

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1170

62nd Legislature
2011 Regular Session

Passed by the House April 14, 2011
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 8, 2011
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1170** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1170

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Judiciary (originally sponsored by Representatives Roberts, Hope, Dickerson, Dammeier, Green, Rolfes, Haigh, Appleton, Walsh, Ormsby, Darneille, and Kenney)

READ FIRST TIME 02/08/11.

1 AN ACT Relating to triage facilities; amending RCW 71.05.153,
2 10.31.110, and 71.05.150; reenacting and amending RCW 71.05.020 and
3 71.24.035; creating a new section; and declaring an emergency.

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

5 **Sec. 1.** RCW 71.05.020 and 2009 c 320 s 1 and 2009 c 217 s 20 are
6 each reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

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

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

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

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

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

6 (6) "Crisis stabilization unit" means a short-term facility or a
7 portion of a facility licensed by the department of health and
8 certified by the department of social and health services under RCW
9 71.24.035, such as an evaluation and treatment facility or a hospital,
10 which has been designed to assess, diagnose, and treat individuals
11 experiencing an acute crisis without the use of long-term
12 hospitalization;

13 (7) "Custody" means involuntary detention under the provisions of
14 this chapter or chapter 10.77 RCW, uninterrupted by any period of
15 unconditional release from commitment from a facility providing
16 involuntary care and treatment;

17 (8) "Department" means the department of social and health
18 services;

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

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

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

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

31 (13) "Developmental disabilities professional" means a person who
32 has specialized training and three years of experience in directly
33 treating or working with persons with developmental disabilities and is
34 a psychiatrist, psychologist, psychiatric advanced registered nurse
35 practitioner, or social worker, and such other developmental
36 disabilities professionals as may be defined by rules adopted by the
37 secretary;

1 (14) "Developmental disability" means that condition defined in RCW
2 71A.10.020(3);

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

6 (16) "Evaluation and treatment facility" means any facility which
7 can provide directly, or by direct arrangement with other public or
8 private agencies, emergency evaluation and treatment, outpatient care,
9 and timely and appropriate inpatient care to persons suffering from a
10 mental disorder, and which is certified as such by the department. A
11 physically separate and separately operated portion of a state hospital
12 may be designated as an evaluation and treatment facility. A facility
13 which is part of, or operated by, the department or any federal agency
14 will not require certification. No correctional institution or
15 facility, or jail, shall be an evaluation and treatment facility within
16 the meaning of this chapter;

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

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

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

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

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

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

6 (b) The conditions and strategies necessary to achieve the purposes
7 of habilitation;

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

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

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

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

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

19 (22) "Information related to mental health services" means all
20 information and records compiled, obtained, or maintained in the course
21 of providing services to either voluntary or involuntary recipients of
22 services by a mental health service provider. This may include
23 documents of legal proceedings under this chapter or chapter 71.34 or
24 10.77 RCW, or somatic health care information;

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

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

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

32 (a) A substantial risk that: (i) Physical harm will be inflicted
33 by a person upon his or her own person, as evidenced by threats or
34 attempts to commit suicide or inflict physical harm on oneself; (ii)
35 physical harm will be inflicted by a person upon another, as evidenced
36 by behavior which has caused such harm or which places another person
37 or persons in reasonable fear of sustaining such harm; or (iii)

1 physical harm will be inflicted by a person upon the property of
2 others, as evidenced by behavior which has caused substantial loss or
3 damage to the property of others; or

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

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

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

14 (28) "Mental health service provider" means a public or private
15 agency that provides mental health services to persons with mental
16 disorders as defined under this section and receives funding from
17 public sources. This includes, but is not limited to, hospitals
18 licensed under chapter 70.41 RCW, evaluation and treatment facilities
19 as defined in this section, community mental health service delivery
20 systems or community mental health programs as defined in RCW
21 71.24.025, facilities conducting competency evaluations and restoration
22 under chapter 10.77 RCW, and correctional facilities operated by state
23 and local governments;

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

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

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

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

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

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

13 (35) "Public agency" means any evaluation and treatment facility or
14 institution, or hospital which is conducted for, or includes a
15 department or ward conducted for, the care and treatment of persons
16 with mental illness, if the agency is operated directly by, federal,
17 state, county, or municipal government, or a combination of such
18 governments;

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

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

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

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

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

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

35 (42) "Therapeutic court personnel" means the staff of a mental
36 health court or other therapeutic court which has jurisdiction over
37 defendants who are dually diagnosed with mental disorders, including

1 court personnel, probation officers, a court monitor, prosecuting
2 attorney, or defense counsel acting within the scope of therapeutic
3 court duties;

4 (43) "Triage facility" means a short-term facility or a portion of
5 a facility licensed by the department of health and certified by the
6 department of social and health services under RCW 71.24.035, which is
7 designed as a facility to assess and stabilize an individual or
8 determine the need for involuntary commitment of an individual, and
9 must meet department of health residential treatment facility
10 standards. A triage facility may be structured as a voluntary or
11 involuntary placement facility;

12 (44) "Treatment records" include registration and all other records
13 concerning persons who are receiving or who at any time have received
14 services for mental illness, which are maintained by the department, by
15 regional support networks and their staffs, and by treatment
16 facilities. Treatment records include mental health information
17 contained in a medical bill including but not limited to mental health
18 drugs, a mental health diagnosis, provider name, and dates of service
19 stemming from a medical service. Treatment records do not include
20 notes or records maintained for personal use by a person providing
21 treatment services for the department, regional support networks, or a
22 treatment facility if the notes or records are not available to others;

23 ~~((44))~~ (45) "Violent act" means behavior that resulted in
24 homicide, attempted suicide, nonfatal injuries, or substantial damage
25 to property.

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

28 (1) When a designated mental health professional receives
29 information alleging that a person, as the result of a mental disorder,
30 presents an imminent likelihood of serious harm, or is in imminent
31 danger because of being gravely disabled, after investigation and
32 evaluation of the specific facts alleged and of the reliability and
33 credibility of the person or persons providing the information if any,
34 the designated mental health professional may take such person, or
35 cause by oral or written order such person to be taken into emergency
36 custody in an evaluation and treatment facility for not more than
37 seventy-two hours as described in RCW 71.05.180.

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

6 (a) Pursuant to subsection (1) of this section; or

7 (b) When he or she has reasonable cause to believe that such person
8 is suffering from a mental disorder and presents an imminent likelihood
9 of serious harm or is in imminent danger because of being gravely
10 disabled.

11 (3) Persons delivered to a crisis stabilization unit, evaluation
12 and treatment facility, ~~((or the))~~ emergency department of a local
13 hospital, or triage facility that has elected to operate as an
14 involuntary facility by peace officers pursuant to subsection (2) of
15 this section may be held by the facility for a period of up to twelve
16 hours ~~((: PROVIDED, That they are examined by a mental health~~
17 ~~professional))~~.

18 (4) Within three hours of ((their)) arrival, the person must be
19 examined by a mental health professional. Within twelve hours of
20 ~~((their))~~ arrival, the designated mental health professional must
21 determine whether the individual meets detention criteria. If the
22 individual is detained, the designated mental health professional shall
23 file a petition for detention or a supplemental petition as appropriate
24 and commence service on the designated attorney for the detained
25 person.

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

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

33 (a) Take the individual to a crisis stabilization unit as defined
34 in RCW 71.05.020(6). Individuals delivered to a crisis stabilization
35 unit pursuant to this section may be held by the facility for a period
36 of up to twelve hours ~~((: PROVIDED, That they are))~~. The individual

1 must be examined by a mental health professional within three hours of
2 (~~their~~) arrival;

3 (b) Take the individual to a triage facility as defined in RCW
4 71.05.020. An individual delivered to a triage facility which has
5 elected to operate as an involuntary facility may be held up to a
6 period of twelve hours. The individual must be examined by a mental
7 health professional within three hours of arrival;

8 (c) Refer the individual to a mental health professional for
9 evaluation for initial detention and proceeding under chapter 71.05
10 RCW; or

11 (~~(c)~~) (d) Release the individual upon agreement to voluntary
12 participation in outpatient treatment.

13 (2) In deciding whether to refer the individual to treatment under
14 this section, the police officer shall be guided by standards mutually
15 agreed upon with the prosecuting authority, which address, at a
16 minimum, the length, seriousness, and recency of the known criminal
17 history of the individual, the mental health history of the individual,
18 where available, and the circumstances surrounding the commission of
19 the alleged offense.

20 (3) Any agreement to participate in treatment shall not require
21 individuals to stipulate to any of the alleged facts regarding the
22 criminal activity as a prerequisite to participation in a mental health
23 treatment alternative. The agreement is inadmissible in any criminal
24 or civil proceeding. The agreement does not create immunity from
25 prosecution for the alleged criminal activity.

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

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

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

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

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

36 (1) The department is designated as the state mental health
37 authority.

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

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

9 (4) The secretary shall be designated as the regional support
10 network if the regional support network fails to meet state minimum
11 standards or refuses to exercise responsibilities under RCW 71.24.045,
12 until such time as a new regional support network is designated under
13 RCW 71.24.320.

14 (5) The secretary shall:

15 (a) Develop a biennial state mental health program that
16 incorporates regional biennial needs assessments and regional mental
17 health service plans and state services for adults and children with
18 mental illness. The secretary shall also develop a six-year state
19 mental health plan;

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

27 (A) Outpatient services;

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

29 (C) Day treatment for persons with mental illness which includes
30 training in basic living and social skills, supported work, vocational
31 rehabilitation, and day activities. Such services may include
32 therapeutic treatment. In the case of a child, day treatment includes
33 age-appropriate basic living and social skills, educational and
34 prevocational services, day activities, and therapeutic treatment;

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

37 (E) Employment services, which may include supported employment,
38 transitional work, placement in competitive employment, and other work-

1 related services, that result in persons with mental illness becoming
2 engaged in meaningful and gainful full or part-time work. Other
3 sources of funding such as the division of vocational rehabilitation
4 may be utilized by the secretary to maximize federal funding and
5 provide for integration of services;

6 (F) Consultation and education services; and

7 (G) Community support services;

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

11 (i) Licensed service providers. These rules shall permit a county-
12 operated mental health program to be licensed as a service provider
13 subject to compliance with applicable statutes and rules. The
14 secretary shall provide for deeming of compliance with state minimum
15 standards for those entities accredited by recognized behavioral health
16 accrediting bodies recognized and having a current agreement with the
17 department;

18 (ii) Regional support networks; and

19 (iii) Inpatient services, evaluation and treatment services and
20 facilities under chapter 71.05 RCW, resource management services, and
21 community support services;

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

26 (e) Establish a standard contract or contracts, consistent with
27 state minimum standards, RCW 71.24.320 and 71.24.330, which shall be
28 used in contracting with regional support networks. The standard
29 contract shall include a maximum fund balance, which shall be
30 consistent with that required by federal regulations or waiver
31 stipulations;

32 (f) Establish, to the extent possible, a standardized auditing
33 procedure which minimizes paperwork requirements of regional support
34 networks and licensed service providers. The audit procedure shall
35 focus on the outcomes of service and not the processes for
36 accomplishing them;

37 (g) Develop and maintain an information system to be used by the
38 state and regional support networks that includes a tracking method

1 which allows the department and regional support networks to identify
2 mental health clients' participation in any mental health service or
3 public program on an immediate basis. The information system shall not
4 include individual patient's case history files. Confidentiality of
5 client information and records shall be maintained as provided in this
6 chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

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

8 (i) Certify regional support networks that meet state minimum
9 standards;

10 (j) Periodically monitor the compliance of certified regional
11 support networks and their network of licensed service providers for
12 compliance with the contract between the department, the regional
13 support network, and federal and state rules at reasonable times and in
14 a reasonable manner;

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

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

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

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

26 (o) Certify crisis stabilization units that meet state minimum
27 standards; (~~and~~)

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

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

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

34 (7) Each certified regional support network and licensed service
35 provider shall file with the secretary, on request, such data,
36 statistics, schedules, and information as the secretary reasonably
37 requires. A certified regional support network or licensed service
38 provider which, without good cause, fails to furnish any data,

1 statistics, schedules, or information as requested, or files fraudulent
2 reports thereof, may have its certification or license revoked or
3 suspended.

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

8 (9) The superior court may restrain any regional support network or
9 service provider from operating without certification or a license or
10 any other violation of this section. The court may also review,
11 pursuant to procedures contained in chapter 34.05 RCW, any denial,
12 suspension, limitation, restriction, or revocation of certification or
13 license, and grant other relief required to enforce the provisions of
14 this chapter.

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

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

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

31 (13) The standards for certification of crisis stabilization units
32 shall include standards that:

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

35 (b) Require administration of the unit by mental health
36 professionals who direct the stabilization and rehabilitation efforts;
37 and

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

3 (14) The standards for certification of a clubhouse shall at a
4 minimum include:

5 (a) The facilities may be peer-operated and must be
6 recovery-focused;

7 (b) Members and employees must work together;

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

12 (d) Members and staff and ultimately the clubhouse director must be
13 responsible for the operation of the clubhouse, central to this
14 responsibility is the engagement of members and staff in all aspects of
15 clubhouse operations;

16 (e) Clubhouse programs must be comprised of structured activities
17 including but not limited to social skills training, vocational
18 rehabilitation, employment training and job placement, and community
19 resource development;

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

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

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

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

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

36 The regional support networks, or the secretary's assumption of all
37 responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be
38 included in all state and federal plans affecting the state mental

1 health program including at least those required by this chapter, the
2 medicaid program, and P.L. 99-660. Nothing in these plans shall be
3 inconsistent with the intent and requirements of this chapter.

4 (17) The secretary shall:

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

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

14 (c) Notify regional support networks of their allocation of
15 available resources at least sixty days prior to the start of a new
16 biennial contract period.

17 (d) Deny all or part of the funding allocations to regional support
18 networks based solely upon formal findings of noncompliance with the
19 terms of the regional support network's contract with the department.
20 Regional support networks disputing the decision of the secretary to
21 withhold funding allocations are limited to the remedies provided in
22 the department's contracts with the regional support networks.

23 (18) The department, in cooperation with the state congressional
24 delegation, shall actively seek waivers of federal requirements and
25 such modifications of federal regulations as are necessary to allow
26 federal medicaid reimbursement for services provided by freestanding
27 evaluation and treatment facilities certified under chapter 71.05 RCW.
28 The department shall periodically report its efforts to the appropriate
29 committees of the senate and the house of representatives.

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

32 (1) When a designated mental health professional receives
33 information alleging that a person, as a result of a mental disorder:
34 (i) Presents a likelihood of serious harm; or (ii) is gravely disabled;
35 the designated mental health professional may, after investigation and
36 evaluation of the specific facts alleged and of the reliability and
37 credibility of any person providing information to initiate detention,

1 if satisfied that the allegations are true and that the person will not
2 voluntarily seek appropriate treatment, file a petition for initial
3 detention. Before filing the petition, the designated mental health
4 professional must personally interview the person, unless the person
5 refuses an interview, and determine whether the person will voluntarily
6 receive appropriate evaluation and treatment at an evaluation and
7 treatment facility (~~or in a~~), crisis stabilization unit, or triage
8 facility.

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

- 14 (i) That there is probable cause to support the petition; and
15 (ii) That the person has refused or failed to accept appropriate
16 evaluation and treatment voluntarily.

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

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

25 (3) The designated mental health professional shall then serve or
26 cause to be served on such person, his or her guardian, and
27 conservator, if any, a copy of the order together with a notice of
28 rights, and a petition for initial detention. After service on such
29 person the designated mental health professional shall file the return
30 of service in court and provide copies of all papers in the court file
31 to the evaluation and treatment facility and the designated attorney.
32 The designated mental health professional shall notify the court and
33 the prosecuting attorney that a probable cause hearing will be held
34 within seventy-two hours of the date and time of outpatient evaluation
35 or admission to the evaluation and treatment facility. The person
36 shall be permitted to be accompanied by one or more of his or her
37 relatives, friends, an attorney, a personal physician, or other
38 professional or religious advisor to the place of evaluation. An

1 attorney accompanying the person to the place of evaluation shall be
2 permitted to be present during the admission evaluation. Any other
3 individual accompanying the person may be present during the admission
4 evaluation. The facility may exclude the individual if his or her
5 presence would present a safety risk, delay the proceedings, or
6 otherwise interfere with the evaluation.

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

14 NEW SECTION. **Sec. 6.** Facilities operating as triage facilities as
15 defined in RCW 71.05.020, whether or not they are certified by the
16 department of social and health services, as of the effective date of
17 this section are not required to relicense or recertify under any new
18 rules governing licensure or certification of triage facilities. The
19 department of social and health services shall work with the Washington
20 association of counties and the Washington association of sheriffs and
21 police chiefs in creating rules that establish standards for
22 certification of triage facilities. The department of health rules
23 must not require triage facilities to provide twenty-four hour nursing.

24 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and takes effect
27 immediately.

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