapter 70.41 RCW, evaluation and treatment facilities  
6 as defined in this section, community mental health service delivery  
7 systems or community mental health programs as defined in RCW  
8 71.24.025, facilities conducting competency evaluations and restoration  
9 under chapter 10.77 RCW, and correctional facilities operated by state  
10 and local governments;

11 (29) "Peace officer" means a law enforcement official of a public  
12 agency or governmental unit, and includes persons specifically given  
13 peace officer powers by any state law, local ordinance, or judicial  
14 order of appointment;

15 (30) "Private agency" means any person, partnership, corporation,  
16 or association that is not a public agency, whether or not financed in  
17 whole or in part by public funds, which constitutes an evaluation and  
18 treatment facility or private institution, or hospital, which is  
19 conducted for, or includes a department or ward conducted for, the care  
20 and treatment of persons who are mentally ill;

21 (31) "Professional person" means a mental health professional and  
22 shall also mean a physician, psychiatric advanced registered nurse  
23 practitioner, registered nurse, and such others as may be defined by  
24 rules adopted by the secretary pursuant to the provisions of this  
25 chapter;

26 (32) "Psychiatric advanced registered nurse practitioner" means a  
27 person who is licensed as an advanced registered nurse practitioner  
28 pursuant to chapter 18.79 RCW; and who is board certified in advanced  
29 practice psychiatric and mental health nursing;

30 (33) "Psychiatrist" means a person having a license as a physician  
31 and surgeon in this state who has in addition completed three years of  
32 graduate training in psychiatry in a program approved by the American  
33 medical association or the American osteopathic association and is  
34 certified or eligible to be certified by the American board of  
35 psychiatry and neurology;

36 (34) "Psychologist" means a person who has been licensed as a  
37 psychologist pursuant to chapter 18.83 RCW;

1 (35) "Public agency" means any evaluation and treatment facility or  
2 institution, or hospital which is conducted for, or includes a  
3 department or ward conducted for, the care and treatment of persons  
4 with mental illness, if the agency is operated directly by, federal,  
5 state, county, or municipal government, or a combination of such  
6 governments;

7 (36) "Registration records" include all the records of the  
8 department, regional support networks, treatment facilities, and other  
9 persons providing services to the department, county departments, or  
10 facilities which identify persons who are receiving or who at any time  
11 have received services for mental illness;

12 (37) "Release" means legal termination of the commitment under the  
13 provisions of this chapter;

14 (38) "Resource management services" has the meaning given in  
15 chapter 71.24 RCW;

16 (39) "Secretary" means the secretary of the department of social  
17 and health services, or his or her designee;

18 (40) "Serious violent offense" has the same meaning as provided in  
19 RCW 9.94A.030;

20 (41) "Social worker" means a person with a master's or further  
21 advanced degree from an accredited school of social work or a degree  
22 deemed equivalent under rules adopted by the secretary;

23 (42) "Therapeutic court personnel" means the staff of a mental  
24 health court or other therapeutic court which has jurisdiction over  
25 defendants who are dually diagnosed with mental disorders, including  
26 court personnel, probation officers, a court monitor, prosecuting  
27 attorney, or defense counsel acting within the scope of therapeutic  
28 court duties;

29 (43) "Triage facility" means a short-term facility or a portion of  
30 a facility licensed by the department of health and certified by the  
31 department of social and health services under RCW 71.24.035, which is  
32 designed as a facility to assess and stabilize an individual or  
33 determine the need for involuntary commitment of an individual, and  
34 must meet department of health residential treatment facility  
35 standards. A triage facility may be structured as a voluntary or  
36 involuntary placement facility;

37 (44) "Treatment records" include registration and all other records  
38 concerning persons who are receiving or who at any time have received

1 services for mental illness, which are maintained by the department, by  
2 regional support networks and their staffs, and by treatment  
3 facilities. Treatment records include mental health information  
4 contained in a medical bill including but not limited to mental health  
5 drugs, a mental health diagnosis, provider name, and dates of service  
6 stemming from a medical service. Treatment records do not include  
7 notes or records maintained for personal use by a person providing  
8 treatment services for the department, regional support networks, or a  
9 treatment facility if the notes or records are not available to others;  
10 ((+44)) (45) "Violent act" means behavior that resulted in  
11 homicide, attempted suicide, nonfatal injuries, or substantial damage  
12 to property.

13 **Sec. 2.** RCW 71.05.153 and 2007 c 375 s 8 are each amended to read  
14 as follows:

15 (1) When a designated mental health professional receives  
16 information alleging that a person, as the result of a mental disorder,  
17 presents an imminent likelihood of serious harm, or is in imminent  
18 danger because of being gravely disabled, after investigation and  
19 evaluation of the specific facts alleged and of the reliability and  
20 credibility of the person or persons providing the information if any,  
21 the designated mental health professional may take such person, or  
22 cause by oral or written order such person to be taken into emergency  
23 custody in an evaluation and treatment facility for not more than  
24 seventy-two hours as described in RCW 71.05.180.

25 (2) A peace officer may take or cause such person to be taken into  
26 custody and immediately delivered to a triage facility, crisis  
27 stabilization unit, ((an)) evaluation and treatment facility, or the  
28 emergency department of a local hospital under the following  
29 circumstances:

- 30 (a) Pursuant to subsection (1) of this section; or  
31 (b) When he or she has reasonable cause to believe that such person  
32 is suffering from a mental disorder and presents an imminent likelihood  
33 of serious harm or is in imminent danger because of being gravely  
34 disabled.

35 (3) Persons delivered to a crisis stabilization unit, evaluation  
36 and treatment facility, ((or the)) emergency department of a local  
37 hospital, or triage facility that has elected to operate as an

1 involuntary facility by peace officers pursuant to subsection (2) of  
2 this section may be held by the facility for a period of up to twelve  
3 hours(~~(:—PROVIDED, That they are examined by a mental health~~  
4 ~~professional))~~).

5 (4) Within three hours of ((their)) arrival, the person must be  
6 examined by a mental health professional. Within twelve hours of  
7 ((their)) arrival, the designated mental health professional must  
8 determine whether the individual meets detention criteria. If the  
9 individual is detained, the designated mental health professional shall  
10 file a petition for detention or a supplemental petition as appropriate  
11 and commence service on the designated attorney for the detained  
12 person.

13 **Sec. 3.** RCW 10.31.110 and 2007 c 375 s 2 are each amended to read  
14 as follows:

15 (1) When a police officer has reasonable cause to believe that the  
16 individual has committed acts constituting a nonfelony crime that is  
17 not a serious offense as identified in RCW 10.77.092 and the individual  
18 is known by history or consultation with the regional support network  
19 to suffer from a mental disorder, the arresting officer may:

20 (a) Take the individual to a crisis stabilization unit as defined  
21 in RCW 71.05.020(6). Individuals delivered to a crisis stabilization  
22 unit pursuant to this section may be held by the facility for a period  
23 of up to twelve hours(~~(:—PROVIDED, That they are))~~). The individual  
24 must be examined by a mental health professional within three hours of  
25 ((their)) arrival;

26 (b) Take the individual to a triage facility as defined in RCW  
27 71.05.020. An individual delivered to a triage facility which has  
28 elected to operate as an involuntary facility may be held up to a  
29 period of twelve hours. The individual must be examined by a mental  
30 health professional within three hours of arrival;

31 (c) Refer the individual to a mental health professional for  
32 evaluation for initial detention and proceeding under chapter 71.05  
33 RCW; or

34 ((+e)) (d) Release the individual upon agreement to voluntary  
35 participation in outpatient treatment.

36 (2) In deciding whether to refer the individual to treatment under  
37 this section, the police officer shall be guided by standards mutually



1 agreed upon with the prosecuting authority, which address, at a  
2 minimum, the length, seriousness, and recency of the known criminal  
3 history of the individual, the mental health history of the individual,  
4 where available, and the circumstances surrounding the commission of  
5 the alleged offense.

6 (3) Any agreement to participate in treatment shall not require  
7 individuals to stipulate to any of the alleged facts regarding the  
8 criminal activity as a prerequisite to participation in a mental health  
9 treatment alternative. The agreement is inadmissible in any criminal  
10 or civil proceeding. The agreement does not create immunity from  
11 prosecution for the alleged criminal activity.

12 (4) If an individual violates such agreement and the mental health  
13 treatment alternative is no longer appropriate:

14 (a) The mental health provider shall inform the referring law  
15 enforcement agency of the violation; and

16 (b) The original charges may be filed or referred to the  
17 prosecutor, as appropriate, and the matter may proceed accordingly.

18 (5) The police officer is immune from liability for any good faith  
19 conduct under this section.

20 **Sec. 4.** RCW 71.24.035 and 2008 c 267 s 5 and 2008 c 261 s 3 are  
21 each reenacted and amended to read as follows:

22 (1) The department is designated as the state mental health  
23 authority.

24 (2) The secretary shall provide for public, client, and licensed  
25 service provider participation in developing the state mental health  
26 program, developing contracts with regional support networks, and any  
27 waiver request to the federal government under medicaid.

28 (3) The secretary shall provide for participation in developing the  
29 state mental health program for children and other underserved  
30 populations, by including representatives on any committee established  
31 to provide oversight to the state mental health program.

32 (4) The secretary shall be designated as the regional support  
33 network if the regional support network fails to meet state minimum  
34 standards or refuses to exercise responsibilities under RCW 71.24.045,  
35 until such time as a new regional support network is designated under  
36 RCW 71.24.320.

37 (5) The secretary shall:

1 (a) Develop a biennial state mental health program that  
2 incorporates regional biennial needs assessments and regional mental  
3 health service plans and state services for adults and children with  
4 mental illness. The secretary shall also develop a six-year state  
5 mental health plan;

6 (b) Assure that any regional or county community mental health  
7 program provides access to treatment for the region's residents,  
8 including parents who are respondents in dependency cases, in the  
9 following order of priority: (i) Persons with acute mental illness;  
10 (ii) adults with chronic mental illness and children who are severely  
11 emotionally disturbed; and (iii) persons who are seriously disturbed.  
12 Such programs shall provide:

13 (A) Outpatient services;

14 (B) Emergency care services for twenty-four hours per day;

15 (C) Day treatment for persons with mental illness which includes  
16 training in basic living and social skills, supported work, vocational  
17 rehabilitation, and day activities. Such services may include  
18 therapeutic treatment. In the case of a child, day treatment includes  
19 age-appropriate basic living and social skills, educational and  
20 prevocational services, day activities, and therapeutic treatment;

21 (D) Screening for patients being considered for admission to state  
22 mental health facilities to determine the appropriateness of admission;

23 (E) Employment services, which may include supported employment,  
24 transitional work, placement in competitive employment, and other work-  
25 related services, that result in persons with mental illness becoming  
26 engaged in meaningful and gainful full or part-time work. Other  
27 sources of funding such as the division of vocational rehabilitation  
28 may be utilized by the secretary to maximize federal funding and  
29 provide for integration of services;

30 (F) Consultation and education services; and

31 (G) Community support services;

32 (c) Develop and adopt rules establishing state minimum standards  
33 for the delivery of mental health services pursuant to RCW 71.24.037  
34 including, but not limited to:

35 (i) Licensed service providers. These rules shall permit a county-  
36 operated mental health program to be licensed as a service provider  
37 subject to compliance with applicable statutes and rules. The  
38 secretary shall provide for deeming of compliance with state minimum

1 standards for those entities accredited by recognized behavioral health  
2 accrediting bodies recognized and having a current agreement with the  
3 department;

4 (ii) Regional support networks; and

5 (iii) Inpatient services, evaluation and treatment services and  
6 facilities under chapter 71.05 RCW, resource management services, and  
7 community support services;

8 (d) Assure that the special needs of persons who are minorities,  
9 elderly, disabled, children, low-income, and parents who are  
10 respondents in dependency cases are met within the priorities  
11 established in this section;

12 (e) Establish a standard contract or contracts, consistent with  
13 state minimum standards, RCW 71.24.320 and 71.24.330, which shall be  
14 used in contracting with regional support networks. The standard  
15 contract shall include a maximum fund balance, which shall be  
16 consistent with that required by federal regulations or waiver  
17 stipulations;

18 (f) Establish, to the extent possible, a standardized auditing  
19 procedure which minimizes paperwork requirements of regional support  
20 networks and licensed service providers. The audit procedure shall  
21 focus on the outcomes of service and not the processes for  
22 accomplishing them;

23 (g) Develop and maintain an information system to be used by the  
24 state and regional support networks that includes a tracking method  
25 which allows the department and regional support networks to identify  
26 mental health clients' participation in any mental health service or  
27 public program on an immediate basis. The information system shall not  
28 include individual patient's case history files. Confidentiality of  
29 client information and records shall be maintained as provided in this  
30 chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

31 (h) License service providers who meet state minimum standards;

32 (i) Certify regional support networks that meet state minimum  
33 standards;

34 (j) Periodically monitor the compliance of certified regional  
35 support networks and their network of licensed service providers for  
36 compliance with the contract between the department, the regional  
37 support network, and federal and state rules at reasonable times and in  
38 a reasonable manner;

1 (k) Fix fees to be paid by evaluation and treatment centers to the  
2 secretary for the required inspections;

3 (l) Monitor and audit regional support networks and licensed  
4 service providers as needed to assure compliance with contractual  
5 agreements authorized by this chapter;

6 (m) Adopt such rules as are necessary to implement the department's  
7 responsibilities under this chapter;

8 (n) Assure the availability of an appropriate amount, as determined  
9 by the legislature in the operating budget by amounts appropriated for  
10 this specific purpose, of community-based, geographically distributed  
11 residential services;

12 (o) Certify crisis stabilization units that meet state minimum  
13 standards; (~~and~~)

14 (p) Certify clubhouses that meet state minimum standards; and

15 (q) Certify triage facilities that meet state minimum standards.

16 (6) The secretary shall use available resources only for regional  
17 support networks, except to the extent authorized, and in accordance  
18 with any priorities or conditions specified, in the biennial  
19 appropriations act.

20 (7) Each certified regional support network and licensed service  
21 provider shall file with the secretary, on request, such data,  
22 statistics, schedules, and information as the secretary reasonably  
23 requires. A certified regional support network or licensed service  
24 provider which, without good cause, fails to furnish any data,  
25 statistics, schedules, or information as requested, or files fraudulent  
26 reports thereof, may have its certification or license revoked or  
27 suspended.

28 (8) The secretary may suspend, revoke, limit, or restrict a  
29 certification or license, or refuse to grant a certification or license  
30 for failure to conform to: (a) The law; (b) applicable rules and  
31 regulations; (c) applicable standards; or (d) state minimum standards.

32 (9) The superior court may restrain any regional support network or  
33 service provider from operating without certification or a license or  
34 any other violation of this section. The court may also review,  
35 pursuant to procedures contained in chapter 34.05 RCW, any denial,  
36 suspension, limitation, restriction, or revocation of certification or  
37 license, and grant other relief required to enforce the provisions of  
38 this chapter.

1 (10) Upon petition by the secretary, and after hearing held upon  
2 reasonable notice to the facility, the superior court may issue a  
3 warrant to an officer or employee of the secretary authorizing him or  
4 her to enter at reasonable times, and examine the records, books, and  
5 accounts of any regional support network or service provider refusing  
6 to consent to inspection or examination by the authority.

7 (11) Notwithstanding the existence or pursuit of any other remedy,  
8 the secretary may file an action for an injunction or other process  
9 against any person or governmental unit to restrain or prevent the  
10 establishment, conduct, or operation of a regional support network or  
11 service provider without certification or a license under this chapter.

12 (12) The standards for certification of evaluation and treatment  
13 facilities shall include standards relating to maintenance of good  
14 physical and mental health and other services to be afforded persons  
15 pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall  
16 otherwise assure the effectuation of the purposes of these chapters.

17 (13) The standards for certification of crisis stabilization units  
18 shall include standards that:

19 (a) Permit location of the units at a jail facility if the unit is  
20 physically separate from the general population of the jail;

21 (b) Require administration of the unit by mental health  
22 professionals who direct the stabilization and rehabilitation efforts;  
23 and

24 (c) Provide an environment affording security appropriate with the  
25 alleged criminal behavior and necessary to protect the public safety.

26 (14) The standards for certification of a clubhouse shall at a  
27 minimum include:

28 (a) The facilities may be peer-operated and must be  
29 recovery-focused;

30 (b) Members and employees must work together;

31 (c) Members must have the opportunity to participate in all the  
32 work of the clubhouse, including administration, research, intake and  
33 orientation, outreach, hiring, training and evaluation of staff, public  
34 relations, advocacy, and evaluation of clubhouse effectiveness;

35 (d) Members and staff and ultimately the clubhouse director must be  
36 responsible for the operation of the clubhouse, central to this  
37 responsibility is the engagement of members and staff in all aspects of  
38 clubhouse operations;

1 (e) Clubhouse programs must be comprised of structured activities  
2 including but not limited to social skills training, vocational  
3 rehabilitation, employment training and job placement, and community  
4 resource development;

5 (f) Clubhouse programs must provide in-house educational programs  
6 that significantly utilize the teaching and tutoring skills of members  
7 and assist members by helping them to take advantage of adult education  
8 opportunities in the community;

9 (g) Clubhouse programs must focus on strengths, talents, and  
10 abilities of its members;

11 (h) The work-ordered day may not include medication clinics, day  
12 treatment, or other therapy programs within the clubhouse.

13 (15) The department shall distribute appropriated state and federal  
14 funds in accordance with any priorities, terms, or conditions specified  
15 in the appropriations act.

16 (16) The secretary shall assume all duties assigned to the  
17 nonparticipating regional support networks under chapters 71.05, 71.34,  
18 and 71.24 RCW. Such responsibilities shall include those which would  
19 have been assigned to the nonparticipating counties in regions where  
20 there are not participating regional support networks.

21 The regional support networks, or the secretary's assumption of all  
22 responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be  
23 included in all state and federal plans affecting the state mental  
24 health program including at least those required by this chapter, the  
25 medicaid program, and P.L. 99-660. Nothing in these plans shall be  
26 inconsistent with the intent and requirements of this chapter.

27 (17) The secretary shall:

28 (a) Disburse funds for the regional support networks within sixty  
29 days of approval of the biennial contract. The department must either  
30 approve or reject the biennial contract within sixty days of receipt.

31 (b) Enter into biennial contracts with regional support networks.  
32 The contracts shall be consistent with available resources. No  
33 contract shall be approved that does not include progress toward  
34 meeting the goals of this chapter by taking responsibility for: (i)  
35 Short-term commitments; (ii) residential care; and (iii) emergency  
36 response systems.

37 (c) Notify regional support networks of their allocation of

1 available resources at least sixty days prior to the start of a new  
2 biennial contract period.

3 (d) Deny all or part of the funding allocations to regional support  
4 networks based solely upon formal findings of noncompliance with the  
5 terms of the regional support network's contract with the department.  
6 Regional support networks disputing the decision of the secretary to  
7 withhold funding allocations are limited to the remedies provided in  
8 the department's contracts with the regional support networks.

9 (18) The department, in cooperation with the state congressional  
10 delegation, shall actively seek waivers of federal requirements and  
11 such modifications of federal regulations as are necessary to allow  
12 federal medicaid reimbursement for services provided by freestanding  
13 evaluation and treatment facilities certified under chapter 71.05 RCW.  
14 The department shall periodically report its efforts to the appropriate  
15 committees of the senate and the house of representatives.

16 **Sec. 5.** RCW 71.05.150 and 2007 c 375 s 7 are each amended to read  
17 as follows:

18 (1) When a designated mental health professional receives  
19 information alleging that a person, as a result of a mental disorder:  
20 (i) Presents a likelihood of serious harm; or (ii) is gravely disabled;  
21 the designated mental health professional may, after investigation and  
22 evaluation of the specific facts alleged and of the reliability and  
23 credibility of any person providing information to initiate detention,  
24 if satisfied that the allegations are true and that the person will not  
25 voluntarily seek appropriate treatment, file a petition for initial  
26 detention. Before filing the petition, the designated mental health  
27 professional must personally interview the person, unless the person  
28 refuses an interview, and determine whether the person will voluntarily  
29 receive appropriate evaluation and treatment at an evaluation and  
30 treatment facility (~~(or in a)~~), crisis stabilization unit, or triage  
31 facility.

32 (2)(a) An order to detain to a designated evaluation and treatment  
33 facility for not more than a seventy-two-hour evaluation and treatment  
34 period may be issued by a judge of the superior court upon request of  
35 a designated mental health professional, whenever it appears to the  
36 satisfaction of a judge of the superior court:

37 (i) That there is probable cause to support the petition; and

1 (ii) That the person has refused or failed to accept appropriate  
2 evaluation and treatment voluntarily.

3 (b) The petition for initial detention, signed under penalty of  
4 perjury, or sworn telephonic testimony may be considered by the court  
5 in determining whether there are sufficient grounds for issuing the  
6 order.

7 (c) The order shall designate retained counsel or, if counsel is  
8 appointed from a list provided by the court, the name, business  
9 address, and telephone number of the attorney appointed to represent  
10 the person.

11 (3) The designated mental health professional shall then serve or  
12 cause to be served on such person, his or her guardian, and  
13 conservator, if any, a copy of the order together with a notice of  
14 rights, and a petition for initial detention. After service on such  
15 person the designated mental health professional shall file the return  
16 of service in court and provide copies of all papers in the court file  
17 to the evaluation and treatment facility and the designated attorney.  
18 The designated mental health professional shall notify the court and  
19 the prosecuting attorney that a probable cause hearing will be held  
20 within seventy-two hours of the date and time of outpatient evaluation  
21 or admission to the evaluation and treatment facility. The person  
22 shall be permitted to be accompanied by one or more of his or her  
23 relatives, friends, an attorney, a personal physician, or other  
24 professional or religious advisor to the place of evaluation. An  
25 attorney accompanying the person to the place of evaluation shall be  
26 permitted to be present during the admission evaluation. Any other  
27 individual accompanying the person may be present during the admission  
28 evaluation. The facility may exclude the individual if his or her  
29 presence would present a safety risk, delay the proceedings, or  
30 otherwise interfere with the evaluation.

31 (4) The designated mental health professional may notify a peace  
32 officer to take such person or cause such person to be taken into  
33 custody and placed in an evaluation and treatment facility. At the  
34 time such person is taken into custody there shall commence to be  
35 served on such person, his or her guardian, and conservator, if any, a  
36 copy of the original order together with a notice of rights and a  
37 petition for initial detention.



1        NEW SECTION.   **Sec. 6.**   Facilities operating as triage facilities as  
2 defined in RCW 71.05.020, whether or not they are certified by the  
3 department of social and health services, as of the effective date of  
4 this section are not required to relicense or recertify under any new  
5 rules governing licensure or certification of triage facilities.   The  
6 department of social and health services shall work with the Washington  
7 association of counties and the Washington association of sheriffs and  
8 police chiefs in creating rules that establish standards for  
9 certification of triage facilities.   The department of health rules  
10 must not require triage facilities to provide twenty-four hour nursing.

11        NEW SECTION.   **Sec. 7.**   This act is necessary for the immediate  
12 preservation of the public peace, health, or safety, or support of the  
13 state government and its existing public institutions, and takes effect  
14 immediately."

SHB 1170 - S COMM AMD

By Committee on Human Services & Corrections

**ADOPTED AND ENGROSSED 4/8/11**

15        On page 1, line 1 of the title, after "facilities;" strike the  
16 remainder of the title and insert "amending RCW 71.05.153, 10.31.110,  
17 and 71.05.150; reenacting and amending RCW 71.05.020 and 71.24.035;  
18 creating a new section; and declaring an emergency."

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