

SSB 5480 - S AMD 172

By Senators Schlicher, Carrell, Darneille, Keiser

ADOPTED 03/11/2013

1 On page 2, after line 2, insert the following:

2 "Sec. 4. RCW 71.05.040 and 2004 c 166 s 2 are each amended to read
3 as follows:

4 (1) Persons ((~~who are developmentally disabled~~)) with developmental
5 disabilities, impaired by chronic alcoholism or drug abuse, or
6 suffering from dementia shall not be detained for evaluation and
7 treatment or judicially committed solely by reason of that condition
8 unless such condition causes a person to be gravely disabled or as a
9 result of a mental disorder such condition exists that constitutes a
10 likelihood of serious harm: Provided however, That persons ((~~who are~~
11 ~~developmentally disabled~~)) with developmental disabilities, impaired by
12 chronic alcoholism or drug abuse, or suffering from dementia and who
13 otherwise meet the criteria for detention or judicial commitment are
14 not ineligible for detention or commitment based on this condition
15 alone.

16 (2) The fact that a mental disorder within the definition of RCW
17 71.05.020 is caused by an underlying medical condition does not provide
18 a reason to withhold detention under this chapter. The fact that a
19 person has been involuntarily detained does not give the right to
20 provide medical treatment against the person's will, except as
21 specified in RCW 71.05.217(7) and 71.05.360(10).

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.05 RCW
23 to read as follows:

24 A designated mental health professional shall take serious
25 consideration of observations and opinions by examining physicians in
26 determining whether detention under this chapter is appropriate. An
27 examining physician who disagrees with a determination not to initiate
28 detention under RCW 71.05.150 or 71.05.153 may submit a declaration
29 describing the reasons why, in the view of the physician, detention is

1 appropriate and stating whether the physician is willing, if necessary,
2 to testify to the physician's observations in court. A designated
3 mental health professional who receives such a declaration and does not
4 initiate detention must provide a written response stating with
5 particularity the reason or reasons why the person has not been
6 detained.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 71.05 RCW
8 to read as follows:

9 A designated mental health professional who conducts an evaluation
10 for imminent likelihood of serious harm or imminent danger because of
11 being gravely disabled under RCW 71.05.153 must also evaluate the
12 person under RCW 71.05.150 for likelihood of serious harm or grave
13 disability that does not meet the imminent standard for emergency
14 detention."

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15 On page 1, line 1 of the title, after "Relating to" strike the
16 remainder of the title and insert "mental health involuntary commitment
17 laws; amending RCW 71.05.040; amending 2011 2nd sp.s. c 6 ss 1 and 3
18 (uncodified); adding new sections to chapter 71.05 RCW; creating a new
19 section; providing an effective date; and providing an expiration
20 date."

EFFECT: Requires designated mental health professionals (DMHPs)
to take serious consideration of the opinions of examining physicians,
requires DMHPs to consider emergency and nonemergency detention
options, and specifies that the fact that a mental disorder is caused
by an underlying medical condition does not provide a reason to
withhold detention under the Involuntary Treatment Act.

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