
Judiciary Committee

HB 1450

Title: An act relating to involuntary outpatient mental health treatment.

Brief Description: Concerning involuntary outpatient mental health treatment.

Sponsors: Representatives Jinkins, Rodne, Walkinshaw, Harris, Cody, Goodman, Senn, Walsh, Riccelli, Robinson, Orwall, Moeller, Gregerson, Van De Wege, Ormsby, Clibborn, McBride, Tharinger, Kagi and Stanford.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Provides that a person meeting the definition of "in need of assisted outpatient treatment" may be committed by a court for involuntary mental health treatment on a less restrictive alternative to an inpatient order.
--

Hearing Date: 1/28/15

Staff: Omeara Harrington (786-7136).

Background:

A person may be committed by a court for involuntary mental health treatment under the Involuntary Treatment Act (ITA) if he or she, due to a mental disorder, poses a likelihood of serious harm or is gravely disabled. "Likelihood of serious harm" means that a person poses a substantial risk of physical harm to self, others, or the property of others, as evidenced by certain behavior, or that a person has threatened the physical safety of another and has a history of one or more violent acts. "Grave disability" means that a person is in danger of serious physical harm due to a failure to provide for his or her own essential human needs, or that a person manifests a severe deterioration in routine functioning, evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions, and is not receiving the care essential for health or safety.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The commitment cycle begins with an initial evaluation period of up to 72 hours. Within the initial 72-hour evaluation period, the professional staff of the treatment facility providing the evaluation may petition the court to have the person committed for further mental health treatment. Following a hearing, if the person is found to pose a likelihood of serious harm or be gravely disabled, the court may order the person to be involuntarily committed for up to 14 days of additional treatment. Upon subsequent petitions and hearings, a court may order up to an additional 90 days of commitment, followed by up to 180 days of commitment.

When entering an order for up to 14, 90, or 180 days of treatment, if the court finds that the person poses a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive alternative (LRA) than detention in the best interest of the person or others, the court must order an appropriate less restrictive course of treatment rather than inpatient treatment. Less restrictive alternative treatment is for up to 90 days if ordered instead of a 14 or 90 day inpatient order, and is for up to 180 days if ordered instead of a 180 day order. No term of commitment under the ITA may exceed 180 days.

At the 180 day order stage, additional grounds exist under which a person may be committed for LRA treatment. These additional grounds do not require the petitioner to show that the person meets either the likelihood of serious harm or grave disability standard and only apply when the petition is for continued LRA treatment for someone currently committed under a LRA. The additional grounds for a petition for continued treatment under the LRA are that:

- the person has been involuntarily committed to detention for mental health treatment during the 36 months preceding the initial detention in the current commitment cycle, excluding any time spent in a mental health facility or in confinement as a result of a criminal conviction;
- the person is unlikely to voluntarily participate in outpatient treatment without an order for LRA treatment, in view of the person's treatment history or current behavior; and
- outpatient treatment that would be provided under a LRA order is necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.

Successive 180 day inpatient or LRA commitment orders are permissible on the same grounds and pursuant to the same procedures as the original 180 day commitment. However, commitment is not permissible on the alternative grounds to likelihood of serious harm or grave disability if 36 months have passed since the date of discharge from inpatient treatment that preceded the current LRA order.

Summary of Bill:

In addition to likelihood of serious harm and grave disability, a person may be committed for involuntary mental health treatment if that person is "in need of assisted outpatient treatment." The criteria for a finding of in need of assisted outpatient treatment are similar to those in current law for ordering continued LRA placement for up to 180 days.

At every stage in the commitment cycle a court may order a person's commitment on any proven statutory standard. However, commitment for a 72 hour evaluation, if based solely on the person being in need of assisted outpatient treatment, may only be for an outpatient evaluation.

Similarly, commitment for further treatment, if based solely on the person being in need of assisted outpatient treatment, may only be for treatment on a LRA order, and may not be for inpatient treatment.

A person is in need of assisted outpatient treatment if, as a result of a mental disorder:

- the person has been involuntarily committed to detention for involuntary mental health treatment at least twice during the preceding 36 months, or, if currently committed, the person has been involuntarily committed to detention at least once during the 36 months preceding the initial detention in the current commitment cycle;
- the person is unlikely to voluntarily participate in outpatient treatment without an order for LRA treatment, in view of the person's treatment history or current behavior; and
- outpatient treatment that would be provided under a LRA order is necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.

The 36-month calculation excludes any time spent in a mental health facility or in confinement as a result of a criminal conviction.

Appropriation: None.

Fiscal Note: Requested on January 22, 2015.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.