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ENGROSSED SUBSTITUTE HOUSE BILL 1340

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State of Washington                      65th Legislature                      2017 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Cody, Harris, Jenkins, Johnson, Robinson, and Tharinger)

READ FIRST TIME 02/07/17.

1            AN ACT Relating to modernizing substance use disorder  
2 professional practice; amending RCW 18.205.010, 18.205.020,  
3 18.205.030, 18.205.040, 18.205.080, 18.205.090, 18.205.095,  
4 10.77.079, 13.40.042, 18.130.040, 43.70.442, 70.96B.010, 70.96B.090,  
5 70.97.010, 70.97.010, 70.97.030, 71.34.720, 71.34.760, and  
6 18.205.080; reenacting and amending RCW 13.40.020, 71.05.020,  
7 71.34.020, and 71.34.720; providing contingent effective dates;  
8 providing effective dates; and providing expiration dates.

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

10            **Sec. 1.** RCW 18.205.010 and 1998 c 243 s 1 are each amended to  
11 read as follows:

12            The legislature recognizes (~~chemical dependency~~) substance use  
13 disorder professionals as discrete health professionals. (~~Chemical~~  
14 ~~dependency~~) Substance use disorder professional certification serves  
15 the public interest.

16            **Sec. 2.** RCW 18.205.020 and 2008 c 135 s 15 are each amended to  
17 read as follows:

18            The definitions in this section apply throughout this chapter  
19 unless the context clearly requires otherwise.

1 (1) "Certification" means a voluntary process recognizing an  
2 individual who qualifies by examination and meets established  
3 educational prerequisites, and which protects the title of practice.

4 ~~(2) ("Certified chemical dependency professional" means an~~  
5 ~~individual certified in chemical dependency counseling, under this~~  
6 ~~chapter.~~

7 ~~(3) "Certified chemical dependency professional trainee" means an~~  
8 ~~individual working toward the education and experience requirements~~  
9 ~~for certification as a chemical dependency professional.~~

10 ~~(4) "Chemical dependency counseling" means employing the core~~  
11 ~~competencies of chemical dependency counseling to assist or attempt~~  
12 ~~to assist an alcohol or drug addicted person to develop and maintain~~  
13 ~~abstinence from alcohol and other mood-altering drugs.~~

14 ~~(5)) "Committee" means the ((chemical dependency)) substance use~~  
15 ~~disorder professional certification advisory committee established~~  
16 ~~under this chapter.~~

17 ~~((+6)) (3) "Core competencies of ((chemical dependency))~~  
18 ~~substance use disorder counseling" means competency in the nationally~~  
19 ~~recognized knowledge, skills, and attitudes of professional practice,~~  
20 ~~including assessment and diagnosis of ((chemical dependency))~~  
21 ~~substance use disorders, ((chemical dependency)) substance use~~  
22 ~~disorder treatment planning and referral, patient and family~~  
23 ~~education in the disease of ((chemical dependency)) substance use~~  
24 ~~disorders, individual and group counseling ((with alcoholic and drug~~  
25 ~~addicted individuals)), relapse prevention counseling, and case~~  
26 ~~management(, all oriented to assist alcoholic and drug addicted~~  
27 ~~patients to achieve and maintain abstinence from mood-altering~~  
28 ~~substances and develop independent support systems)).~~

29 ~~((+7)) (4) "Department" means the department of health.~~

30 ~~((+8)) (5) "Health profession" means a profession providing~~  
31 ~~health services regulated under the laws of this state.~~

32 ~~((+9)) (6) "Secretary" means the secretary of health or the~~  
33 ~~secretary's designee.~~

34 ~~(7) "Substance use disorder counseling" means employing the core~~  
35 ~~competencies of substance use disorder counseling to assist or~~  
36 ~~attempt to assist individuals who are using or dependent on alcohol~~  
37 ~~or other drugs.~~

38 ~~(8) "Substance use disorder professional" means an individual~~  
39 ~~certified in substance use disorder counseling under this chapter.~~

1 (9) "Substance use disorder professional trainee" means an  
2 individual working toward the education and experience requirements  
3 for certification as a substance use disorder professional.

4 **Sec. 3.** RCW 18.205.030 and 2008 c 135 s 16 are each amended to  
5 read as follows:

6 No person may represent oneself as a certified ((chemical  
7 dependency)) substance use disorder professional or certified  
8 ((chemical dependency)) substance use disorder professional trainee  
9 or use any title or description of services of a certified ((chemical  
10 dependency)) substance use disorder professional or certified  
11 ((chemical dependency)) substance use disorder professional trainee  
12 without applying for certification, meeting the required  
13 qualifications, and being certified by the department of health,  
14 unless otherwise exempted by this chapter.

15 **Sec. 4.** RCW 18.205.040 and 2014 c 225 s 108 are each amended to  
16 read as follows:

17 (1) Except as provided in subsection (2) of this section, nothing  
18 in this chapter shall be construed to authorize the use of the title  
19 "certified ((chemical dependency)) substance use disorder  
20 professional" or "certified ((chemical dependency)) substance use  
21 disorder professional trainee" when treating patients in settings  
22 other than programs approved under chapter ((70.96A)) 71.24 RCW.

23 (2) A person who holds a credential as a "certified ((chemical  
24 dependency)) substance use disorder professional" or a "certified  
25 ((chemical dependency)) substance use disorder professional trainee"  
26 may use such title when treating patients in settings other than  
27 programs approved under chapter ((70.96A RCW if the person also holds  
28 a license as: An advanced registered nurse practitioner under chapter  
29 18.79 RCW; a marriage and family therapist, mental health counselor,  
30 advanced social worker, or independent clinical social health worker  
31 under chapter 18.225 RCW; a psychologist under chapter 18.83 RCW; an  
32 osteopathic physician under chapter 18.57 RCW; an osteopathic  
33 physician assistant under chapter 18.57A RCW; a physician under  
34 chapter 18.71 RCW; or a physician assistant under chapter 18.71A))  
35 71.24 RCW.

36 (3) As of the effective date of this section, a person licensed  
37 under this chapter holding the title of "chemical dependency  
38 professional" or "chemical dependency professional trainee" is

1 considered to hold the title of "substance use disorder professional"  
2 or "substance use disorder professional trainee," respectively, until  
3 such time as the person's present certification expires or is  
4 renewed.

5 **Sec. 5.** RCW 18.205.080 and 1998 c 243 s 8 are each amended to  
6 read as follows:

7 (1) The secretary shall appoint a (~~chemical dependency~~)  
8 substance use disorder certification advisory committee to further  
9 the purposes of this chapter. The committee shall be composed of  
10 seven members, one member initially appointed for a term of one year,  
11 three for a term of two years, and three for a term of three years.  
12 Subsequent appointments shall be for terms of three years. No person  
13 may serve as a member of the committee for more than two consecutive  
14 terms. Members of the committee shall be residents of this state. The  
15 committee shall be composed of four certified (~~chemical dependency~~)  
16 substance use disorder professionals; one (~~chemical dependency~~)  
17 substance use disorder treatment program director; one physician  
18 licensed under chapter 18.71 or 18.57 RCW who is certified in  
19 addiction medicine or a licensed or certified mental health  
20 practitioner; and one member of the public who has received  
21 (~~chemical dependency~~) substance use disorder counseling.

22 (2) The secretary may remove any member of the committee for  
23 cause as specified by rule. In the case of a vacancy, the secretary  
24 shall appoint a person to serve for the remainder of the unexpired  
25 term.

26 (3) The committee shall meet at the times and places designated  
27 by the secretary and shall hold meetings during the year as necessary  
28 to provide advice to the director. The committee may elect a chair  
29 and a vice chair. A majority of the members currently serving shall  
30 constitute a quorum.

31 (4) Each member of the committee shall be reimbursed for travel  
32 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,  
33 members of the committee shall be compensated in accordance with RCW  
34 43.03.240 when engaged in the authorized business of the committee.

35 (5) The director of the department of social and health services  
36 (~~division of alcohol and substance abuse~~) behavioral health  
37 administration, or the director's designee, shall serve as an ex  
38 officio member of the committee.

1 (6) The secretary, members of the committee, or individuals  
2 acting on their behalf are immune from suit in any action, civil or  
3 criminal, based on any certification or disciplinary proceedings or  
4 other official acts performed in the course of their duties.

5 **Sec. 6.** RCW 18.205.090 and 2001 c 251 s 30 are each amended to  
6 read as follows:

7 (1) The secretary shall issue a certificate to any applicant who  
8 demonstrates to the secretary's satisfaction that the following  
9 requirements have been met:

10 (a) Completion of an educational program approved by the  
11 secretary or successful completion of alternate training that meets  
12 established criteria;

13 (b) Successful completion of an approved examination, based on  
14 core competencies of (~~chemical dependency~~) substance use disorder  
15 counseling; and

16 (c) Successful completion of an experience requirement that  
17 establishes fewer hours of experience for applicants with higher  
18 levels of relevant education. In meeting any experience requirement  
19 established under this subsection, the secretary may not require more  
20 than one thousand five hundred hours of experience in (~~chemical~~  
21 ~~dependency~~) substance use disorder counseling for applicants who are  
22 licensed under chapter 18.83 RCW or under chapter 18.79 RCW as  
23 advanced registered nurse practitioners.

24 (2) The secretary shall establish by rule what constitutes  
25 adequate proof of meeting the criteria.

26 (3) Applicants are subject to the grounds for denial of a  
27 certificate or issuance of a conditional certificate under chapter  
28 18.130 RCW.

29 (4) Certified (~~chemical dependency~~) substance use disorder  
30 professionals shall not be required to be registered under chapter  
31 18.19 RCW or licensed under chapter 18.225 RCW.

32 **Sec. 7.** RCW 18.205.095 and 2008 c 135 s 18 are each amended to  
33 read as follows:

34 (1) The secretary shall issue a trainee certificate to any  
35 applicant who demonstrates to the satisfaction of the secretary that  
36 he or she is working toward the education and experience requirements  
37 in RCW 18.205.090.

1 (2) A trainee certified under this section shall submit to the  
2 secretary for approval a declaration, in accordance with rules  
3 adopted by the department, that he or she is enrolled in an approved  
4 education program and actively pursuing the experience requirements  
5 in RCW 18.205.090. This declaration must be updated with the  
6 trainee's annual renewal.

7 (3) A trainee certified under this section may practice only  
8 under the supervision of a certified ((~~chemical—dependency~~))  
9 substance use disorder professional. The first fifty hours of any  
10 face-to-face client contact must be under direct observation. All  
11 remaining experience must be under supervision in accordance with  
12 rules adopted by the department.

13 (4) A certified ((~~chemical—dependency~~)) substance use disorder  
14 professional trainee provides ((~~chemical—dependency~~)) substance use  
15 disorder assessments, counseling, and case management with a state  
16 regulated agency and can provide clinical services to patients  
17 consistent with his or her education, training, and experience as  
18 approved by his or her supervisor.

19 (5) A trainee certification may only be renewed four times.

20 (6) Applicants are subject to denial of a certificate or issuance  
21 of a conditional certificate for the reasons set forth in chapter  
22 18.130 RCW.

23 **Sec. 8.** RCW 10.77.079 and 2015 1st sp.s. c 7 s 9 are each  
24 amended to read as follows:

25 (1) If the issue of competency to stand trial is raised by the  
26 court or a party under RCW 10.77.060, the prosecutor may continue  
27 with the competency process or dismiss the charges without prejudice  
28 and refer the defendant for assessment by a mental health  
29 professional, ((~~chemical—dependency~~)) substance use disorder  
30 professional, or developmental disabilities professional to determine  
31 the appropriate service needs for the defendant.

32 (2) This section does not apply to defendants with a current  
33 charge or prior conviction for a violent offense or sex offense as  
34 defined in RCW 9.94A.030, or a violation of RCW 9A.36.031(1) (d),  
35 (f), or (h).

36 **Sec. 9.** RCW 13.40.020 and 2016 c 136 s 2 and 2016 c 106 s 1 are  
37 each reenacted and amended to read as follows:

38 For the purposes of this chapter:

1 (1) "Assessment" means an individualized examination of a child  
2 to determine the child's psychosocial needs and problems, including  
3 the type and extent of any mental health, substance abuse, or co-  
4 occurring mental health and substance abuse disorders, and  
5 recommendations for treatment. "Assessment" includes, but is not  
6 limited to, drug and alcohol evaluations, psychological and  
7 psychiatric evaluations, records review, clinical interview, and  
8 administration of a formal test or instrument;

9 (2) "Community-based rehabilitation" means one or more of the  
10 following: Employment; attendance of information classes; literacy  
11 classes; counseling, outpatient substance abuse treatment programs,  
12 outpatient mental health programs, anger management classes,  
13 education or outpatient treatment programs to prevent animal cruelty,  
14 or other services including, when appropriate, restorative justice  
15 programs; or attendance at school or other educational programs  
16 appropriate for the juvenile as determined by the school district.  
17 Placement in community-based rehabilitation programs is subject to  
18 available funds;

19 (3) "Community-based sanctions" may include one or more of the  
20 following:

21 (a) A fine, not to exceed five hundred dollars;

22 (b) Community restitution not to exceed one hundred fifty hours  
23 of community restitution;

24 (4) "Community restitution" means compulsory service, without  
25 compensation, performed for the benefit of the community by the  
26 offender as punishment for committing an offense. Community  
27 restitution may be performed through public or private organizations  
28 or through work crews;

29 (5) "Community supervision" means an order of disposition by the  
30 court of an adjudicated youth not committed to the department or an  
31 order granting a deferred disposition. A community supervision order  
32 for a single offense may be for a period of up to two years for a sex  
33 offense as defined by RCW 9.94A.030 and up to one year for other  
34 offenses. As a mandatory condition of any term of community  
35 supervision, the court shall order the juvenile to refrain from  
36 committing new offenses. As a mandatory condition of community  
37 supervision, the court shall order the juvenile to comply with the  
38 mandatory school attendance provisions of chapter 28A.225 RCW and to  
39 inform the school of the existence of this requirement. Community

1 supervision is an individualized program comprised of one or more of  
2 the following:

- 3 (a) Community-based sanctions;
- 4 (b) Community-based rehabilitation;
- 5 (c) Monitoring and reporting requirements;
- 6 (d) Posting of a probation bond;

7 (e) Residential treatment, where substance abuse, mental health,  
8 and/or co-occurring disorders have been identified in an assessment  
9 by a qualified mental health professional, psychologist,  
10 psychiatrist, or (~~chemical dependency~~) substance use disorder  
11 professional and a funded bed is available. If a child agrees to  
12 voluntary placement in a state-funded long-term evaluation and  
13 treatment facility, the case must follow the existing placement  
14 procedure including consideration of less restrictive treatment  
15 options and medical necessity.

16 (i) A court may order residential treatment after consideration  
17 and findings regarding whether:

- 18 (A) The referral is necessary to rehabilitate the child;
- 19 (B) The referral is necessary to protect the public or the child;
- 20 (C) The referral is in the child's best interest;
- 21 (D) The child has been given the opportunity to engage in less  
22 restrictive treatment and has been unable or unwilling to comply; and
- 23 (E) Inpatient treatment is the least restrictive action  
24 consistent with the child's needs and circumstances.

25 (ii) In any case where a court orders a child to inpatient  
26 treatment under this section, the court must hold a review hearing no  
27 later than sixty days after the youth begins inpatient treatment, and  
28 every thirty days thereafter, as long as the youth is in inpatient  
29 treatment;

30 (6) "Confinement" means physical custody by the department of  
31 social and health services in a facility operated by or pursuant to a  
32 contract with the state, or physical custody in a detention facility  
33 operated by or pursuant to a contract with any county. The county may  
34 operate or contract with vendors to operate county detention  
35 facilities. The department may operate or contract to operate  
36 detention facilities for juveniles committed to the department.  
37 Pretrial confinement or confinement of less than thirty-one days  
38 imposed as part of a disposition or modification order may be served  
39 consecutively or intermittently, in the discretion of the court;



1 (7) "Court," when used without further qualification, means the  
2 juvenile court judge(s) or commissioner(s);

3 (8) "Criminal history" includes all criminal complaints against  
4 the respondent for which, prior to the commission of a current  
5 offense:

6 (a) The allegations were found correct by a court. If a  
7 respondent is convicted of two or more charges arising out of the  
8 same course of conduct, only the highest charge from among these  
9 shall count as an offense for the purposes of this chapter; or

10 (b) The criminal complaint was diverted by a prosecutor pursuant  
11 to the provisions of this chapter on agreement of the respondent and  
12 after an advisement to the respondent that the criminal complaint  
13 would be considered as part of the respondent's criminal history. A  
14 successfully completed deferred adjudication that was entered before  
15 July 1, 1998, or a deferred disposition shall not be considered part  
16 of the respondent's criminal history;

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

19 (10) "Detention facility" means a county facility, paid for by  
20 the county, for the physical confinement of a juvenile alleged to  
21 have committed an offense or an adjudicated offender subject to a  
22 disposition or modification order. "Detention facility" includes  
23 county group homes, inpatient substance abuse programs, juvenile  
24 basic training camps, and electronic monitoring;

25 (11) "Diversion unit" means any probation counselor who enters  
26 into a diversion agreement with an alleged youthful offender, or any  
27 other person, community accountability board, youth court under the  
28 supervision of the juvenile court, or other entity except a law  
29 enforcement official or entity, with whom the juvenile court  
30 administrator has contracted to arrange and supervise such agreements  
31 pursuant to RCW 13.40.080, or any person, community accountability  
32 board, or other entity specially funded by the legislature to arrange  
33 and supervise diversion agreements in accordance with the  
34 requirements of this chapter. For purposes of this subsection,  
35 "community accountability board" means a board comprised of members  
36 of the local community in which the juvenile offender resides. The  
37 superior court shall appoint the members. The boards shall consist of  
38 at least three and not more than seven members. If possible, the  
39 board should include a variety of representatives from the community,  
40 such as a law enforcement officer, teacher or school administrator,

1 high school student, parent, and business owner, and should represent  
2 the cultural diversity of the local community;

3 (12) "Foster care" means temporary physical care in a foster  
4 family home or group care facility as defined in RCW 74.15.020 and  
5 licensed by the department, or other legally authorized care;

6 (13) "Institution" means a juvenile facility established pursuant  
7 to chapters 72.05 and 72.16 through 72.20 RCW;

8 (14) "Intensive supervision program" means a parole program that  
9 requires intensive supervision and monitoring, offers an array of  
10 individualized treatment and transitional services, and emphasizes  
11 community involvement and support in order to reduce the likelihood a  
12 juvenile offender will commit further offenses;

13 (15) "Juvenile," "youth," and "child" mean any individual who is  
14 under the chronological age of eighteen years and who has not been  
15 previously transferred to adult court pursuant to RCW 13.40.110,  
16 unless the individual was convicted of a lesser charge or acquitted  
17 of the charge for which he or she was previously transferred pursuant  
18 to RCW 13.40.110 or who is not otherwise under adult court  
19 jurisdiction;

20 (16) "Juvenile offender" means any juvenile who has been found by  
21 the juvenile court to have committed an offense, including a person  
22 eighteen years of age or older over whom jurisdiction has been  
23 extended under RCW 13.40.300;

24 (17) "Labor" means the period of time before a birth during which  
25 contractions are of sufficient frequency, intensity, and duration to  
26 bring about effacement and progressive dilation of the cervix;

27 (18) "Local sanctions" means one or more of the following: (a)  
28 0-30 days of confinement; (b) 0-12 months of community supervision;  
29 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

30 (19) "Manifest injustice" means a disposition that would either  
31 impose an excessive penalty on the juvenile or would impose a  
32 serious, and clear danger to society in light of the purposes of this  
33 chapter;

34 (20) "Monitoring and reporting requirements" means one or more of  
35 the following: Curfews; requirements to remain at home, school, work,  
36 or court-ordered treatment programs during specified hours;  
37 restrictions from leaving or entering specified geographical areas;  
38 requirements to report to the probation officer as directed and to  
39 remain under the probation officer's supervision; and other

1 conditions or limitations as the court may require which may not  
2 include confinement;

3 (21) "Offense" means an act designated a violation or a crime if  
4 committed by an adult under the law of this state, under any  
5 ordinance of any city or county of this state, under any federal law,  
6 or under the law of another state if the act occurred in that state;

7 (22) "Physical restraint" means the use of any bodily force or  
8 physical intervention to control a juvenile offender or limit a  
9 juvenile offender's freedom of movement in a way that does not  
10 involve a mechanical restraint. Physical restraint does not include  
11 momentary periods of minimal physical restriction by direct person-  
12 to-person contact, without the aid of mechanical restraint,  
13 accomplished with limited force and designed to:

14 (a) Prevent a juvenile offender from completing an act that would  
15 result in potential bodily harm to self or others or damage property;

16 (b) Remove a disruptive juvenile offender who is unwilling to  
17 leave the area voluntarily; or

18 (c) Guide a juvenile offender from one location to another;

19 (23) "Postpartum recovery" means (a) the entire period a woman or  
20 youth is in the hospital, birthing center, or clinic after giving  
21 birth and (b) an additional time period, if any, a treating physician  
22 determines is necessary for healing after the youth leaves the  
23 hospital, birthing center, or clinic;

24 (24) "Probation bond" means a bond, posted with sufficient  
25 security by a surety justified and approved by the court, to secure  
26 the offender's appearance at required court proceedings and  
27 compliance with court-ordered community supervision or conditions of  
28 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means  
29 a deposit of cash or posting of other collateral in lieu of a bond if  
30 approved by the court;

31 (25) "Respondent" means a juvenile who is alleged or proven to  
32 have committed an offense;

33 (26) "Restitution" means financial reimbursement by the offender  
34 to the victim, and shall be limited to easily ascertainable damages  
35 for injury to or loss of property, actual expenses incurred for  
36 medical treatment for physical injury to persons, lost wages  
37 resulting from physical injury, and costs of the victim's counseling  
38 reasonably related to the offense. Restitution shall not include  
39 reimbursement for damages for mental anguish, pain and suffering, or  
40 other intangible losses. Nothing in this chapter shall limit or

1 replace civil remedies or defenses available to the victim or  
2 offender;

3 (27) "Restorative justice" means practices, policies, and  
4 programs informed by and sensitive to the needs of crime victims that  
5 are designed to encourage offenders to accept responsibility for  
6 repairing the harm caused by their offense by providing safe and  
7 supportive opportunities for voluntary participation and  
8 communication between the victim, the offender, their families, and  
9 relevant community members;

10 (28) "Restraints" means anything used to control the movement of  
11 a person's body or limbs and includes:

12 (a) Physical restraint; or

13 (b) Mechanical device including but not limited to: Metal  
14 handcuffs, plastic ties, ankle restraints, leather cuffs, other  
15 hospital-type restraints, tasers, or batons;

16 (29) "Screening" means a process that is designed to identify a  
17 child who is at risk of having mental health, substance abuse, or co-  
18 occurring mental health and substance abuse disorders that warrant  
19 immediate attention, intervention, or more comprehensive assessment.  
20 A screening may be undertaken with or without the administration of a  
21 formal instrument;

22 (30) "Secretary" means the secretary of the department of social  
23 and health services. "Assistant secretary" means the assistant  
24 secretary for juvenile rehabilitation for the department;

25 (31) "Services" means services which provide alternatives to  
26 incarceration for those juveniles who have pleaded or been  
27 adjudicated guilty of an offense or have signed a diversion agreement  
28 pursuant to this chapter;

29 (32) "Sex offense" means an offense defined as a sex offense in  
30 RCW 9.94A.030;

31 (33) "Sexual motivation" means that one of the purposes for which  
32 the respondent committed the offense was for the purpose of his or  
33 her sexual gratification;

34 (34) "Surety" means an entity licensed under state insurance laws  
35 or by the state department of licensing, to write corporate,  
36 property, or probation bonds within the state, and justified and  
37 approved by the superior court of the county having jurisdiction of  
38 the case;

39 (35) "Transportation" means the conveying, by any means, of an  
40 incarcerated pregnant youth from the institution or detention

1 facility to another location from the moment she leaves the  
2 institution or detention facility to the time of arrival at the other  
3 location, and includes the escorting of the pregnant incarcerated  
4 youth from the institution or detention facility to a transport  
5 vehicle and from the vehicle to the other location;

6 (36) "Violation" means an act or omission, which if committed by  
7 an adult, must be proven beyond a reasonable doubt, and is punishable  
8 by sanctions which do not include incarceration;

9 (37) "Violent offense" means a violent offense as defined in RCW  
10 9.94A.030;

11 (38) "Youth court" means a diversion unit under the supervision  
12 of the juvenile court.

13 **Sec. 10.** RCW 13.40.042 and 2014 c 128 s 4 are each amended to  
14 read as follows:

15 (1) When a police officer has reasonable cause to believe that a  
16 juvenile has committed acts constituting a nonfelony crime that is  
17 not a serious offense as identified in RCW 10.77.092, and the officer  
18 believes that the juvenile suffers from a mental disorder, and the  
19 local prosecutor has entered into an agreement with law enforcement  
20 regarding the detention of juveniles who may have a mental disorder  
21 or may be suffering from chemical dependency, the arresting officer,  
22 instead of taking the juvenile to the local juvenile detention  
23 facility, may take the juvenile to:

24 (a) An evaluation and treatment facility as defined in RCW  
25 71.34.020 if the juvenile suffers from a mental disorder and the  
26 facility has been identified as an alternative location by agreement  
27 of the prosecutor, law enforcement, and the mental health provider;

28 (b) A facility or program identified by agreement of the  
29 prosecutor and law enforcement; or

30 (c) A location already identified and in use by law enforcement  
31 for the purpose of a behavioral health diversion.

32 (2) For the purposes of this section, an "alternative location"  
33 means a facility or program that has the capacity to evaluate a youth  
34 and, if determined to be appropriate, develop a behavioral health  
35 intervention plan and initiate treatment.

36 (3) If a juvenile is taken to any location described in  
37 subsection (1)(a) or (b) of this section, the juvenile may be held  
38 for up to twelve hours and must be examined by a mental health or

1 ((~~chemical dependency~~)) substance use disorder professional within  
2 three hours of arrival.

3 (4) The authority provided pursuant to this section is in  
4 addition to existing authority under RCW 10.31.110 and 10.31.120.

5 **Sec. 11.** RCW 18.130.040 and 2016 c 41 s 18 are each amended to  
6 read as follows:

7 (1) This chapter applies only to the secretary and the boards and  
8 commissions having jurisdiction in relation to the professions  
9 licensed under the chapters specified in this section. This chapter  
10 does not apply to any business or profession not licensed under the  
11 chapters specified in this section.

12 (2)(a) The secretary has authority under this chapter in relation  
13 to the following professions:

14 (i) Dispensing opticians licensed and designated apprentices  
15 under chapter 18.34 RCW;

16 (ii) Midwives licensed under chapter 18.50 RCW;

17 (iii) Ocularists licensed under chapter 18.55 RCW;

18 (iv) Massage therapists and businesses licensed under chapter  
19 18.108 RCW;

20 (v) Dental hygienists licensed under chapter 18.29 RCW;

21 (vi) East Asian medicine practitioners licensed under chapter  
22 18.06 RCW;

23 (vii) Radiologic technologists certified and X-ray technicians  
24 registered under chapter 18.84 RCW;

25 (viii) Respiratory care practitioners licensed under chapter  
26 18.89 RCW;

27 (ix) Hypnotherapists and agency affiliated counselors registered  
28 and advisors and counselors certified under chapter 18.19 RCW;

29 (x) Persons licensed as mental health counselors, mental health  
30 counselor associates, marriage and family therapists, marriage and  
31 family therapist associates, social workers, social work associates—  
32 advanced, and social work associates—independent clinical under  
33 chapter 18.225 RCW;

34 (xi) Persons registered as nursing pool operators under chapter  
35 18.52C RCW;

36 (xii) Nursing assistants registered or certified or medication  
37 assistants endorsed under chapter 18.88A RCW;

38 (xiii) Dietitians and nutritionists certified under chapter  
39 18.138 RCW;

1           (xiv)     (~~Chemical—dependency~~)     Substance use disorder  
2 professionals and (~~chemical—dependency~~) substance use disorder  
3 professional trainees certified under chapter 18.205 RCW;  
4           (xv) Sex offender treatment providers and certified affiliate sex  
5 offender treatment providers certified under chapter 18.155 RCW;  
6           (xvi) Persons licensed and certified under chapter 18.73 RCW or  
7 RCW 18.71.205;  
8           (xvii) Orthotists and prosthetists licensed under chapter 18.200  
9 RCW;  
10          (xviii) Surgical technologists registered under chapter 18.215  
11 RCW;  
12          (xix) Recreational therapists under chapter 18.230 RCW;  
13          (xx) Animal massage therapists certified under chapter 18.240  
14 RCW;  
15          (xxi) Athletic trainers licensed under chapter 18.250 RCW;  
16          (xxii) Home care aides certified under chapter 18.88B RCW;  
17          (xxiii) Genetic counselors licensed under chapter 18.290 RCW;  
18          (xxiv) Reflexologists certified under chapter 18.108 RCW;  
19          (xxv)     Medical assistants-certified, medical assistants-  
20 hemodialysis technician, medical assistants-phlebotomist, and medical  
21 assistants-registered certified and registered under chapter 18.360  
22 RCW; and  
23          (xxvi) Behavior analysts, assistant behavior analysts, and  
24 behavior technicians under chapter 18.380 RCW.  
25          (b) The boards and commissions having authority under this  
26 chapter are as follows:  
27           (i) The podiatric medical board as established in chapter 18.22  
28 RCW;  
29           (ii) The chiropractic quality assurance commission as established  
30 in chapter 18.25 RCW;  
31           (iii) The dental quality assurance commission as established in  
32 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,  
33 licenses and registrations issued under chapter 18.260 RCW, and  
34 certifications issued under chapter 18.350 RCW;  
35           (iv) The board of hearing and speech as established in chapter  
36 18.35 RCW;  
37           (v) The board of examiners for nursing home administrators as  
38 established in chapter 18.52 RCW;  
39           (vi) The optometry board as established in chapter 18.54 RCW  
40 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as  
2 established in chapter 18.57 RCW governing licenses issued under  
3 chapters 18.57 and 18.57A RCW;

4 (viii) The pharmacy quality assurance commission as established  
5 in chapter 18.64 RCW governing licenses issued under chapters 18.64  
6 and 18.64A RCW;

7 (ix) The medical quality assurance commission as established in  
8 chapter 18.71 RCW governing licenses and registrations issued under  
9 chapters 18.71 and 18.71A RCW;

10 (x) The board of physical therapy as established in chapter 18.74  
11 RCW;

12 (xi) The board of occupational therapy practice as established in  
13 chapter 18.59 RCW;

14 (xii) The nursing care quality assurance commission as  
15 established in chapter 18.79 RCW governing licenses and registrations  
16 issued under that chapter;

17 (xiii) The examining board of psychology and its disciplinary  
18 committee as established in chapter 18.83 RCW;

19 (xiv) The veterinary board of governors as established in chapter  
20 18.92 RCW;

21 (xv) The board of naturopathy established in chapter 18.36A RCW;  
22 and

23 (xvi) The board of denturists established in chapter 18.30 RCW.

24 (3) In addition to the authority to discipline license holders,  
25 the disciplining authority has the authority to grant or deny  
26 licenses. The disciplining authority may also grant a license subject  
27 to conditions.

28 (4) All disciplining authorities shall adopt procedures to ensure  
29 substantially consistent application of this chapter, the uniform  
30 disciplinary act, among the disciplining authorities listed in  
31 subsection (2) of this section.

32 **Sec. 12.** RCW 43.70.442 and 2016 c 90 s 5 are each amended to  
33 read as follows:

34 (1)(a) Each of the following professionals certified or licensed  
35 under Title 18 RCW shall, at least once every six years, complete  
36 training in suicide assessment, treatment, and management that is  
37 approved, in rule, by the relevant disciplining authority:

38 (i) An adviser or counselor certified under chapter 18.19 RCW;



1           (ii) A (~~chemical—dependency~~) substance use disorder  
2 professional licensed under chapter 18.205 RCW;

3           (iii) A marriage and family therapist licensed under chapter  
4 18.225 RCW;

5           (iv) A mental health counselor licensed under chapter 18.225 RCW;

6           (v) An occupational therapy practitioner licensed under chapter  
7 18.59 RCW;

8           (vi) A psychologist licensed under chapter 18.83 RCW;

9           (vii) An advanced social worker or independent clinical social  
10 worker licensed under chapter 18.225 RCW; and

11           (viii) A social worker associate—advanced or social worker  
12 associate—~~independent clinical~~ licensed under chapter 18.225 RCW.

13           (b) The requirements in (a) of this subsection apply to a person  
14 holding a retired active license for one of the professions in (a) of  
15 this subsection.

16           (c) The training required by this subsection must be at least six  
17 hours in length, unless a disciplining authority has determined,  
18 under subsection (10)(b) of this section, that training that includes  
19 only screening and referral elements is appropriate for the  
20 profession in question, in which case the training must be at least  
21 three hours in length.

22           (d) Beginning July 1, 2017, the training required by this  
23 subsection must be on the model list developed under subsection (6)  
24 of this section. Nothing in this subsection (1)(d) affects the  
25 validity of training completed prior to July 1, 2017.

26           (2)(a) Except as provided in (b) of this subsection, a  
27 professional listed in subsection (1)(a) of this section must  
28 complete the first training required by this section by the end of  
29 the first full continuing education reporting period after January 1,  
30 2014, or during the first full continuing education reporting period  
31 after initial licensure or certification, whichever occurs later.

32           (b) A professional listed in subsection (1)(a) of this section  
33 applying for initial licensure may delay completion of the first  
34 training required by this section for six years after initial  
35 licensure if he or she can demonstrate successful completion of the  
36 training required in subsection (1) of this section no more than six  
37 years prior to the application for initial licensure.

38           (3) The hours spent completing training in suicide assessment,  
39 treatment, and management under this section count toward meeting any

1 applicable continuing education or continuing competency requirements  
2 for each profession.

3 (4)(a) A disciplining authority may, by rule, specify minimum  
4 training and experience that is sufficient to exempt an individual  
5 professional from the training requirements in subsections (1) and  
6 (5) of this section. Nothing in this subsection (4)(a) allows a  
7 disciplining authority to provide blanket exemptions to broad  
8 categories or specialties within a profession.

9 (b) A disciplining authority may exempt a professional from the  
10 training requirements of subsections (1) and (5) of this section if  
11 the professional has only brief or limited patient contact.

12 (5)(a) Each of the following professionals credentialed under  
13 Title 18 RCW shall complete a one-time training in suicide  
14 assessment, treatment, and management that is approved by the  
15 relevant disciplining authority:

16 (i) A chiropractor licensed under chapter 18.25 RCW;

17 (ii) A naturopath licensed under chapter 18.36A RCW;

18 (iii) A licensed practical nurse, registered nurse, or advanced  
19 registered nurse practitioner, other than a certified registered  
20 nurse anesthetist, licensed under chapter 18.79 RCW;

21 (iv) An osteopathic physician and surgeon licensed under chapter  
22 18.57 RCW, other than a holder of a postgraduate osteopathic medicine  
23 and surgery license issued under RCW 18.57.035;

24 (v) An osteopathic physician assistant licensed under chapter  
25 18.57A RCW;

26 (vi) A physical therapist or physical therapist assistant  
27 licensed under chapter 18.74 RCW;

28 (vii) A physician licensed under chapter 18.71 RCW, other than a  
29 resident holding a limited license issued under RCW 18.71.095(3);

30 (viii) A physician assistant licensed under chapter 18.71A RCW;

31 (ix) A pharmacist licensed under chapter 18.64 RCW; and

32 (x) A person holding a retired active license for one of the  
33 professions listed in (a)(i) through (ix) of this subsection.

34 (b)(i) A professional listed in (a)(i) through (viii) of this  
35 subsection or a person holding a retired active license for one of  
36 the professions listed in (a)(i) through (viii) of this subsection  
37 must complete the one-time training by the end of the first full  
38 continuing education reporting period after January 1, 2016, or  
39 during the first full continuing education reporting period after  
40 initial licensure, whichever is later. Training completed between

1 June 12, 2014, and January 1, 2016, that meets the requirements of  
2 this section, other than the timing requirements of this subsection  
3 (5)(b), must be accepted by the disciplining authority as meeting the  
4 one-time training requirement of this subsection (5).

5 (ii) A licensed pharmacist or a person holding a retired active  
6 pharmacist license must complete the one-time training by the end of  
7 the first full continuing education reporting period after January 1,  
8 2017, or during the first full continuing education reporting period  
9 after initial licensure, whichever is later.

10 (c) The training required by this subsection must be at least six  
11 hours in length, unless a disciplining authority has determined,  
12 under subsection (10)(b) of this section, that training that includes  
13 only screening and referral elements is appropriate for the  
14 profession in question, in which case the training must be at least  
15 three hours in length.

16 (d) Beginning July 1, 2017, the training required by this  
17 subsection must be on the model list developed under subsection (6)  
18 of this section. Nothing in this subsection (5)(d) affects the  
19 validity of training completed prior to July 1, 2017.

20 (6)(a) The secretary and the disciplining authorities shall work  
21 collaboratively to develop a model list of training programs in  
22 suicide assessment, treatment, and management.

23 (b) The secretary and the disciplining authorities shall update  
24 the list at least once every two years.

25 (c) By June 30, 2016, the department shall adopt rules  
26 establishing minimum standards for the training programs included on  
27 the model list. The minimum standards must require that six-hour  
28 trainings include content specific to veterans and the assessment of  
29 issues related to imminent harm via lethal means or self-injurious  
30 behaviors and that three-hour trainings for pharmacists include  
31 content related to the assessment of issues related to imminent harm  
32 via lethal means. When adopting the rules required under this  
33 subsection (6)(c), the department shall:

34 (i) Consult with the affected disciplining authorities, public  
35 and private institutions of higher education, educators, experts in  
36 suicide assessment, treatment, and management, the Washington  
37 department of veterans affairs, and affected professional  
38 associations; and

1 (ii) Consider standards related to the best practices registry of  
2 the American foundation for suicide prevention and the suicide  
3 prevention resource center.

4 (d) Beginning January 1, 2017:

5 (i) The model list must include only trainings that meet the  
6 minimum standards established in the rules adopted under (c) of this  
7 subsection and any three-hour trainings that met the requirements of  
8 this section on or before July 24, 2015;

9 (ii) The model list must include six-hour trainings in suicide  
10 assessment, treatment, and management, and three-hour trainings that  
11 include only screening and referral elements; and

12 (iii) A person or entity providing the training required in this  
13 section may petition the department for inclusion on the model list.  
14 The department shall add the training to the list only if the  
15 department determines that the training meets the minimum standards  
16 established in the rules adopted under (c) of this subsection.

17 (7) The department shall provide the health profession training  
18 standards created in this section to the professional educator  
19 standards board as a model in meeting the requirements of RCW  
20 28A.410.226 and provide technical assistance, as requested, in the  
21 review and evaluation of educator training programs. The educator  
22 training programs approved by the professional educator standards  
23 board may be included in the department's model list.

24 (8) Nothing in this section may be interpreted to expand or limit  
25 the scope of practice of any profession regulated under chapter  
26 18.130 RCW.

27 (9) The secretary and the disciplining authorities affected by  
28 this section shall adopt any rules necessary to implement this  
29 section.

30 (10) For purposes of this section:

31 (a) "Disciplining authority" has the same meaning as in RCW  
32 18.130.020.

33 (b) "Training in suicide assessment, treatment, and management"  
34 means empirically supported training approved by the appropriate  
35 disciplining authority that contains the following elements: Suicide  
36 assessment, including screening and referral, suicide treatment, and  
37 suicide management. However, the disciplining authority may approve  
38 training that includes only screening and referral elements if  
39 appropriate for the profession in question based on the profession's  
40 scope of practice. The board of occupational therapy may also approve

1 training that includes only screening and referral elements if  
2 appropriate for occupational therapy practitioners based on practice  
3 setting.

4 (11) A state or local government employee is exempt from the  
5 requirements of this section if he or she receives a total of at  
6 least six hours of training in suicide assessment, treatment, and  
7 management from his or her employer every six years. For purposes of  
8 this subsection, the training may be provided in one six-hour block  
9 or may be spread among shorter training sessions at the employer's  
10 discretion.

11 (12) An employee of a community mental health agency licensed  
12 under chapter 71.24 RCW or a chemical dependency program certified  
13 under chapter 70.96A RCW is exempt from the requirements of this  
14 section if he or she receives a total of at least six hours of  
15 training in suicide assessment, treatment, and management from his or  
16 her employer every six years. For purposes of this subsection, the  
17 training may be provided in one six-hour block or may be spread among  
18 shorter training sessions at the employer's discretion.

19 **Sec. 13.** RCW 70.96B.010 and 2014 c 225 s 74 are each amended to  
20 read as follows:

21 The definitions in this section apply throughout this chapter  
22 unless the context clearly requires otherwise.

23 (1) "Admission" or "admit" means a decision by a physician that a  
24 person should be examined or treated as a patient in a hospital, an  
25 evaluation and treatment facility, or other inpatient facility, or a  
26 decision by a professional person in charge or his or her designee  
27 that a person should be detained as a patient for evaluation and  
28 treatment in a secure detoxification facility or other certified  
29 chemical dependency provider.

30 (2) "Antipsychotic medications" means that class of drugs  
31 primarily used to treat serious manifestations of mental illness  
32 associated with thought disorders, which includes but is not limited  
33 to atypical antipsychotic medications.

34 (3) "Approved treatment program" means a discrete program of  
35 chemical dependency treatment provided by a treatment program  
36 certified by the department as meeting standards adopted under  
37 chapter 70.96A RCW.

1 (4) "Attending staff" means any person on the staff of a public  
2 or private agency having responsibility for the care and treatment of  
3 a patient.

4 (5) "Chemical dependency" means:

5 (a) Alcoholism;

6 (b) Drug addiction; or

7 (c) Dependence on alcohol and one or more other psychoactive  
8 chemicals, as the context requires.

9 ~~((6)) ("Chemical dependency professional" means a person certified  
10 as a chemical dependency professional by the department of health  
11 under chapter 18.205 RCW.~~

12 ~~((7))~~ "Commitment" means the determination by a court that a  
13 person should be detained for a period of either evaluation or  
14 treatment, or both, in an inpatient or a less restrictive setting.

15 ~~((8))~~ (7) "Conditional release" means a revocable modification  
16 of a commitment that may be revoked upon violation of any of its  
17 terms.

18 ~~((9))~~ (8) "Custody" means involuntary detention under either  
19 chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any  
20 period of unconditional release from commitment from a facility  
21 providing involuntary care and treatment.

22 ~~((10))~~ (9) "Department" means the department of social and  
23 health services.

24 ~~((11))~~ (10) "Designated chemical dependency specialist" or  
25 "specialist" means a person designated by the county alcoholism and  
26 other drug addiction program coordinator designated under RCW  
27 70.96A.310 to perform the commitment duties described in RCW  
28 70.96A.140 and this chapter, and qualified to do so by meeting  
29 standards adopted by the department.

30 ~~((12))~~ (11) "Designated crisis responder" means a person  
31 designated by the county or behavioral health organization to perform  
32 the duties specified in this chapter.

33 ~~((13))~~ (12) "Designated mental health professional" means a  
34 mental health professional designated by the county or other  
35 authority authorized in rule to perform the duties specified in this  
36 chapter.

37 ~~((14))~~ (13) "Detention" or "detain" means the lawful  
38 confinement of a person under this chapter, or chapter 70.96A or  
39 71.05 RCW.

1       (~~(15)~~) (14) "Developmental disabilities professional" means a  
2 person who has specialized training and three years of experience in  
3 directly treating or working with individuals with developmental  
4 disabilities and is a psychiatrist, psychologist, or social worker,  
5 and such other developmental disabilities professionals as may be  
6 defined by rules adopted by the secretary.

7       (~~(16)~~) (15) "Developmental disability" means that condition  
8 defined in RCW 71A.10.020.

9       (~~(17)~~) (16) "Discharge" means the termination of facility  
10 authority. The commitment may remain in place, be terminated, or be  
11 amended by court order.

12       (~~(18)~~) (17) "Evaluation and treatment facility" means any  
13 facility that can provide directly, or by direct arrangement with  
14 other public or private agencies, emergency evaluation and treatment,  
15 outpatient care, and timely and appropriate inpatient care to persons  
16 suffering from a mental disorder, and that is certified as such by  
17 the department. A physically separate and separately operated portion  
18 of a state hospital may be designated as an evaluation and treatment  
19 facility. A facility that is part of, or operated by, the department  
20 or any federal agency does not require certification. No correctional  
21 institution or facility, or jail, may be an evaluation and treatment  
22 facility within the meaning of this chapter.

23       (~~(19)~~) (18) "Facility" means either an evaluation and treatment  
24 facility or a secure detoxification facility.

25       (~~(20)~~) (19) "Gravely disabled" means a condition in which a  
26 person, as a result of a mental disorder, or as a result of the use  
27 of alcohol or other psychoactive chemicals:

28       (a) Is in danger of serious physical harm resulting from a  
29 failure to provide for his or her essential human needs of health or  
30 safety; or

31       (b) Manifests severe deterioration in routine functioning  
32 evidenced by repeated and escalating loss of cognitive or volitional  
33 control over his or her actions and is not receiving such care as is  
34 essential for his or her health or safety.

35       (~~(21)~~) (20) "History of one or more violent acts" refers to the  
36 period of time ten years before the filing of a petition under this  
37 chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent,  
38 but not any violent acts committed, in a mental health facility or a  
39 long-term alcoholism or drug treatment facility, or in confinement as  
40 a result of a criminal conviction.

1       ~~((+22+))~~ (21) "Imminent" means the state or condition of being  
2 likely to occur at any moment or near at hand, rather than distant or  
3 remote.

4       ~~((+23+))~~ (22) "Intoxicated person" means a person whose mental or  
5 physical functioning is substantially impaired as a result of the use  
6 of alcohol or other psychoactive chemicals.

7       ~~((+24+))~~ (23) "Judicial commitment" means a commitment by a court  
8 under this chapter.

9       ~~((+25+))~~ (24) "Licensed physician" means a person licensed to  
10 practice medicine or osteopathic medicine and surgery in the state of  
11 Washington.

12       ~~((+26+))~~ (25) "Likelihood of serious harm" means:

13       (a) A substantial risk that:

14       (i) Physical harm will be inflicted by a person upon his or her  
15 own person, as evidenced by threats or attempts to commit suicide or  
16 inflict physical harm on oneself;

17       (ii) Physical harm will be inflicted by a person upon another, as  
18 evidenced by behavior that has caused such harm or that places  
19 another person or persons in reasonable fear of sustaining such harm;  
20 or

21       (iii) Physical harm will be inflicted by a person upon the  
22 property of others, as evidenced by behavior that has caused  
23 substantial loss or damage to the property of others; or

24       (b) The person has threatened the physical safety of another and  
25 has a history of one or more violent acts.

26       ~~((+27+))~~ (26) "Mental disorder" means any organic, mental, or  
27 emotional impairment that has substantial adverse effects on a  
28 person's cognitive or volitional functions.

29       ~~((+28+))~~ (27) "Mental health professional" means a psychiatrist,  
30 psychologist, psychiatric nurse, or social worker, and such other  
31 mental health professionals as may be defined by rules adopted by the  
32 secretary under the authority of chapter 71.05 RCW.

33       ~~((+29+))~~ (28) "Peace officer" means a law enforcement official of  
34 a public agency or governmental unit, and includes persons  
35 specifically given peace officer powers by any state law, local  
36 ordinance, or judicial order of appointment.

37       ~~((+30+))~~ (29) "Person in charge" means a physician or chemical  
38 dependency counselor as defined in rule by the department, who is  
39 empowered by a certified treatment program with authority to make



1 assessment, admission, continuing care, and discharge decisions on  
2 behalf of the certified program.

3 ~~((+31+))~~ (30) "Private agency" means any person, partnership,  
4 corporation, or association that is not a public agency, whether or  
5 not financed in whole or in part by public funds, that constitutes an  
6 evaluation and treatment facility or private institution, or  
7 hospital, or approved treatment program, that is conducted for, or  
8 includes a department or ward conducted for, the care and treatment  
9 of persons who are mentally ill and/or chemically dependent.

10 ~~((+32+))~~ (31) "Professional person" means a mental health  
11 professional or ~~((chemical—dependency))~~ substance use disorder  
12 professional and shall also mean a physician, registered nurse, and  
13 such others as may be defined by rules adopted by the secretary  
14 pursuant to the provisions of this chapter.

15 ~~((+33+))~~ (32) "Psychiatrist" means a person having a license as a  
16 physician and surgeon in this state who has in addition completed  
17 three years of graduate training in psychiatry in a program approved  
18 by the American medical association or the American osteopathic  
19 association and is certified or eligible to be certified by the  
20 American board of psychiatry and neurology.

21 ~~((+34+))~~ (33) "Psychologist" means a person who has been licensed  
22 as a psychologist under chapter 18.83 RCW.

23 ~~((+35+))~~ (34) "Public agency" means any evaluation and treatment  
24 facility or institution, or hospital, or approved treatment program  
25 that is conducted for, or includes a department or ward conducted  
26 for, the care and treatment of persons who are mentally ill and/or  
27 chemically dependent, if the agency is operated directly by federal,  
28 state, county, or municipal government, or a combination of such  
29 governments.

30 ~~((+36+))~~ (35) "Registration records" means all the records of the  
31 department, behavioral health organizations, treatment facilities,  
32 and other persons providing services to the department, county  
33 departments, or facilities which identify persons who are receiving  
34 or who at any time have received services for mental illness.

35 ~~((+37+))~~ (36) "Release" means legal termination of the commitment  
36 under chapter 70.96A or 71.05 RCW or this chapter.

37 ~~((+38+))~~ (37) "Secretary" means the secretary of the department  
38 or the secretary's designee.

39 ~~((+39+))~~ (38) "Secure detoxification facility" means a facility  
40 operated by either a public or private agency or by the program of an

1 agency that serves the purpose of providing evaluation and  
2 assessment, and acute and/or subacute detoxification services for  
3 intoxicated persons and includes security measures sufficient to  
4 protect the patients, staff, and community.

5 ~~((40))~~ (39) "Social worker" means a person with a master's or  
6 further advanced degree from a social work educational program  
7 accredited and approved as provided in RCW 18.320.010.

8 (40) "Substance use disorder professional" means a person  
9 certified as a substance use disorder professional by the department  
10 of health under chapter 18.205 RCW.

11 (41) "Treatment records" means registration records and all other  
12 records concerning persons who are receiving or who at any time have  
13 received services for mental illness, which are maintained by the  
14 department, by behavioral health organizations and their staffs, and  
15 by treatment facilities. Treatment records do not include notes or  
16 records maintained for personal use by a person providing treatment  
17 services for the department, behavioral health organizations, or a  
18 treatment facility if the notes or records are not available to  
19 others.

20 (42) "Violent act" means behavior that resulted in homicide,  
21 attempted suicide, nonfatal injuries, or substantial damage to  
22 property.

23 **Sec. 14.** RCW 70.96B.090 and 2005 c 504 s 210 are each amended to  
24 read as follows:

25 (1) A person detained for seventy-two hour evaluation and  
26 treatment under RCW 70.96B.050 or 70.96A.120 may be detained for not  
27 more than fourteen additional days of involuntary chemical dependency  
28 treatment if there are beds available at the secure detoxification  
29 facility and the following conditions are met:

30 (a) The professional person in charge of the agency or facility  
31 or the person's designee providing evaluation and treatment services  
32 in a secure detoxification facility has assessed the person's  
33 condition and finds that the condition is caused by chemical  
34 dependency and either results in a likelihood of serious harm or in  
35 the detained person being gravely disabled, and the professional  
36 person or his or her designee is prepared to testify those conditions  
37 are met;

38 (b) The person has been advised of the need for voluntary  
39 treatment and the professional person in charge of the agency or

1 facility or his or her designee has evidence that he or she has not  
2 in good faith volunteered for treatment; and

3 (c) The professional person in charge of the agency or facility  
4 or the person's designee has filed a petition for fourteen-day  
5 involuntary detention with the superior court, district court, or  
6 other court permitted by court rule. The petition must be signed by  
7 the ((~~chemical dependency~~)) substance use disorder professional who  
8 has examined the person.

9 (2) The petition under subsection (1)(c) of this section shall be  
10 accompanied by a certificate of a licensed physician who has examined  
11 the person, unless the person whose commitment is sought has refused  
12 to submit to a medical examination, in which case the fact of refusal  
13 shall be alleged in the petition. The certificate shall set forth the  
14 licensed physician's findings in support of the allegations of the  
15 petition. A physician employed by the petitioning program or the  
16 department is eligible to be the certifying physician.

17 (3) The petition shall state facts that support the finding that  
18 the person, as a result of chemical dependency, presents a likelihood  
19 of serious harm or is gravely disabled, and that there are no less  
20 restrictive alternatives to detention in the best interest of the  
21 person or others. The petition shall state specifically that less  
22 restrictive alternative treatment was considered and specify why  
23 treatment less restrictive than detention is not appropriate.

24 (4) A copy of the petition shall be served on the detained  
25 person, his or her attorney, and his or her guardian or conservator,  
26 if any, before the probable cause hearing.

27 (5)(a) The court shall inform the person whose commitment is  
28 sought of his or her right to contest the petition, be represented by  
29 counsel at every stage of any proceedings relating to his or her  
30 commitment, and have counsel appointed by the court or provided by  
31 the court, if he or she wants the assistance of counsel and is unable  
32 to obtain counsel. If the court believes that the person needs the  
33 assistance of counsel, the court shall require, by appointment if  
34 necessary, counsel for him or her regardless of his or her wishes.  
35 The person shall, if he or she is financially able, bear the costs of  
36 such legal service; otherwise such legal service shall be at public  
37 expense. The person whose commitment is sought shall be informed of  
38 his or her right to be examined by a licensed physician of his or her  
39 choice. If the person is unable to obtain a licensed physician and

1 requests examination by a physician, the court shall appoint a  
2 reasonably available licensed physician designated by the person.

3 (b) At the conclusion of the probable cause hearing, if the court  
4 finds by a preponderance of the evidence that the person, as the  
5 result of chemical dependency, presents a likelihood of serious harm  
6 or is gravely disabled and, after considering less restrictive  
7 alternatives to involuntary detention and treatment, finds that no  
8 such alternatives are in the best interest of such person or others,  
9 the court shall order that the person be detained for involuntary  
10 chemical dependency treatment not to exceed fourteen days in a secure  
11 detoxification facility.

12 **Sec. 15.** RCW 70.97.010 and 2014 c 225 s 78 are each amended to  
13 read as follows:

14 The definitions in this section apply throughout this chapter  
15 unless the context clearly requires otherwise.

16 (1) "Antipsychotic medications" means that class of drugs  
17 primarily used to treat serious manifestations of mental illness  
18 associated with thought disorders, which includes but is not limited  
19 to atypical antipsychotic medications.

20 (2) "Attending staff" means any person on the staff of a public  
21 or private agency having responsibility for the care and treatment of  
22 a patient.

23 (3) "Chemical dependency" means alcoholism, drug addiction, or  
24 dependence on alcohol and one or more other psychoactive chemicals,  
25 as the context requires and as those terms are defined in chapter  
26 70.96A RCW.

27 (~~(4)~~) (~~"Chemical dependency professional" means a person certified~~  
28 ~~as a chemical dependency professional by the department of health~~  
29 ~~under chapter 18.205 RCW.~~

30 ~~(5)~~) "Commitment" means the determination by a court that an  
31 individual should be detained for a period of either evaluation or  
32 treatment, or both, in an inpatient or a less restrictive setting.

33 ~~((6))~~ (5) "Conditional release" means a modification of a  
34 commitment that may be revoked upon violation of any of its terms.

35 ~~((7))~~ (6) "Custody" means involuntary detention under chapter  
36 71.05 or 70.96A RCW, uninterrupted by any period of unconditional  
37 release from commitment from a facility providing involuntary care  
38 and treatment.

1       ~~((8))~~ (7) "Department" means the department of social and  
2 health services.

3       ~~((9))~~ (8) "Designated responder" means a designated mental  
4 health professional, a designated chemical dependency specialist, or  
5 a designated crisis responder as those terms are defined in chapter  
6 70.96A, 71.05, or 70.96B RCW.

7       ~~((10))~~ (9) "Detention" or "detain" means the lawful confinement  
8 of an individual under chapter 70.96A or 71.05 RCW.

9       ~~((11))~~ (10) "Discharge" means the termination of facility  
10 authority. The commitment may remain in place, be terminated, or be  
11 amended by court order.

12       ~~((12))~~ (11) "Enhanced services facility" means a facility that  
13 provides treatment and services to persons for whom acute inpatient  
14 treatment is not medically necessary and who have been determined by  
15 the department to be inappropriate for placement in other licensed  
16 facilities due to the complex needs that result in behavioral and  
17 security issues.

18       ~~((13))~~ (12) "Expanded community services program" means a  
19 nonsecure program of enhanced behavioral and residential support  
20 provided to long-term and residential care providers serving  
21 specifically eligible clients who would otherwise be at risk for  
22 hospitalization at state hospital geriatric units.

23       ~~((14))~~ (13) "Facility" means an enhanced services facility.

24       ~~((15))~~ (14) "Gravely disabled" means a condition in which an  
25 individual, as a result of a mental disorder, as a result of the use  
26 of alcohol or other psychoactive chemicals, or both:

27       (a) Is in danger of serious physical harm resulting from a  
28 failure to provide for his or her essential human needs of health or  
29 safety; or

30       (b) Manifests severe deterioration in routine functioning  
31 evidenced by repeated and escalating loss of cognitive or volitional  
32 control over his or her actions and is not receiving such care as is  
33 essential for his or her health or safety.

34       ~~((16))~~ (15) "History of one or more violent acts" refers to the  
35 period of time ten years before the filing of a petition under this  
36 chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent,  
37 but not any violent acts committed, in a mental health facility or a  
38 long-term alcoholism or drug treatment facility, or in confinement as  
39 a result of a criminal conviction.

1       (~~(17)~~) (16) "Licensed physician" means a person licensed to  
2 practice medicine or osteopathic medicine and surgery in the state of  
3 Washington.

4       (~~(18)~~) (17) "Likelihood of serious harm" means:

5       (a) A substantial risk that:

6       (i) Physical harm will be inflicted by an individual upon his or  
7 her own person, as evidenced by threats or attempts to commit suicide  
8 or inflict physical harm on oneself;

9       (ii) Physical harm will be inflicted by an individual upon  
10 another, as evidenced by behavior that has caused such harm or that  
11 places another person or persons in reasonable fear of sustaining  
12 such harm; or

13       (iii) Physical harm will be inflicted by an individual upon the  
14 property of others, as evidenced by behavior that has caused  
15 substantial loss or damage to the property of others; or

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

18       (~~(19)~~) (18) "Mental disorder" means any organic, mental, or  
19 emotional impairment that has substantial adverse effects on an  
20 individual's cognitive or volitional functions.

21       (~~(20)~~) (19) "Mental health professional" means a psychiatrist,  
22 psychologist, psychiatric nurse, or social worker, and such other  
23 mental health professionals as may be defined by rules adopted by the  
24 secretary under the authority of chapter 71.05 RCW.

25       (~~(21)~~) (20) "Professional person" means a mental health  
26 professional and also means a physician, registered nurse, and such  
27 others as may be defined in rules adopted by the secretary pursuant  
28 to the provisions of this chapter.

29       (~~(22)~~) (21) "Psychiatrist" means a person having a license as a  
30 physician and surgeon in this state who has in addition completed  
31 three years of graduate training in psychiatry in a program approved  
32 by the American medical association or the American osteopathic  
33 association and is certified or eligible to be certified by the  
34 American board of psychiatry and neurology.

35       (~~(23)~~) (22) "Psychologist" means a person who has been licensed  
36 as a psychologist under chapter 18.83 RCW.

37       (~~(24)~~) (23) "Registration records" include all the records of  
38 the department, behavioral health organizations, treatment  
39 facilities, and other persons providing services to the department,  
40 county departments, or facilities which identify individuals who are

1 receiving or who at any time have received services for mental  
2 illness.

3 ~~((25))~~ (24) "Release" means legal termination of the commitment  
4 under chapter 70.96A or 71.05 RCW.

5 ~~((26))~~ (25) "Resident" means a person admitted to an enhanced  
6 services facility.

7 ~~((27))~~ (26) "Secretary" means the secretary of the department  
8 or the secretary's designee.

9 ~~((28))~~ (27) "Significant change" means:

10 (a) A deterioration in a resident's physical, mental, or  
11 psychosocial condition that has caused or is likely to cause clinical  
12 complications or life-threatening conditions; or

13 (b) An improvement in the resident's physical, mental, or  
14 psychosocial condition that may make the resident eligible for  
15 release or for treatment in a less intensive or less secure setting.

16 ~~((29))~~ (28) "Social worker" means a person with a master's or  
17 further advanced degree from a social work educational program  
18 accredited and approved as provided in RCW 18.320.010.

19 (29) "Substance use disorder professional" means a person  
20 certified as a substance use disorder professional by the department  
21 of health under chapter 18.205 RCW.

22 (30) "Treatment" means the broad range of emergency,  
23 detoxification, residential, inpatient, and outpatient services and  
24 care, including diagnostic evaluation, mental health or chemical  
25 dependency education and counseling, medical, psychiatric,  
26 psychological, and social service care, vocational rehabilitation,  
27 and career counseling, which may be extended to persons with mental  
28 disorders, chemical dependency disorders, or both, and their  
29 families.

30 (31) "Treatment records" include registration and all other  
31 records concerning individuals who are receiving or who at any time  
32 have received services for mental illness, which are maintained by  
33 the department, by behavioral health organizations and their staffs,  
34 and by treatment facilities. "Treatment records" do not include notes  
35 or records maintained for personal use by an individual providing  
36 treatment services for the department, behavioral health  
37 organizations, or a treatment facility if the notes or records are  
38 not available to others.

1 (32) "Violent act" means behavior that resulted in homicide,  
2 attempted suicide, nonfatal injuries, or substantial damage to  
3 property.

4 **Sec. 16.** RCW 70.97.010 and 2016 sp.s. c 29 s 419 are each  
5 amended to read as follows:

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

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

12 (2) "Attending staff" means any person on the staff of a public  
13 or private agency having responsibility for the care and treatment of  
14 a patient.

15 (3) "Chemical dependency" means alcoholism, drug addiction, or  
16 dependence on alcohol and one or more other psychoactive chemicals,  
17 as the context requires and as those terms are defined in chapter  
18 71.05 RCW.

19 ~~((4)) ("Chemical dependency professional" means a person certified~~  
20 ~~as a chemical dependency professional by the department of health~~  
21 ~~under chapter 18.205 RCW.~~

22 ~~(5))~~ "Commitment" means the determination by a court that an  
23 individual should be detained for a period of either evaluation or  
24 treatment, or both, in an inpatient or a less restrictive setting.

25 ~~((6))~~ (5) "Conditional release" means a modification of a  
26 commitment that may be revoked upon violation of any of its terms.

27 ~~((7))~~ (6) "Custody" means involuntary detention under chapter  
28 71.05 RCW, uninterrupted by any period of unconditional release from  
29 commitment from a facility providing involuntary care and treatment.

30 ~~((8))~~ (7) "Department" means the department of social and  
31 health services.

32 ~~((9))~~ (8) "Designated crisis responder" has the same meaning as  
33 in chapter 71.05 RCW.

34 ~~((10))~~ (9) "Detention" or "detain" means the lawful confinement  
35 of an individual under chapter 71.05 RCW.

36 ~~((11))~~ (10) "Discharge" means the termination of facility  
37 authority. The commitment may remain in place, be terminated, or be  
38 amended by court order.



1       (~~(12)~~) (11) "Enhanced services facility" means a facility that  
2 provides treatment and services to persons for whom acute inpatient  
3 treatment is not medically necessary and who have been determined by  
4 the department to be inappropriate for placement in other licensed  
5 facilities due to the complex needs that result in behavioral and  
6 security issues.

7       (~~(13)~~) (12) "Expanded community services program" means a  
8 nonsecure program of enhanced behavioral and residential support  
9 provided to long-term and residential care providers serving  
10 specifically eligible clients who would otherwise be at risk for  
11 hospitalization at state hospital geriatric units.

12       (~~(14)~~) (13) "Facility" means an enhanced services facility.

13       (~~(15)~~) (14) "Gravely disabled" means a condition in which an  
14 individual, as a result of a mental disorder, as a result of the use  
15 of alcohol or other psychoactive chemicals, or both:

16       (a) Is in danger of serious physical harm resulting from a  
17 failure to provide for his or her essential human needs of health or  
18 safety; or

19       (b) Manifests severe deterioration in routine functioning  
20 evidenced by repeated and escalating loss of cognitive or volitional  
21 control over his or her actions and is not receiving such care as is  
22 essential for his or her health or safety.

23       (~~(16)~~) (15) "History of one or more violent acts" refers to the  
24 period of time ten years before the filing of a petition under this  
25 chapter or chapter 71.05 RCW, excluding any time spent, but not any  
26 violent acts committed, in a mental health facility or a long-term  
27 alcoholism or drug treatment facility, or in confinement as a result  
28 of a criminal conviction.

29       (~~(17)~~) (16) "Licensed physician" means a person licensed to  
30 practice medicine or osteopathic medicine and surgery in the state of  
31 Washington.

32       (~~(18)~~) (17) "Likelihood of serious harm" means:

33       (a) A substantial risk that:

34       (i) Physical harm will be inflicted by an individual upon his or  
35 her own person, as evidenced by threats or attempts to commit suicide  
36 or inflict physical harm on oneself;

37       (ii) Physical harm will be inflicted by an individual upon  
38 another, as evidenced by behavior that has caused such harm or that  
39 places another person or persons in reasonable fear of sustaining  
40 such harm; or

1 (iii) Physical harm will be inflicted by an individual upon the  
2 property of others, as evidenced by behavior that has caused  
3 substantial loss or damage to the property of others; or

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

6 ~~((19))~~ (18) "Mental disorder" means any organic, mental, or  
7 emotional impairment that has substantial adverse effects on an  
8 individual's cognitive or volitional functions.

9 ~~((20))~~ (19) "Mental health professional" means a psychiatrist,  
10 psychologist, psychiatric nurse, or social worker, and such other  
11 mental health professionals as may be defined by rules adopted by the  
12 secretary under the authority of chapter 71.05 RCW.

13 ~~((21))~~ (20) "Professional person" means a mental health  
14 professional and also means a physician, registered nurse, and such  
15 others as may be defined in rules adopted by the secretary pursuant  
16 to the provisions of this chapter.

17 ~~((22))~~ (21) "Psychiatrist" means a person having a license as a  
18 physician and surgeon in this state who has in addition completed  
19 three years of graduate training in psychiatry in a program approved  
20 by the American medical association or the American osteopathic  
21 association and is certified or eligible to be certified by the  
22 American board of psychiatry and neurology.

23 ~~((23))~~ (22) "Psychologist" means a person who has been licensed  
24 as a psychologist under chapter 18.83 RCW.

25 ~~((24))~~ (23) "Registration records" include all the records of  
26 the department, behavioral health organizations, treatment  
27 facilities, and other persons providing services to the department,  
28 county departments, or facilities which identify individuals who are  
29 receiving or who at any time have received services for mental  
30 illness.

31 ~~((25))~~ (24) "Release" means legal termination of the commitment  
32 under chapter 71.05 RCW.

33 ~~((26))~~ (25) "Resident" means a person admitted to an enhanced  
34 services facility.

35 ~~((27))~~ (26) "Secretary" means the secretary of the department  
36 or the secretary's designee.

37 ~~((28))~~ (27) "Significant change" means:

38 (a) A deterioration in a resident's physical, mental, or  
39 psychosocial condition that has caused or is likely to cause clinical  
40 complications or life-threatening conditions; or

1 (b) An improvement in the resident's physical, mental, or  
2 psychosocial condition that may make the resident eligible for  
3 release or for treatment in a less intensive or less secure setting.

4 ~~((+29))~~ (28) "Social worker" means a person with a master's or  
5 further advanced degree from a social work educational program  
6 accredited and approved as provided in RCW 18.320.010.

7 (29) "Substance use disorder professional" means a person  
8 certified as a substance use disorder professional by the department  
9 of health under chapter 18.205 RCW.

10 (30) "Treatment" means the broad range of emergency,  
11 detoxification, residential, inpatient, and outpatient services and  
12 care, including diagnostic evaluation, mental health or chemical  
13 dependency education and counseling, medical, psychiatric,  
14 psychological, and social service care, vocational rehabilitation,  
15 and career counseling, which may be extended to persons with mental  
16 disorders, chemical dependency disorders, or both, and their  
17 families.

18 (31) "Treatment records" include registration and all other  
19 records concerning individuals who are receiving or who at any time  
20 have received services for mental illness, which are maintained by  
21 the department, by behavioral health organizations and their staffs,  
22 and by treatment facilities. "Treatment records" do not include notes  
23 or records maintained for personal use by an individual providing  
24 treatment services for the department, behavioral health  
25 organizations, or a treatment facility if the notes or records are  
26 not available to others.

27 (32) "Violent act" means behavior that resulted in homicide,  
28 attempted suicide, nonfatal injuries, or substantial damage to  
29 property.

30 **Sec. 17.** RCW 70.97.030 and 2005 c 504 s 405 are each amended to  
31 read as follows:

32 A person, eighteen years old or older, may be admitted to an  
33 enhanced services facility if he or she meets the criteria in  
34 subsections (1) through (3) of this section:

35 (1) The person requires: (a) Daily care by or under the  
36 supervision of a mental health professional, ~~((chemical dependency))~~  
37 substance use disorder professional, or nurse; or (b) assistance with  
38 three or more activities of daily living; and

1 (2) The person has: (a) A mental disorder, chemical dependency  
2 disorder, or both; (b) an organic or traumatic brain injury; or (c) a  
3 cognitive impairment that results in symptoms or behaviors requiring  
4 supervision and facility services; (~~and~~) and

5 (3) The person has two or more of the following:

6 (a) Self-endangering behaviors that are frequent or difficult to  
7 manage;

8 (b) Aggressive, threatening, or assaultive behaviors that create  
9 a risk to the health or safety of other residents or staff, or a  
10 significant risk to property and these behaviors are frequent or  
11 difficult to manage;

12 (c) Intrusive behaviors that put residents or staff at risk;

13 (d) Complex medication needs and those needs include psychotropic  
14 medications;

15 (e) A history of or likelihood of unsuccessful placements in  
16 either a licensed facility or other state facility or a history of  
17 rejected applications for admission to other licensed facilities  
18 based on the person's behaviors, history, or security needs;

19 (f) A history of frequent or protracted mental health  
20 hospitalizations;

21 (g) A history of offenses against a person or felony offenses  
22 that created substantial damage to property.

23 **Sec. 18.** RCW 71.05.020 and 2016 sp.s. c 29 s 204 and 2016 c 155  
24 s 1 are each reenacted and amended to read as follows:

25 The definitions in this section apply throughout this chapter  
26 unless the context clearly requires otherwise.

27 (1) "Admission" or "admit" means a decision by a physician,  
28 physician assistant, or psychiatric advanced registered nurse  
29 practitioner that a person should be examined or treated as a patient  
30 in a hospital;

31 (2) "Alcoholism" means a disease, characterized by a dependency  
32 on alcoholic beverages, loss of control over the amount and  
33 circumstances of use, symptoms of tolerance, physiological or  
34 psychological withdrawal, or both, if use is reduced or discontinued,  
35 and impairment of health or disruption of social or economic  
36 functioning;

37 (3) "Antipsychotic medications" means that class of drugs  
38 primarily used to treat serious manifestations of mental illness

1 associated with thought disorders, which includes, but is not limited  
2 to atypical antipsychotic medications;

3 (4) "Approved substance use disorder treatment program" means a  
4 program for persons with a substance use disorder provided by a  
5 treatment program certified by the department as meeting standards  
6 adopted under chapter 71.24 RCW;

7 (5) "Attending staff" means any person on the staff of a public  
8 or private agency having responsibility for the care and treatment of  
9 a patient;

10 (6) "Chemical dependency" means:

11 (a) Alcoholism;

12 (b) Drug addiction; or

13 (c) Dependence on alcohol and one or more psychoactive chemicals,  
14 as the context requires;

15 (~~(7) ("Chemical dependency professional" means a person certified~~  
16 ~~as a chemical dependency professional by the department of health~~  
17 ~~under chapter 18.205 RCW;~~

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

21 ~~((9))~~ (8) "Conditional release" means a revocable modification  
22 of a commitment, which may be revoked upon violation of any of its  
23 terms;

24 ~~((10))~~ (9) "Crisis stabilization unit" means a short-term  
25 facility or a portion of a facility licensed by the department of  
26 health and certified by the department of social and health services  
27 under RCW 71.24.035, such as an evaluation and treatment facility or  
28 a hospital, which has been designed to assess, diagnose, and treat  
29 individuals experiencing an acute crisis without the use of long-term  
30 hospitalization;

31 ~~((11))~~ (10) "Custody" means involuntary detention under the  
32 provisions of this chapter or chapter 10.77 RCW, uninterrupted by any  
33 period of unconditional release from commitment from a facility  
34 providing involuntary care and treatment;

35 ~~((12))~~ (11) "Department" means the department of social and  
36 health services;

37 ~~((13))~~ (12) "Designated crisis responder" means a mental health  
38 professional appointed by the behavioral health organization to  
39 perform the duties specified in this chapter;

1        ~~((14))~~ (13) "Detention" or "detain" means the lawful  
2 confinement of a person, under the provisions of this chapter;

3        ~~((15))~~ (14) "Developmental disabilities professional" means a  
4 person who has specialized training and three years of experience in  
5 directly treating or working with persons with developmental  
6 disabilities and is a psychiatrist, physician assistant working with  
7 a supervising psychiatrist, psychologist, psychiatric advanced  
8 registered nurse practitioner, or social worker, and such other  
9 developmental disabilities professionals as may be defined by rules  
10 adopted by the secretary;

11        ~~((16))~~ (15) "Developmental disability" means that condition  
12 defined in RCW 71A.10.020(5);

13        ~~((17))~~ (16) "Discharge" means the termination of hospital  
14 medical authority. The commitment may remain in place, be terminated,  
15 or be amended by court order;

16        ~~((18))~~ (17) "Drug addiction" means a disease, characterized by  
17 a dependency on psychoactive chemicals, loss of control over the  
18 amount and circumstances of use, symptoms of tolerance, physiological  
19 or psychological withdrawal, or both, if use is reduced or  
20 discontinued, and impairment of health or disruption of social or  
21 economic functioning;

22        ~~((19))~~ (18) "Evaluation and treatment facility" means any  
23 facility which can provide directly, or by direct arrangement with  
24 other public or private agencies, emergency evaluation and treatment,  
25 outpatient care, and timely and appropriate inpatient care to persons  
26 suffering from a mental disorder, and which is certified as such by  
27 the department. The department may certify single beds as temporary  
28 evaluation and treatment beds under RCW 71.05.745. A physically  
29 separate and separately operated portion of a state hospital may be  
30 designated as an evaluation and treatment facility. A facility which  
31 is part of, or operated by, the department or any federal agency will  
32 not require certification. No correctional institution or facility,  
33 or jail, shall be an evaluation and treatment facility within the  
34 meaning of this chapter;

35        ~~((20))~~ (19) "Gravely disabled" means a condition in which a  
36 person, as a result of a mental disorder, or as a result of the use  
37 of alcohol or other psychoactive chemicals: (a) Is in danger of  
38 serious physical harm resulting from a failure to provide for his or  
39 her essential human needs of health or safety; or (b) manifests  
40 severe deterioration in routine functioning evidenced by repeated and

1 escalating loss of cognitive or volitional control over his or her  
2 actions and is not receiving such care as is essential for his or her  
3 health or safety;

4 ~~((+21))~~ (20) "Habilitative services" means those services  
5 provided by program personnel to assist persons in acquiring and  
6 maintaining life skills and in raising their levels of physical,  
7 mental, social, and vocational functioning. Habilitative services  
8 include education, training for employment, and therapy. The  
9 habilitative process shall be undertaken with recognition of the risk  
10 to the public safety presented by the person being assisted as  
11 manifested by prior charged criminal conduct;

12 ~~((+22))~~ (21) "History of one or more violent acts" refers to the  
13 period of time ten years prior to the filing of a petition under this  
14 chapter, excluding any time spent, but not any violent acts  
15 committed, in a mental health facility, a long-term alcoholism or  
16 drug treatment facility, or in confinement as a result of a criminal  
17 conviction;

18 ~~((+23))~~ (22) "Imminent" means the state or condition of being  
19 likely to occur at any moment or near at hand, rather than distant or  
20 remote;

21 ~~((+24))~~ (23) "Individualized service plan" means a plan prepared  
22 by a developmental disabilities professional with other professionals  
23 as a team, for a person with developmental disabilities, which shall  
24 state:

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

27 (b) The conditions and strategies necessary to achieve the  
28 purposes of habilitation;

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

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

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

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

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

1        ~~((25))~~ (24) "Information related to mental health services"  
2 means all information and records compiled, obtained, or maintained  
3 in the course of providing services to either voluntary or  
4 involuntary recipients of services by a mental health service  
5 provider. This may include documents of legal proceedings under this  
6 chapter or chapter 71.34 or 10.77 RCW, or somatic health care  
7 information;

8        ~~((26))~~ (25) "Intoxicated person" means a person whose mental or  
9 physical functioning is substantially impaired as a result of the use  
10 of alcohol or other psychoactive chemicals;

11        ~~((27))~~ (26) "In need of assisted outpatient mental health  
12 treatment" means that a person, as a result of a mental disorder: (a)  
13 Has been committed by a court to detention for involuntary mental  
14 health treatment at least twice during the preceding thirty-six  
15 months, or, if the person is currently committed for involuntary  
16 mental health treatment, the person has been committed to detention  
17 for involuntary mental health treatment at least once during the  
18 thirty-six months preceding the date of initial detention of the  
19 current commitment cycle; (b) is unlikely to voluntarily participate  
20 in outpatient treatment without an order for less restrictive  
21 alternative treatment, in view of the person's treatment history or  
22 current behavior; (c) is unlikely to survive safely in the community  
23 without supervision; (d) is likely to benefit from less restrictive  
24 alternative treatment; and (e) requires less restrictive alternative  
25 treatment to prevent a relapse, decompensation, or deterioration that  
26 is likely to result in the person presenting a likelihood of serious  
27 harm or the person becoming gravely disabled within a reasonably  
28 short period of time. For purposes of (a) of this subsection, time  
29 spent in a mental health facility or in confinement as a result of a  
30 criminal conviction is excluded from the thirty-six month  
31 calculation;

32        ~~((28))~~ (27) "Judicial commitment" means a commitment by a court  
33 pursuant to the provisions of this chapter;

34        ~~((29))~~ (28) "Legal counsel" means attorneys and staff employed  
35 by county prosecutor offices or the state attorney general acting in  
36 their capacity as legal representatives of public mental health and  
37 substance use disorder service providers under RCW 71.05.130;

38        ~~((30))~~ (29) "Less restrictive alternative treatment" means a  
39 program of individualized treatment in a less restrictive setting



1 than inpatient treatment that includes the services described in RCW  
2 71.05.585;

3 ~~((+31+))~~ (30) "Licensed physician" means a person licensed to  
4 practice medicine or osteopathic medicine and surgery in the state of  
5 Washington;

6 ~~((+32+))~~ (31) "Likelihood of serious harm" means:

7 (a) A substantial risk that: (i) Physical harm will be inflicted  
8 by a person upon his or her own person, as evidenced by threats or  
9 attempts to commit suicide or inflict physical harm on oneself; (ii)  
10 physical harm will be inflicted by a person upon another, as  
11 evidenced by behavior which has caused such harm or which places  
12 another person or persons in reasonable fear of sustaining such harm;  
13 or (iii) physical harm will be inflicted by a person upon the  
14 property of others, as evidenced by behavior which has caused  
15 substantial loss or damage to the property of others; or

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

18 ~~((+33+))~~ (32) "Medical clearance" means a physician or other  
19 health care provider has determined that a person is medically stable  
20 and ready for referral to the designated crisis responder;

21 ~~((+34+))~~ (33) "Mental disorder" means any organic, mental, or  
22 emotional impairment which has substantial adverse effects on a  
23 person's cognitive or volitional functions;

24 ~~((+35+))~~ (34) "Mental health professional" means a psychiatrist,  
25 psychologist, physician assistant working with a supervising  
26 psychiatrist, psychiatric advanced registered nurse practitioner,  
27 psychiatric nurse, or social worker, and such other mental health  
28 professionals as may be defined by rules adopted by the secretary  
29 pursuant to the provisions of this chapter;

30 ~~((+36+))~~ (35) "Mental health service provider" means a public or  
31 private agency that provides mental health services to persons with  
32 mental disorders or substance use disorders as defined under this  
33 section and receives funding from public sources. This includes, but  
34 is not limited to, hospitals licensed under chapter 70.41 RCW,  
35 evaluation and treatment facilities as defined in this section,  
36 community mental health service delivery systems or behavioral health  
37 programs as defined in RCW 71.24.025, facilities conducting  
38 competency evaluations and restoration under chapter 10.77 RCW,  
39 approved substance use disorder treatment programs as defined in this

1 section, secure detoxification facilities as defined in this section,  
2 and correctional facilities operated by state and local governments;

3 ~~((37))~~ (36) "Peace officer" means a law enforcement official of  
4 a public agency or governmental unit, and includes persons  
5 specifically given peace officer powers by any state law, local  
6 ordinance, or judicial order of appointment;

7 ~~((38))~~ (37) "Physician assistant" means a person licensed as a  
8 physician assistant under chapter 18.57A or 18.71A RCW;

9 ~~((39))~~ (38) "Private agency" means any person, partnership,  
10 corporation, or association that is not a public agency, whether or  
11 not financed in whole or in part by public funds, which constitutes  
12 an evaluation and treatment facility or private institution, or  
13 hospital, or approved substance use disorder treatment program, which  
14 is conducted for, or includes a department or ward conducted for, the  
15 care and treatment of persons with mental illness, substance use  
16 disorders, or both mental illness and substance use disorders;

17 ~~((40))~~ (39) "Professional person" means a mental health  
18 professional or designated crisis responder and shall also mean a  
19 physician, physician assistant, psychiatric advanced registered nurse  
20 practitioner, registered nurse, and such others as may be defined by  
21 rules adopted by the secretary pursuant to the provisions of this  
22 chapter;

23 ~~((41))~~ (40) "Psychiatric advanced registered nurse  
24 practitioner" means a person who is licensed as an advanced  
25 registered nurse practitioner pursuant to chapter 18.79 RCW; and who  
26 is board certified in advanced practice psychiatric and mental health  
27 nursing;

28 ~~((42))~~ (41) "Psychiatrist" means a person having a license as a  
29 physician and surgeon in this state who has in addition completed  
30 three years of graduate training in psychiatry in a program approved  
31 by the American medical association or the American osteopathic  
32 association and is certified or eligible to be certified by the  
33 American board of psychiatry and neurology;

34 ~~((43))~~ (42) "Psychologist" means a person who has been licensed  
35 as a psychologist pursuant to chapter 18.83 RCW;

36 ~~((44))~~ (43) "Public agency" means any evaluation and treatment  
37 facility or institution, secure detoxification facility, approved  
38 substance use disorder treatment program, or hospital which is  
39 conducted for, or includes a department or ward conducted for, the  
40 care and treatment of persons with mental illness, substance use

1 disorders, or both mental illness and substance use disorders, if the  
2 agency is operated directly by federal, state, county, or municipal  
3 government, or a combination of such governments;

4 ~~((45))~~ (44) "Registration records" include all the records of  
5 the department, behavioral health organizations, treatment  
6 facilities, and other persons providing services to the department,  
7 county departments, or facilities which identify persons who are  
8 receiving or who at any time have received services for mental  
9 illness or substance use disorders;

10 ~~((46))~~ (45) "Release" means legal termination of the commitment  
11 under the provisions of this chapter;

12 ~~((47))~~ (46) "Resource management services" has the meaning  
13 given in chapter 71.24 RCW;

14 ~~((48))~~ (47) "Secretary" means the secretary of the department  
15 of social and health services, or his or her designee;

16 ~~((49))~~ (48) "Secure detoxification facility" means a facility  
17 operated by either a public or private agency or by the program of an  
18 agency that:

19 (a) Provides for intoxicated persons:

20 (i) Evaluation and assessment, provided by certified ~~((chemical  
21 dependency))~~ substance use disorder professionals;

22 (ii) Acute or subacute detoxification services; and

23 (iii) Discharge assistance provided by certified ~~((chemical  
24 dependency))~~ substance use disorder professionals, including  
25 facilitating transitions to appropriate voluntary or involuntary  
26 inpatient services or to less restrictive alternatives as appropriate  
27 for the individual;

28 (b) Includes security measures sufficient to protect the  
29 patients, staff, and community; and

30 (c) Is certified as such by the department;

31 ~~((50))~~ (49) "Serious violent offense" has the same meaning as  
32 provided in RCW 9.94A.030;

33 ~~((51))~~ (50) "Social worker" means a person with a master's or  
34 further advanced degree from a social work educational program  
35 accredited and approved as provided in RCW 18.320.010;

36 ~~((52))~~ (51) "Substance use disorder" means a cluster of  
37 cognitive, behavioral, and physiological symptoms indicating that an  
38 individual continues using the substance despite significant  
39 substance-related problems. The diagnosis of a substance use disorder

1 is based on a pathological pattern of behaviors related to the use of  
2 the substances;

3 (52) "Substance use disorder professional" means a person  
4 certified as a substance use disorder professional by the department  
5 of health under chapter 18.205 RCW;

6 (53) "Therapeutic court personnel" means the staff of a mental  
7 health court or other therapeutic court which has jurisdiction over  
8 defendants who are dually diagnosed with mental disorders, including  
9 court personnel, probation officers, a court monitor, prosecuting  
10 attorney, or defense counsel acting within the scope of therapeutic  
11 court duties;

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

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

32 (56) "Violent act" means behavior that resulted in homicide,  
33 attempted suicide, nonfatal injuries, or substantial damage to  
34 property.

35 **Sec. 19.** RCW 71.34.020 and 2016 sp.s. c 29 s 254 and 2016 c 155  
36 s 17 are each reenacted and amended to read as follows:

37 Unless the context clearly requires otherwise, the definitions in  
38 this section apply throughout this chapter.

1 (1) "Alcoholism" means a disease, characterized by a dependency  
2 on alcoholic beverages, 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 (2) "Approved substance use disorder treatment program" means a  
8 program for minors with substance use disorders provided by a  
9 treatment program certified by the department as meeting standards  
10 adopted under chapter 71.24 RCW.

11 (3) "Chemical dependency" means:

12 (a) Alcoholism;

13 (b) Drug addiction; or

14 (c) Dependence on alcohol and one or more other psychoactive  
15 chemicals, as the context requires.

16 ~~(4) ("Chemical dependency professional" means a person certified~~  
17 ~~as a chemical dependency professional by the department of health~~  
18 ~~under chapter 18.205 RCW.~~

19 ~~(5))~~ "Child psychiatrist" means a person having a license as a  
20 physician and surgeon in this state, who has had graduate training in  
21 child psychiatry in a program approved by the American Medical  
22 Association or the American Osteopathic Association, and who is board  
23 eligible or board certified in child psychiatry.

24 ~~((6))~~ (5) "Children's mental health specialist" means:

25 (a) A mental health professional who has completed a minimum of  
26 one hundred actual hours, not quarter or semester hours, of  
27 specialized training devoted to the study of child development and  
28 the treatment of children; and

29 (b) A mental health professional who has the equivalent of one  
30 year of full-time experience in the treatment of children under the  
31 supervision of a children's mental health specialist.

32 ~~((7))~~ (6) "Commitment" means a determination by a judge or  
33 court commissioner, made after a commitment hearing, that the minor  
34 is in need of inpatient diagnosis, evaluation, or treatment or that  
35 the minor is in need of less restrictive alternative treatment.

36 ~~((8))~~ (7) "Department" means the department of social and  
37 health services.

38 ~~((9))~~ (8) "Designated crisis responder" means a person  
39 designated by a behavioral health organization to perform the duties  
40 specified in this chapter.

1        ~~((10))~~ (9) "Drug addiction" means a disease, characterized by a  
2 dependency on psychoactive chemicals, loss of control over the amount  
3 and 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))~~ (10) "Evaluation and treatment facility" means a public  
8 or private facility or unit that is certified by the department to  
9 provide emergency, inpatient, residential, or outpatient mental  
10 health evaluation and treatment services for minors. A physically  
11 separate and separately-operated portion of a state hospital may be  
12 designated as an evaluation and treatment facility for minors. A  
13 facility which is part of or operated by the department or federal  
14 agency does not require certification. No correctional institution or  
15 facility, juvenile court detention facility, or jail may be an  
16 evaluation and treatment facility within the meaning of this chapter.

17        ~~((12))~~ (11) "Evaluation and treatment program" means the total  
18 system of services and facilities coordinated and approved by a  
19 county or combination of counties for the evaluation and treatment of  
20 minors under this chapter.

21        ~~((13))~~ (12) "Gravely disabled minor" means a minor who, as a  
22 result of a mental disorder, or as a result of the use of alcohol or  
23 other psychoactive chemicals, is in danger of serious physical harm  
24 resulting from a failure to provide for his or her essential human  
25 needs of health or safety, or manifests severe deterioration in  
26 routine functioning evidenced by repeated and escalating loss of  
27 cognitive or volitional control over his or her actions and is not  
28 receiving such care as is essential for his or her health or safety.

29        ~~((14))~~ (13) "Inpatient treatment" means twenty-four-hour-per-  
30 day mental health care provided within a general hospital,  
31 psychiatric hospital, residential treatment facility certified by the  
32 department as an evaluation and treatment facility for minors, secure  
33 detoxification facility for minors, or approved substance use  
34 disorder treatment program for minors.

35        ~~((15))~~ (14) "Intoxicated minor" means a minor whose mental or  
36 physical functioning is substantially impaired as a result of the use  
37 of alcohol or other psychoactive chemicals.

38        ~~((16))~~ (15) "Less restrictive alternative" or "less restrictive  
39 setting" means outpatient treatment provided to a minor who is not

1 residing in a facility providing inpatient treatment as defined in  
2 this chapter.

3 ~~((17))~~ (16) "Likelihood of serious harm" means either: (a) A  
4 substantial risk that physical harm will be inflicted by an  
5 individual upon his or her own person, as evidenced by threats or  
6 attempts to commit suicide or inflict physical harm on oneself; (b) a  
7 substantial risk that physical harm will be inflicted by an  
8 individual upon another, as evidenced by behavior which has caused  
9 such harm or which places another person or persons in reasonable  
10 fear of sustaining such harm; or (c) a substantial risk that physical  
11 harm will be inflicted by an individual upon the property of others,  
12 as evidenced by behavior which has caused substantial loss or damage  
13 to the property of others.

14 ~~((18))~~ (17) "Medical necessity" for inpatient care means a  
15 requested service which is reasonably calculated to: (a) Diagnose,  
16 correct, cure, or alleviate a mental disorder or substance use  
17 disorder; or (b) prevent the progression of a substance use disorder  
18 that endangers life or causes suffering and pain, or results in  
19 illness or infirmity or threatens to cause or aggravate a handicap,  
20 or causes physical deformity or malfunction, and there is no adequate  
21 less restrictive alternative available.

22 ~~((19))~~ (18) "Mental disorder" means any organic, mental, or  
23 emotional impairment that has substantial adverse effects on an  
24 individual's cognitive or volitional functions. The presence of  
25 alcohol abuse, drug abuse, juvenile criminal history, antisocial  
26 behavior, or intellectual disabilities alone is insufficient to  
27 justify a finding of "mental disorder" within the meaning of this  
28 section.

29 ~~((20))~~ (19) "Mental health professional" means a psychiatrist,  
30 physician assistant working with a supervising psychiatrist,  
31 psychologist, psychiatric nurse, or social worker, and such other  
32 mental health professionals as may be defined by rules adopted by the  
33 secretary under this chapter.

34 ~~((21))~~ (20) "Minor" means any person under the age of eighteen  
35 years.

36 ~~((22))~~ (21) "Outpatient treatment" means any of the  
37 nonresidential services mandated under chapter 71.24 RCW and provided  
38 by licensed service providers as identified by RCW 71.24.025.

39 ~~((23))~~ (22) "Parent" means:

1 (a) A biological or adoptive parent who has legal custody of the  
2 child, including either parent if custody is shared under a joint  
3 custody agreement; or

4 (b) A person or agency judicially appointed as legal guardian or  
5 custodian of the child.

6 ~~((+24+))~~ (23) "Private agency" means any person, partnership,  
7 corporation, or association that is not a public agency, whether or  
8 not financed in whole or in part by public funds, that constitutes an  
9 evaluation and treatment facility or private institution, or  
10 hospital, or approved substance use disorder treatment program, that  
11 is conducted for, or includes a department or ward conducted for, the  
12 care and treatment of persons with mental illness, substance use  
13 disorders, or both mental illness and substance use disorders.

14 ~~((+25+))~~ (24) "Physician assistant" means a person licensed as a  
15 physician assistant under chapter 18.57A or 18.71A RCW.

16 ~~((+26+))~~ (25) "Professional person in charge" or "professional  
17 person" means a physician, other mental health professional, or other  
18 person empowered by an evaluation and treatment facility, secure  
19 detoxification facility, or approved substance use disorder treatment  
20 program with authority to make admission and discharge decisions on  
21 behalf of that facility.

22 ~~((+27+))~~ (26) "Psychiatric nurse" means a registered nurse who  
23 has a bachelor's degree from an accredited college or university, and  
24 who has had, in addition, at least two years' experience in the  
25 direct treatment of persons who have a mental illness or who are  
26 emotionally disturbed, such experience gained under the supervision  
27 of a mental health professional. "Psychiatric nurse" shall also mean  
28 any other registered nurse who has three years of such experience.

29 ~~((+28+))~~ (27) "Psychiatrist" means a person having a license as a  
30 physician in this state who has completed residency training in  
31 psychiatry in a program approved by the American Medical Association  
32 or the American Osteopathic Association, and is board eligible or  
33 board certified in psychiatry.

34 ~~((+29+))~~ (28) "Psychologist" means a person licensed as a  
35 psychologist under chapter 18.83 RCW.

36 ~~((+30+))~~ (29) "Public agency" means any evaluation and treatment  
37 facility or institution, or hospital, or approved substance use  
38 disorder treatment program that is conducted for, or includes a  
39 department or ward conducted for, the care and treatment of persons  
40 with mental illness, substance use disorders, or both mental illness



1 and substance use disorders if the agency is operated directly by  
2 federal, state, county, or municipal government, or a combination of  
3 such governments.

4 ~~((+31+))~~ (30) "Responsible other" means the minor, the minor's  
5 parent or estate, or any other person legally responsible for support  
6 of the minor.

7 ~~((+32+))~~ (31) "Secretary" means the secretary of the department  
8 or secretary's designee.

9 ~~((+33+))~~ (32) "Secure detoxification facility" means a facility  
10 operated by either a public or private agency or by the program of an  
11 agency that:

12 (a) Provides for intoxicated minors:

13 (i) Evaluation and assessment, provided by certified ~~((chemical  
14 dependency))~~ substance use disorder professionals;

15 (ii) Acute or subacute detoxification services; and

16 (iii) Discharge assistance provided by certified ~~((chemical  
17 dependency))~~ substance use disorder professionals, including  
18 facilitating transitions to appropriate voluntary or involuntary  
19 inpatient services or to less restrictive alternatives as appropriate  
20 for the minor;

21 (b) Includes security measures sufficient to protect the  
22 patients, staff, and community; and

23 (c) Is certified as such by the department.

24 ~~((+34+))~~ (33) "Social worker" means a person with a master's or  
25 further advanced degree from a social work educational program  
26 accredited and approved as provided in RCW 18.320.010.

27 ~~((+35+))~~ (34) "Start of initial detention" means the time of  
28 arrival of the minor at the first evaluation and treatment facility,  
29 secure detoxification facility, or approved substance use disorder  
30 treatment program offering inpatient treatment if the minor is being  
31 involuntarily detained at the time. With regard to voluntary  
32 patients, "start of initial detention" means the time at which the  
33 minor gives notice of intent to leave under the provisions of this  
34 chapter.

35 ~~((+36+))~~ (35) "Substance use disorder" means a cluster of  
36 cognitive, behavioral, and physiological symptoms indicating that an  
37 individual continues using the substance despite significant  
38 substance-related problems. The diagnosis of a substance use disorder  
39 is based on a pathological pattern of behaviors related to the use of  
40 the substances.

1       (36) "Substance use disorder professional" means a person  
2 certified as a substance use disorder professional by the department  
3 of health under chapter 18.205 RCW.

4       **Sec. 20.** RCW 71.34.720 and 2016 sp.s. c 29 s 271 and 2016 c 155  
5 s 19 are each reenacted and amended to read as follows:

6       (1) Each minor approved by the facility for inpatient admission  
7 shall be examined and evaluated by a children's mental health  
8 specialist, for minors admitted as a result of a mental disorder, or  
9 by a (~~chemical dependency~~) substance use disorder professional, for  
10 minors admitted as a result of a substance use disorder, as to the  
11 child's mental condition and by a physician, physician assistant, or  
12 psychiatric advanced registered nurse practitioner as to the child's  
13 physical condition within twenty-four hours of admission. Reasonable  
14 measures shall be taken to ensure medical treatment is provided for  
15 any condition requiring immediate medical attention.

16       (2) If, after examination and evaluation, the children's mental  
17 health specialist or substance use disorder specialist and the  
18 physician, physician assistant, or psychiatric advanced registered  
19 nurse practitioner determine that the initial needs of the minor, if  
20 detained to an evaluation and treatment facility, would be better  
21 served by placement in a substance use disorder treatment  
22 (~~facility~~) program or, if detained to a secure detoxification  
23 facility or approved substance use disorder treatment program, would  
24 be better served in an evaluation and treatment facility, then the  
25 minor shall be referred to the more appropriate placement; however a  
26 minor may only be referred to a secure detoxification facility or  
27 approved substance use disorder treatment program if there is a  
28 secure detoxification facility or approved substance use disorder  
29 treatment program available and that has adequate space for the  
30 minor.

31       (3) The admitting facility shall take reasonable steps to notify  
32 immediately the minor's parent of the admission.

33       (4) During the initial seventy-two hour treatment period, the  
34 minor has a right to associate or receive communications from parents  
35 or others unless the professional person in charge determines that  
36 such communication would be seriously detrimental to the minor's  
37 condition or treatment and so indicates in the minor's clinical  
38 record, and notifies the minor's parents of this determination. In no  
39 event may the minor be denied the opportunity to consult an attorney.

1 (5) If the evaluation and treatment facility, secure  
2 detoxification facility, or approved substance use disorder treatment  
3 program admits the minor, it may detain the minor for evaluation and  
4 treatment for a period not to exceed seventy-two hours from the time  
5 of provisional acceptance. The computation of such seventy-two hour  
6 period shall exclude Saturdays, Sundays, and holidays. This initial  
7 treatment period shall not exceed seventy-two hours except when an  
8 application for voluntary inpatient treatment is received or a  
9 petition for fourteen-day commitment is filed.

10 (6) Within twelve hours of the admission, the facility shall  
11 advise the minor of his or her rights as set forth in this chapter.

12 **Sec. 21.** RCW 71.34.720 and 2016 sp.s. c 29 s 272 are each  
13 amended to read as follows:

14 (1) Each minor approved by the facility for inpatient admission  
15 shall be examined and evaluated by a children's mental health  
16 specialist, for minors admitted as a result of a mental disorder, or  
17 by a (~~chemical dependency~~) substance use disorder professional, for  
18 minors admitted as a result of a substance use disorder, as to the  
19 child's mental condition and by a physician, physician assistant, or  
20 psychiatric advanced registered nurse practitioner as to the child's  
21 physical condition within twenty-four hours of admission. Reasonable  
22 measures shall be taken to ensure medical treatment is provided for  
23 any condition requiring immediate medical attention.

24 (2) If, after examination and evaluation, the children's mental  
25 health specialist or substance use disorder specialist and the  
26 physician, physician assistant, or psychiatric advanced registered  
27 nurse practitioner determine that the initial needs of the minor, if  
28 detained to an evaluation and treatment facility, would be better  
29 served by placement in a substance use disorder treatment  
30 (~~facility~~) program or, if detained to a secure detoxification  
31 facility or approved substance use disorder treatment program, would  
32 be better served in an evaluation and treatment facility, then the  
33 minor shall be referred to the more appropriate placement.

34 (3) The admitting facility shall take reasonable steps to notify  
35 immediately the minor's parent of the admission.

36 (4) During the initial seventy-two hour treatment period, the  
37 minor has a right to associate or receive communications from parents  
38 or others unless the professional person in charge determines that  
39 such communication would be seriously detrimental to the minor's

1 condition or treatment and so indicates in the minor's clinical  
2 record, and notifies the minor's parents of this determination. In no  
3 event may the minor be denied the opportunity to consult an attorney.

4 (5) If the evaluation and treatment facility, secure  
5 detoxification facility, or approved substance use disorder treatment  
6 program admits the minor, it may detain the minor for evaluation and  
7 treatment for a period not to exceed seventy-two hours from the time  
8 of provisional acceptance. The computation of such seventy-two hour  
9 period shall exclude Saturdays, Sundays, and holidays. This initial  
10 treatment period shall not exceed seventy-two hours except when an  
11 application for voluntary inpatient treatment is received or a  
12 petition for fourteen-day commitment is filed.

13 (6) Within twelve hours of the admission, the facility shall  
14 advise the minor of his or her rights as set forth in this chapter.

15 **Sec. 22.** RCW 71.34.760 and 2016 sp.s. c 29 s 278 are each  
16 amended to read as follows:

17 (1) If a minor is committed for one hundred eighty-day inpatient  
18 treatment and is to be placed in a state-supported program, the  
19 secretary shall accept immediately and place the minor in a state-  
20 funded long-term evaluation and treatment facility or state-funded  
21 approved substance use disorder treatment program.

22 (2) The secretary's placement authority shall be exercised  
23 through a designated placement committee appointed by the secretary  
24 and composed of children's mental health specialists and (~~chemical~~  
25 ~~dependency~~) substance use disorder professionals, including at least  
26 one child psychiatrist who represents the state-funded, long-term,  
27 evaluation and treatment facility for minors and one (~~chemical~~  
28 ~~dependency~~) substance use disorder professional who represents the  
29 state-funded approved substance use disorder treatment program. The  
30 responsibility of the placement committee will be to:

31 (a) Make the long-term placement of the minor in the most  
32 appropriate, available state-funded evaluation and treatment facility  
33 or approved substance use disorder treatment program, having  
34 carefully considered factors including the treatment needs of the  
35 minor, the most appropriate facility able to respond to the minor's  
36 identified treatment needs, the geographic proximity of the facility  
37 to the minor's family, the immediate availability of bed space, and  
38 the probable impact of the placement on other residents of the  
39 facility;

1 (b) Approve or deny requests from treatment facilities for  
2 transfer of a minor to another facility;

3 (c) Receive and monitor reports required under this section;

4 (d) Receive and monitor reports of all discharges.

5 (3) The secretary may authorize transfer of minors among  
6 treatment facilities if the transfer is in the best interests of the  
7 minor or due to treatment priorities.

8 (4) The responsible state-funded evaluation and treatment  
9 facility or approved substance use disorder treatment program shall  
10 submit a report to the department's designated placement committee  
11 within ninety days of admission and no less than every one hundred  
12 eighty days thereafter, setting forth such facts as the department  
13 requires, including the minor's individual treatment plan and  
14 progress, recommendations for future treatment, and possible less  
15 restrictive treatment.

16 **Sec. 23.** RCW 18.205.080 and 1998 c 243 s 8 are each amended to  
17 read as follows:

18 (1) The secretary shall appoint a ((~~chemical-dependency~~))  
19 substance use disorder certification advisory committee to further  
20 the purposes of this chapter. The committee shall be composed of  
21 seven members, one member initially appointed for a term of one year,  
22 three for a term of two years, and three for a term of three years.  
23 Subsequent appointments shall be for terms of three years. No person  
24 may serve as a member of the committee for more than two consecutive  
25 terms. Members of the committee shall be residents of this state. The  
26 committee shall be composed of four certified ((~~chemical-dependency~~))  
27 substance use disorder professionals; one ((~~chemical-dependency~~))  
28 substance use disorder treatment program director; one physician  
29 licensed under chapter 18.71 or 18.57 RCW who is certified in  
30 addiction medicine or a licensed or certified mental health  
31 practitioner; and one member of the public who has received  
32 ((~~chemical-dependency~~)) substance use disorder counseling.

33 (2) The secretary may remove any member of the committee for  
34 cause as specified by rule. In the case of a vacancy, the secretary  
35 shall appoint a person to serve for the remainder of the unexpired  
36 term.

37 (3) The committee shall meet at the times and places designated  
38 by the secretary and shall hold meetings during the year as necessary  
39 to provide advice to the director. The committee may elect a chair

1 and a vice chair. A majority of the members currently serving shall  
2 constitute a quorum.

3 (4) Each member of the committee shall be reimbursed for travel  
4 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,  
5 members of the committee shall be compensated in accordance with RCW  
6 43.03.240 when engaged in the authorized business of the committee.

7 (5) The director of the (~~department of social and health~~  
8 ~~services division of alcohol and substance abuse or the director's~~)  
9 health care authority, or his or her designee, shall serve as an ex  
10 officio member of the committee.

11 (6) The secretary, members of the committee, or individuals  
12 acting on their behalf are immune from suit in any action, civil or  
13 criminal, based on any certification or disciplinary proceedings or  
14 other official acts performed in the course of their duties.

15 NEW SECTION. **Sec. 24.** Section 5 of this act takes effect only  
16 if neither Substitute House Bill No. 1388 (including any later  
17 amendments or substitutes) nor Substitute Senate Bill No. 5259  
18 (including any later amendments or substitutes) is signed into law by  
19 the governor by the effective date of this section.

20 NEW SECTION. **Sec. 25.** Section 23 of this act takes effect only  
21 if Substitute House Bill No. 1388 (including any later amendments or  
22 substitutes) or Substitute Senate Bill No. 5259 (including any later  
23 amendments or substitutes) is signed into law by the governor by the  
24 effective date of this section.

25 NEW SECTION. **Sec. 26.** (1) Sections 16, 18 through 20, and 22 of  
26 this act take effect April 1, 2018.

27 (2) Section 21 of this act takes effect July 1, 2026.

28 NEW SECTION. **Sec. 27.** (1) Sections 13 through 15 of this act  
29 expire April 1, 2018.

30 (2) Section 20 of this act expires July 1, 2026.

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