
SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1340

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, 18.205.080, 18.205.090, 18.205.095, 10.77.079, 13.40.020,
4 13.40.042, 18.130.040, 43.70.442, 43.70.442, 70.97.010, 70.97.030,
5 71.05.020, 71.34.720, 71.34.760, and 18.205.080; reenacting and
6 amending RCW 13.40.020, 71.34.020, and 71.34.720; providing effective
7 dates; providing contingent effective dates; and providing expiration
8 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 18.205.080 and 1998 c 243 s 8 are each amended to
16 read as follows:

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

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

36 (3) The committee shall meet at the times and places designated
37 by the secretary and shall hold meetings during the year as necessary
38 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 services
8 (~~(division of alcohol and substance abuse)~~) behavioral health
9 administration, or the director's 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 **Sec. 5.** RCW 18.205.090 and 2001 c 251 s 30 are each amended to
16 read as follows:

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

20 (a) Completion of an educational program approved by the
21 secretary or successful completion of alternate training that meets
22 established criteria;

23 (b) Successful completion of an approved examination, based on
24 core competencies of (~~chemical dependency~~) substance use disorder
25 counseling; and

26 (c) Successful completion of an experience requirement that
27 establishes fewer hours of experience for applicants with higher
28 levels of relevant education. In meeting any experience requirement
29 established under this subsection, the secretary may not require more
30 than one thousand five hundred hours of experience in (~~chemical~~
31 ~~dependency~~) substance use disorder counseling for applicants who are
32 licensed under chapter 18.83 RCW or under chapter 18.79 RCW as
33 advanced registered nurse practitioners.

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

36 (3) Applicants are subject to the grounds for denial of a
37 certificate or issuance of a conditional certificate under chapter
38 18.130 RCW.

1 (4) Certified (~~chemical dependency~~) substance use disorder
2 professionals shall not be required to be registered under chapter
3 18.19 RCW or licensed under chapter 18.225 RCW.

4 **Sec. 6.** RCW 18.205.095 and 2008 c 135 s 18 are each amended to
5 read as follows:

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

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

16 (3) A trainee certified under this section may practice only
17 under the supervision of a certified (~~chemical dependency~~)
18 substance use disorder professional. The first fifty hours of any
19 face-to-face client contact must be under direct observation. All
20 remaining experience must be under supervision in accordance with
21 rules adopted by the department.

22 (4) A certified (~~chemical dependency~~) substance use disorder
23 professional trainee provides (~~chemical dependency~~) substance use
24 disorder assessments, counseling, and case management with a state
25 regulated agency and can provide clinical services to patients
26 consistent with his or her education, training, and experience as
27 approved by his or her supervisor.

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

29 (6) Applicants are subject to denial of a certificate or issuance
30 of a conditional certificate for the reasons set forth in chapter
31 18.130 RCW.

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

34 (1) If the issue of competency to stand trial is raised by the
35 court or a party under RCW 10.77.060, the prosecutor may continue
36 with the competency process or dismiss the charges without prejudice
37 and refer the defendant for assessment by a mental health
38 professional, (~~chemical dependency~~) substance use disorder

1 professional, or developmental disabilities professional to determine
2 the appropriate service needs for the defendant.

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

7 **Sec. 8.** RCW 13.40.020 and 2016 c 136 s 2 and 2016 c 106 s 1 are
8 each reenacted and amended to read as follows:

9 For the purposes of this chapter:

10 (1) "Assessment" means an individualized examination of a child
11 to determine the child's psychosocial needs and problems, including
12 the type and extent of any mental health, substance abuse, or co-
13 occurring mental health and substance abuse disorders, and
14 recommendations for treatment. "Assessment" includes, but is not
15 limited to, drug and alcohol evaluations, psychological and
16 psychiatric evaluations, records review, clinical interview, and
17 administration of a formal test or instrument;

18 (2) "Community-based rehabilitation" means one or more of the
19 following: Employment; attendance of information classes; literacy
20 classes; counseling, outpatient substance abuse treatment programs,
21 outpatient mental health programs, anger management classes,
22 education or outpatient treatment programs to prevent animal cruelty,
23 or other services including, when appropriate, restorative justice
24 programs; or attendance at school or other educational programs
25 appropriate for the juvenile as determined by the school district.
26 Placement in community-based rehabilitation programs is subject to
27 available funds;

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

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

31 (b) Community restitution not to exceed one hundred fifty hours
32 of community restitution;

33 (4) "Community restitution" means compulsory service, without
34 compensation, performed for the benefit of the community by the
35 offender as punishment for committing an offense. Community
36 restitution may be performed through public or private organizations
37 or through work crews;

38 (5) "Community supervision" means an order of disposition by the
39 court of an adjudicated youth not committed to the department or an

1 order granting a deferred disposition. A community supervision order
2 for a single offense may be for a period of up to two years for a sex
3 offense as defined by RCW 9.94A.030 and up to one year for other
4 offenses. As a mandatory condition of any term of community
5 supervision, the court shall order the juvenile to refrain from
6 committing new offenses. As a mandatory condition of community
7 supervision, the court shall order the juvenile to comply with the
8 mandatory school attendance provisions of chapter 28A.225 RCW and to
9 inform the school of the existence of this requirement. Community
10 supervision is an individualized program comprised of one or more of
11 the following:

12 (a) Community-based sanctions;

13 (b) Community-based rehabilitation;

14 (c) Monitoring and reporting requirements;

15 (d) Posting of a probation bond;

16 (e) Residential treatment, where substance abuse, mental health,
17 and/or co-occurring disorders have been identified in an assessment
18 by a qualified mental health professional, psychologist,
19 psychiatrist, or ~~((chemical dependency))~~ substance use disorder
20 professional and a funded bed is available. If a child agrees to
21 voluntary placement in a state-funded long-term evaluation and
22 treatment facility, the case must follow the existing placement
23 procedure including consideration of less restrictive treatment
24 options and medical necessity.

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

27 (A) The referral is necessary to rehabilitate the child;

28 (B) The referral is necessary to protect the public or the child;

29 (C) The referral is in the child's best interest;

30 (D) The child has been given the opportunity to engage in less
31 restrictive treatment and has been unable or unwilling to comply; and

32 (E) Inpatient treatment is the least restrictive action
33 consistent with the child's needs and circumstances.

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

39 (6) "Confinement" means physical custody by the department of
40 social and health services in a facility operated by or pursuant to a

1 contract with the state, or physical custody in a detention facility
2 operated by or pursuant to a contract with any county. The county may
3 operate or contract with vendors to operate county detention
4 facilities. The department may operate or contract to operate
5 detention facilities for juveniles committed to the department.
6 Pretrial confinement or confinement of less than thirty-one days
7 imposed as part of a disposition or modification order may be served
8 consecutively or intermittently, in the discretion of the court;

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

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

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

18 (b) The criminal complaint was diverted by a prosecutor pursuant
19 to the provisions of this chapter on agreement of the respondent and
20 after an advisement to the respondent that the criminal complaint
21 would be considered as part of the respondent's criminal history. A
22 successfully completed deferred adjudication that was entered before
23 July 1, 1998, or a deferred disposition shall not be considered part
24 of the respondent's criminal history;

25 (9) "Department" means the department of social and health
26 services;

27 (10) "Detention facility" means a county facility, paid for by
28 the county, for the physical confinement of a juvenile alleged to
29 have committed an offense or an adjudicated offender subject to a
30 disposition or modification order. "Detention facility" includes
31 county group homes, inpatient substance abuse programs, juvenile
32 basic training camps, and electronic monitoring;

33 (11) "Diversion unit" means any probation counselor who enters
34 into a diversion agreement with an alleged youthful offender, or any
35 other person, community accountability board, youth court under the
36 supervision of the juvenile court, or other entity except a law
37 enforcement official or entity, with whom the juvenile court
38 administrator has contracted to arrange and supervise such agreements
39 pursuant to RCW 13.40.080, or any person, community accountability
40 board, or other entity specially funded by the legislature to arrange

1 and supervise diversion agreements in accordance with the
2 requirements of this chapter. For purposes of this subsection,
3 "community accountability board" means a board comprised of members
4 of the local community in which the juvenile offender resides. The
5 superior court shall appoint the members. The boards shall consist of
6 at least three and not more than seven members. If possible, the
7 board should include a variety of representatives from the community,
8 such as a law enforcement officer, teacher or school administrator,
9 high school student, parent, and business owner, and should represent
10 the cultural diversity of the local community;

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

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

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

21 (15) "Juvenile," "youth," and "child" mean any individual who is
22 under the chronological age of eighteen years and who has not been
23 previously transferred to adult court pursuant to RCW 13.40.110,
24 unless the individual was convicted of a lesser charge or acquitted
25 of the charge for which he or she was previously transferred pursuant
26 to RCW 13.40.110 or who is not otherwise under adult court
27 jurisdiction;

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

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

35 (18) "Local sanctions" means one or more of the following: (a)
36 0-30 days of confinement; (b) 0-12 months of community supervision;
37 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

38 (19) "Manifest injustice" means a disposition that would either
39 impose an excessive penalty on the juvenile or would impose a

1 serious, and clear danger to society in light of the purposes of this
2 chapter;

3 (20) "Monitoring and reporting requirements" means one or more of
4 the following: Curfews; requirements to remain at home, school, work,
5 or court-ordered treatment programs during specified hours;
6 restrictions from leaving or entering specified geographical areas;
7 requirements to report to the probation officer as directed and to
8 remain under the probation officer's supervision; and other
9 conditions or limitations as the court may require which may not
10 include confinement;

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

15 (22) "Physical restraint" means the use of any bodily force or
16 physical intervention to control a juvenile offender or limit a
17 juvenile offender's freedom of movement in a way that does not
18 involve a mechanical restraint. Physical restraint does not include
19 momentary periods of minimal physical restriction by direct person-
20 to-person contact, without the aid of mechanical restraint,
21 accomplished with limited force and designed to:

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

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

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

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

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

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

1 (26) "Restitution" means financial reimbursement by the offender
2 to the victim, and shall be limited to easily ascertainable damages
3 for injury to or loss of property, actual expenses incurred for
4 medical treatment for physical injury to persons, lost wages
5 resulting from physical injury, and costs of the victim's counseling
6 reasonably related to the offense. Restitution shall not include
7 reimbursement for damages for mental anguish, pain and suffering, or
8 other intangible losses. Nothing in this chapter shall limit or
9 replace civil remedies or defenses available to the victim or
10 offender;

11 (27) "Restorative justice" means practices, policies, and
12 programs informed by and sensitive to the needs of crime victims that
13 are designed to encourage offenders to accept responsibility for
14 repairing the harm caused by their offense by providing safe and
15 supportive opportunities for voluntary participation and
16 communication between the victim, the offender, their families, and
17 relevant community members;

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

20 (a) Physical restraint; or

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

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

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

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

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

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

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

9 (35) "Transportation" means the conveying, by any means, of an
10 incarcerated pregnant youth from the institution or detention
11 facility to another location from the moment she leaves the
12 institution or detention facility to the time of arrival at the other
13 location, and includes the escorting of the pregnant incarcerated
14 youth from the institution or detention facility to a transport
15 vehicle and from the vehicle to the other location;

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

19 (37) "Violent offense" means a violent offense as defined in RCW
20 9.94A.030;

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

23 **Sec. 9.** RCW 13.40.020 and 2017 3rd sp.s. c 6 s 605 are each
24 amended to read as follows:

25 For the purposes of this chapter:

26 (1) "Assessment" means an individualized examination of a child
27 to determine the child's psychosocial needs and problems, including
28 the type and extent of any mental health, substance abuse, or co-
29 occurring mental health and substance abuse disorders, and
30 recommendations for treatment. "Assessment" includes, but is not
31 limited to, drug and alcohol evaluations, psychological and
32 psychiatric evaluations, records review, clinical interview, and
33 administration of a formal test or instrument;

34 (2) "Community-based rehabilitation" means one or more of the
35 following: Employment; attendance of information classes; literacy
36 classes; counseling, outpatient substance abuse treatment programs,
37 outpatient mental health programs, anger management classes,
38 education or outpatient treatment programs to prevent animal cruelty,
39 or other services including, when appropriate, restorative justice

1 programs; or attendance at school or other educational programs
2 appropriate for the juvenile as determined by the school district.
3 Placement in community-based rehabilitation programs is subject to
4 available funds;

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

- 7 (a) A fine, not to exceed five hundred dollars;
- 8 (b) Community restitution not to exceed one hundred fifty hours
9 of community restitution;

10 (4) "Community restitution" means compulsory service, without
11 compensation, performed for the benefit of the community by the
12 offender as punishment for committing an offense. Community
13 restitution may be performed through public or private organizations
14 or through work crews;

15 (5) "Community supervision" means an order of disposition by the
16 court of an adjudicated youth not committed to the department or an
17 order granting a deferred disposition. A community supervision order
18 for a single offense may be for a period of up to two years for a sex
19 offense as defined by RCW 9.94A.030 and up to one year for other
20 offenses. As a mandatory condition of any term of community
21 supervision, the court shall order the juvenile to refrain from
22 committing new offenses. As a mandatory condition of community
23 supervision, the court shall order the juvenile to comply with the
24 mandatory school attendance provisions of chapter 28A.225 RCW and to
25 inform the school of the existence of this requirement. Community
26 supervision is an individualized program comprised of one or more of
27 the following:

- 28 (a) Community-based sanctions;
- 29 (b) Community-based rehabilitation;
- 30 (c) Monitoring and reporting requirements;
- 31 (d) Posting of a probation bond;
- 32 (e) Residential treatment, where substance abuse, mental health,
33 and/or co-occurring disorders have been identified in an assessment
34 by a qualified mental health professional, psychologist,
35 psychiatrist, or (~~chemical dependency~~) substance use disorder
36 professional and a funded bed is available. If a child agrees to
37 voluntary placement in a state-funded long-term evaluation and
38 treatment facility, the case must follow the existing placement
39 procedure including consideration of less restrictive treatment
40 options and medical necessity.

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

3 (A) The referral is necessary to rehabilitate the child;

4 (B) The referral is necessary to protect the public or the child;

5 (C) The referral is in the child's best interest;

6 (D) The child has been given the opportunity to engage in less
7 restrictive treatment and has been unable or unwilling to comply; and

8 (E) Inpatient treatment is the least restrictive action
9 consistent with the child's needs and circumstances.

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

15 (6) "Confinement" means physical custody by the department of
16 children, youth, and families in a facility operated by or pursuant
17 to a contract with the state, or physical custody in a detention
18 facility operated by or pursuant to a contract with any county. The
19 county may operate or contract with vendors to operate county
20 detention facilities. The department may operate or contract to
21 operate detention facilities for juveniles committed to the
22 department. Pretrial confinement or confinement of less than thirty-
23 one days imposed as part of a disposition or modification order may
24 be served consecutively or intermittently, in the discretion of the
25 court;

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

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

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

35 (b) The criminal complaint was diverted by a prosecutor pursuant
36 to the provisions of this chapter on agreement of the respondent and
37 after an advisement to the respondent that the criminal complaint
38 would be considered as part of the respondent's criminal history. A
39 successfully completed deferred adjudication that was entered before

1 July 1, 1998, or a deferred disposition shall not be considered part
2 of the respondent's criminal history;

3 (9) "Department" means the department of children, youth, and
4 families;

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

11 (11) "Diversion unit" means any probation counselor who enters
12 into a diversion agreement with an alleged youthful offender, or any
13 other person, community accountability board, youth court under the
14 supervision of the juvenile court, or other entity except a law
15 enforcement official or entity, with whom the juvenile court
16 administrator has contracted to arrange and supervise such agreements
17 pursuant to RCW 13.40.080, or any person, community accountability
18 board, or other entity specially funded by the legislature to arrange
19 and supervise diversion agreements in accordance with the
20 requirements of this chapter. For purposes of this subsection,
21 "community accountability board" means a board comprised of members
22 of the local community in which the juvenile offender resides. The
23 superior court shall appoint the members. The boards shall consist of
24 at least three and not more than seven members. If possible, the
25 board should include a variety of representatives from the community,
26 such as a law enforcement officer, teacher or school administrator,
27 high school student, parent, and business owner, and should represent
28 the cultural diversity of the local community;

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

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

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

39 (15) "Juvenile," "youth," and "child" mean any individual who is
40 under the chronological age of eighteen years and who has not been

1 previously transferred to adult court pursuant to RCW 13.40.110,
2 unless the individual was convicted of a lesser charge or acquitted
3 of the charge for which he or she was previously transferred pursuant
4 to RCW 13.40.110 or who is not otherwise under adult court
5 jurisdiction;

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

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

13 (18) "Local sanctions" means one or more of the following: (a)
14 0-30 days of confinement; (b) 0-12 months of community supervision;
15 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

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

20 (20) "Monitoring and reporting requirements" means one or more of
21 the following: Curfews; requirements to remain at home, school, work,
22 or court-ordered treatment programs during specified hours;
23 restrictions from leaving or entering specified geographical areas;
24 requirements to report to the probation officer as directed and to
25 remain under the probation officer's supervision; and other
26 conditions or limitations as the court may require which may not
27 include confinement;

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

32 (22) "Physical restraint" means the use of any bodily force or
33 physical intervention to control a juvenile offender or limit a
34 juvenile offender's freedom of movement in a way that does not
35 involve a mechanical restraint. Physical restraint does not include
36 momentary periods of minimal physical restriction by direct person-
37 to-person contact, without the aid of mechanical restraint,
38 accomplished with limited force and designed to:

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

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

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

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

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

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

18 (26) "Restitution" means financial reimbursement by the offender
19 to the victim, and shall be limited to easily ascertainable damages
20 for injury to or loss of property, actual expenses incurred for
21 medical treatment for physical injury to persons, lost wages
22 resulting from physical injury, and costs of the victim's counseling
23 reasonably related to the offense. Restitution shall not include
24 reimbursement for damages for mental anguish, pain and suffering, or
25 other intangible losses. Nothing in this chapter shall limit or
26 replace civil remedies or defenses available to the victim or
27 offender;

28 (27) "Restorative justice" means practices, policies, and
29 programs informed by and sensitive to the needs of crime victims that
30 are designed to encourage offenders to accept responsibility for
31 repairing the harm caused by their offense by providing safe and
32 supportive opportunities for voluntary participation and
33 communication between the victim, the offender, their families, and
34 relevant community members;

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

37 (a) Physical restraint; or

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

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

7 (30) "Secretary" means the secretary of the department;

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

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

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

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

22 (35) "Transportation" means the conveying, by any means, of an
23 incarcerated pregnant youth from the institution or detention
24 facility to another location from the moment she leaves the
25 institution or detention facility to the time of arrival at the other
26 location, and includes the escorting of the pregnant incarcerated
27 youth from the institution or detention facility to a transport
28 vehicle and from the vehicle to the other location;

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

32 (37) "Violent offense" means a violent offense as defined in RCW
33 9.94A.030;

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

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

38 (1) When a police officer has reasonable cause to believe that a
39 juvenile has committed acts constituting a nonfelony crime that is

1 not a serious offense as identified in RCW 10.77.092, and the officer
2 believes that the juvenile suffers from a mental disorder, and the
3 local prosecutor has entered into an agreement with law enforcement
4 regarding the detention of juveniles who may have a mental disorder
5 or may be suffering from chemical dependency, the arresting officer,
6 instead of taking the juvenile to the local juvenile detention
7 facility, may take the juvenile to:

8 (a) An evaluation and treatment facility as defined in RCW
9 71.34.020 if the juvenile suffers from a mental disorder and the
10 facility has been identified as an alternative location by agreement
11 of the prosecutor, law enforcement, and the mental health provider;

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

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

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

20 (3) If a juvenile is taken to any location described in
21 subsection (1)(a) or (b) of this section, the juvenile may be held
22 for up to twelve hours and must be examined by a mental health or
23 (~~chemical dependency~~) substance use disorder professional within
24 three hours of arrival.

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

27 **Sec. 11.** RCW 18.130.040 and 2017 c 336 s 18 are each amended to
28 read as follows:

29 (1) This chapter applies only to the secretary and the boards and
30 commissions having jurisdiction in relation to the professions
31 licensed under the chapters specified in this section. This chapter
32 does not apply to any business or profession not licensed under the
33 chapters specified in this section.

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

36 (i) Dispensing opticians licensed and designated apprentices
37 under chapter 18.34 RCW;

38 (ii) Midwives licensed under chapter 18.50 RCW;

39 (iii) Ocularists licensed under chapter 18.55 RCW;

1 (iv) Massage therapists and businesses licensed under chapter
2 18.108 RCW;

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

4 (vi) East Asian medicine practitioners licensed under chapter
5 18.06 RCW;

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

8 (viii) Respiratory care practitioners licensed under chapter
9 18.89 RCW;

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

12 (x) Persons licensed as mental health counselors, mental health
13 counselor associates, marriage and family therapists, marriage and
14 family therapist associates, social workers, social work associates—
15 advanced, and social work associates—independent clinical under
16 chapter 18.225 RCW;

17 (xi) Persons registered as nursing pool operators under chapter
18 18.52C RCW;

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

21 (xiii) Dietitians and nutritionists certified under chapter
22 18.138 RCW;

23 (xiv) ((~~Chemical—dependency~~)) Substance use disorder
24 professionals and ((~~chemical—dependency~~)) substance use disorder
25 professional trainees certified under chapter 18.205 RCW;

26 (xv) Sex offender treatment providers and certified affiliate sex
27 offender treatment providers certified under chapter 18.155 RCW;

28 (xvi) Persons licensed and certified under chapter 18.73 RCW or
29 RCW 18.71.205;

30 (xvii) Orthotists and prosthetists licensed under chapter 18.200
31 RCW;

32 (xviii) Surgical technologists registered under chapter 18.215
33 RCW;

34 (xix) Recreational therapists under chapter 18.230 RCW;

35 (xx) Animal massage therapists certified under chapter 18.240
36 RCW;

37 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

38 (xxii) Home care aides certified under chapter 18.88B RCW;

39 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

40 (xxiv) Reflexologists certified under chapter 18.108 RCW;

1 (xxv) Medical assistants-certified, medical assistants-
2 hemodialysis technician, medical assistants-phlebotomist, forensic
3 phlebotomist, and medical assistants-registered certified and
4 registered under chapter 18.360 RCW; and

5 (xxvi) Behavior analysts, assistant behavior analysts, and
6 behavior technicians under chapter 18.380 RCW.

7 (b) The boards and commissions having authority under this
8 chapter are as follows:

9 (i) The podiatric medical board as established in chapter 18.22
10 RCW;

11 (ii) The chiropractic quality assurance commission as established
12 in chapter 18.25 RCW;

13 (iii) The dental quality assurance commission as established in
14 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
15 licenses and registrations issued under chapter 18.260 RCW, and
16 certifications issued under chapter 18.350 RCW;

17 (iv) The board of hearing and speech as established in chapter
18 18.35 RCW;

19 (v) The board of examiners for nursing home administrators as
20 established in chapter 18.52 RCW;

21 (vi) The optometry board as established in chapter 18.54 RCW
22 governing licenses issued under chapter 18.53 RCW;

23 (vii) The board of osteopathic medicine and surgery as
24 established in chapter 18.57 RCW governing licenses issued under
25 chapters 18.57 and 18.57A RCW;

26 (viii) The pharmacy quality assurance commission as established
27 in chapter 18.64 RCW governing licenses issued under chapters 18.64
28 and 18.64A RCW;

29 (ix) The medical quality assurance commission as established in
30 chapter 18.71 RCW governing licenses and registrations issued under
31 chapters 18.71 and 18.71A RCW;

32 (x) The board of physical therapy as established in chapter 18.74
33 RCW;

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

36 (xii) The nursing care quality assurance commission as
37 established in chapter 18.79 RCW governing licenses and registrations
38 issued under that chapter;

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

1 (xiv) The veterinary board of governors as established in chapter
2 18.92 RCW;

3 (xv) The board of naturopathy established in chapter 18.36A RCW;
4 and

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

6 (3) In addition to the authority to discipline license holders,
7 the disciplining authority has the authority to grant or deny
8 licenses. The disciplining authority may also grant a license subject
9 to conditions.

10 (4) All disciplining authorities shall adopt procedures to ensure
11 substantially consistent application of this chapter, the uniform
12 disciplinary act, among the disciplining authorities listed in
13 subsection (2) of this section.

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

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

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

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

23 (iii) A marriage and family therapist licensed under chapter
24 18.225 RCW;

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

26 (v) An occupational therapy practitioner licensed under chapter
27 18.59 RCW;

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

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

31 (viii) A social worker associate—advanced or social worker
32 associate—independent clinical licensed under chapter 18.225 RCW.

33 (b) The requirements in (a) of this subsection apply to a person
34 holding a retired active license for one of the professions in (a) of
35 this subsection.

36 (c) The training required by this subsection must be at least six
37 hours in length, unless a disciplining authority has determined,
38 under subsection (10)(b) of this section, that training that includes
39 only screening and referral elements is appropriate for the

1 profession in question, in which case the training must be at least
2 three hours in length.

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

7 (2)(a) Except as provided in (b) of this subsection, a
8 professional listed in subsection (1)(a) of this section must
9 complete the first training required by this section by the end of
10 the first full continuing education reporting period after January 1,
11 2014, or during the first full continuing education reporting period
12 after initial licensure or certification, whichever occurs later.

13 (b) A professional listed in subsection (1)(a) of this section
14 applying for initial licensure may delay completion of the first
15 training required by this section for six years after initial
16 licensure if he or she can demonstrate successful completion of the
17 training required in subsection (1) of this section no more than six
18 years prior to the application for initial licensure.

19 (3) The hours spent completing training in suicide assessment,
20 treatment, and management under this section count toward meeting any
21 applicable continuing education or continuing competency requirements
22 for each profession.

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

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

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

- 36 (i) A chiropractor licensed under chapter 18.25 RCW;
- 37 (ii) A naturopath licensed under chapter 18.36A RCW;
- 38 (iii) A licensed practical nurse, registered nurse, or advanced
39 registered nurse practitioner, other than a certified registered
40 nurse anesthetist, licensed under chapter 18.79 RCW;

1 (iv) An osteopathic physician and surgeon licensed under chapter
2 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
3 and surgery license issued under RCW 18.57.035;

4 (v) An osteopathic physician assistant licensed under chapter
5 18.57A RCW;

6 (vi) A physical therapist or physical therapist assistant
7 licensed under chapter 18.74 RCW;

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

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

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

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

14 (b)(i) A professional listed in (a)(i) through (viii) of this
15 subsection or a person holding a retired active license for one of
16 the professions listed in (a)(i) through (viii) of this subsection
17 must complete the one-time training by the end of the first full
18 continuing education reporting period after January 1, 2016, or
19 during the first full continuing education reporting period after
20 initial licensure, whichever is later. Training completed between
21 June 12, 2014, and January 1, 2016, that meets the requirements of
22 this section, other than the timing requirements of this subsection
23 (5)(b), must be accepted by the disciplining authority as meeting the
24 one-time training requirement of this subsection (5).

25 (ii) A licensed pharmacist or a person holding a retired active
26 pharmacist license must complete the one-time training by the end of
27 the first full continuing education reporting period after January 1,
28 2017, or during the first full continuing education reporting period
29 after initial licensure, whichever is later.

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

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

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

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

6 (c) By June 30, 2016, the department shall adopt rules
7 establishing minimum standards for the training programs included on
8 the model list. The minimum standards must require that six-hour
9 trainings include content specific to veterans and the assessment of
10 issues related to imminent harm via lethal means or self-injurious
11 behaviors and that three-hour trainings for pharmacists include
12 content related to the assessment of issues related to imminent harm
13 via lethal means. When adopting the rules required under this
14 subsection (6)(c), the department shall:

15 (i) Consult with the affected disciplining authorities, public
16 and private institutions of higher education, educators, experts in
17 suicide assessment, treatment, and management, the Washington
18 department of veterans affairs, and affected professional
19 associations; and

20 (ii) Consider standards related to the best practices registry of
21 the American foundation for suicide prevention and the suicide
22 prevention resource center.

23 (d) Beginning January 1, 2017:

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

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

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

36 (7) The department shall provide the health profession training
37 standards created in this section to the professional educator
38 standards board as a model in meeting the requirements of RCW
39 28A.410.226 and provide technical assistance, as requested, in the
40 review and evaluation of educator training programs. The educator

1 training programs approved by the professional educator standards
2 board may be included in the department's model list.

3 (8) Nothing in this section may be interpreted to expand or limit
4 the scope of practice of any profession regulated under chapter
5 18.130 RCW.

6 (9) The secretary and the disciplining authorities affected by
7 this section shall adopt any rules necessary to implement this
8 section.

9 (10) For purposes of this section:

10 (a) "Disciplining authority" has the same meaning as in RCW
11 18.130.020.

12 (b) "Training in suicide assessment, treatment, and management"
13 means empirically supported training approved by the appropriate
14 disciplining authority that contains the following elements: Suicide
15 assessment, including screening and referral, suicide treatment, and
16 suicide management. However, the disciplining authority may approve
17 training that includes only screening and referral elements if
18 appropriate for the profession in question based on the profession's
19 scope of practice. The board of occupational therapy may also approve
20 training that includes only screening and referral elements if
21 appropriate for occupational therapy practitioners based on practice
22 setting.

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

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

38 **Sec. 13.** RCW 43.70.442 and 2017 c 262 s 4 are each amended to
39 read as follows:

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

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

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

8 (iii) A marriage and family therapist licensed under chapter
9 18.225 RCW;

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

11 (v) An occupational therapy practitioner licensed under chapter
12 18.59 RCW;

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

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

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

18 (b) The requirements in (a) of this subsection apply to a person
19 holding a retired active license for one of the professions in (a) of
20 this subsection.

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

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

31 (2)(a) Except as provided in (b) of this subsection, a
32 professional listed in subsection (1)(a) of this section must
33 complete the first training required by this section by the end of
34 the first full continuing education reporting period after January 1,
35 2014, or during the first full continuing education reporting period
36 after initial licensure or certification, whichever occurs later.

37 (b) A professional listed in subsection (1)(a) of this section
38 applying for initial licensure may delay completion of the first
39 training required by this section for six years after initial
40 licensure if he or she can demonstrate successful completion of the

1 training required in subsection (1) of this section no more than six
2 years prior to the application for initial licensure.

3 (3) The hours spent completing training in suicide assessment,
4 treatment, and management under this section count toward meeting any
5 applicable continuing education or continuing competency requirements
6 for each profession.

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

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

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

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

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

22 (iii) A licensed practical nurse, registered nurse, or advanced
23 registered nurse practitioner, other than a certified registered
24 nurse anesthetist, licensed under chapter 18.79 RCW;

25 (iv) An osteopathic physician and surgeon licensed under chapter
26 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
27 and surgery license issued under RCW 18.57.035;

28 (v) An osteopathic physician assistant licensed under chapter
29 18.57A RCW;

30 (vi) A physical therapist or physical therapist assistant
31 licensed under chapter 18.74 RCW;

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

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

35 (ix) A pharmacist licensed under chapter 18.64 RCW;

36 (x) A dentist licensed under chapter 18.32 RCW;

37 (xi) A dental hygienist licensed under chapter 18.29 RCW; and

38 (xii) A person holding a retired active license for one of the
39 professions listed in (a)(i) through (xi) of this subsection.

1 (b)(i) A professional listed in (a)(i) through (viii) of this
2 subsection or a person holding a retired active license for one of
3 the professions listed in (a)(i) through (viii) of this subsection
4 must complete the one-time training by the end of the first full
5 continuing education reporting period after January 1, 2016, or
6 during the first full continuing education reporting period after
7 initial licensure, whichever is later. Training completed between
8 June 12, 2014, and January 1, 2016, that meets the requirements of
9 this section, other than the timing requirements of this subsection
10 (5)(b), must be accepted by the disciplining authority as meeting the
11 one-time training requirement of this subsection (5).

12 (ii) A licensed pharmacist or a person holding a retired active
13 pharmacist license must complete the one-time training by the end of
14 the first full continuing education reporting period after January 1,
15 2017, or during the first full continuing education reporting period
16 after initial licensure, whichever is later.

17 (iii) A licensed dentist, a licensed dental hygienist, or a
18 person holding a retired active license as a dentist shall complete
19 the one-time training by the end of the full continuing education
20 reporting period after August 1, 2020, or during the first full
21 continuing education reporting period after initial licensure,
22 whichever is later. Training completed between July 23, 2017, and
23 August 1, 2020, that meets the requirements of this section, other
24 than the timing requirements of this subsection (5)(b)(iii), must be
25 accepted by the disciplining authority as meeting the one-time
26 training requirement of this subsection (5).

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

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

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

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

3 (c) By June 30, 2016, the department shall adopt rules
4 establishing minimum standards for the training programs included on
5 the model list. The minimum standards must require that six-hour
6 trainings include content specific to veterans and the assessment of
7 issues related to imminent harm via lethal means or self-injurious
8 behaviors and that three-hour trainings for pharmacists or dentists
9 include content related to the assessment of issues related to
10 imminent harm via lethal means. When adopting the rules required
11 under this subsection (6)(c), the department shall:

12 (i) Consult with the affected disciplining authorities, public
13 and private institutions of higher education, educators, experts in
14 suicide assessment, treatment, and management, the Washington
15 department of veterans affairs, and affected professional
16 associations; and

17 (ii) Consider standards related to the best practices registry of
18 the American foundation for suicide prevention and the suicide
19 prevention resource center.

20 (d) Beginning January 1, 2017:

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

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

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

33 (7) The department shall provide the health profession training
34 standards created in this section to the professional educator
35 standards board as a model in meeting the requirements of RCW
36 28A.410.226 and provide technical assistance, as requested, in the
37 review and evaluation of educator training programs. The educator
38 training programs approved by the professional educator standards
39 board may be included in the department's model list.

1 (8) Nothing in this section may be interpreted to expand or limit
2 the scope of practice of any profession regulated under chapter
3 18.130 RCW.

4 (9) The secretary and the disciplining authorities affected by
5 this section shall adopt any rules necessary to implement this
6 section.

7 (10) For purposes of this section:

8 (a) "Disciplining authority" has the same meaning as in RCW
9 18.130.020.

10 (b) "Training in suicide assessment, treatment, and management"
11 means empirically supported training approved by the appropriate
12 disciplining authority that contains the following elements: Suicide
13 assessment, including screening and referral, suicide treatment, and
14 suicide management. However, the disciplining authority may approve
15 training that includes only screening and referral elements if
16 appropriate for the profession in question based on the profession's
17 scope of practice. The board of occupational therapy may also approve
18 training that includes only screening and referral elements if
19 appropriate for occupational therapy practitioners based on practice
20 setting.

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

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

36 **Sec. 14.** RCW 70.97.010 and 2016 sp.s. c 29 s 419 are each
37 amended to read as follows:

38 The definitions in this section apply throughout this chapter
39 unless the context clearly requires otherwise.

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

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

8 (3) "Chemical dependency" means alcoholism, drug addiction, or
9 dependence on alcohol and one or more other psychoactive chemicals,
10 as the context requires and as those terms are defined in chapter
11 71.05 RCW.

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

15 ~~((5))~~ ((5)) "Commitment" means the determination by a court that an
16 individual should be detained for a period of either evaluation or
17 treatment, or both, in an inpatient or a less restrictive setting.

18 ~~((6))~~ ((6)) "Conditional release" means a modification of a
19 commitment that may be revoked upon violation of any of its terms.

20 ~~((7))~~ ((7)) "Custody" means involuntary detention under chapter
21 71.05 RCW, uninterrupted by any period of unconditional release from
22 commitment from a facility providing involuntary care and treatment.

23 ~~((8))~~ ((8)) "Department" means the department of social and
24 health services.

25 ~~((9))~~ ((9)) "Designated crisis responder" has the same meaning as
26 in chapter 71.05 RCW.

27 ~~((10))~~ ((10)) "Detention" or "detain" means the lawful confinement
28 of an individual under chapter 71.05 RCW.

29 ~~((11))~~ ((11)) "Discharge" means the termination of facility
30 authority. The commitment may remain in place, be terminated, or be
31 amended by court order.

32 ~~((12))~~ ((12)) "Enhanced services facility" means a facility that
33 provides treatment and services to persons for whom acute inpatient
34 treatment is not medically necessary and who have been determined by
35 the department to be inappropriate for placement in other licensed
36 facilities due to the complex needs that result in behavioral and
37 security issues.

38 ~~((13))~~ ((13)) "Expanded community services program" means a
39 nonsecure program of enhanced behavioral and residential support
40 provided to long-term and residential care providers serving

1 specifically eligible clients who would otherwise be at risk for
2 hospitalization at state hospital geriatric units.

3 ~~((14))~~ (13) "Facility" means an enhanced services facility.

4 ~~((15))~~ (14) "Gravely disabled" means a condition in which an
5 individual, as a result of a mental disorder, as a result of the use
6 of alcohol or other psychoactive chemicals, or both:

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

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

14 ~~((16))~~ (15) "History of one or more violent acts" refers to the
15 period of time ten years before the filing of a petition under this
16 chapter or chapter 71.05 RCW, excluding any time spent, but not any
17 violent acts committed, in a mental health facility or a long-term
18 alcoholism or drug treatment facility, or in confinement as a result
19 of a criminal conviction.

20 ~~((17))~~ (16) "Licensed physician" means a person licensed to
21 practice medicine or osteopathic medicine and surgery in the state of
22 Washington.

23 ~~((18))~~ (17) "Likelihood of serious harm" means:

24 (a) A substantial risk that:

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

28 (ii) Physical harm will be inflicted by an individual upon
29 another, as evidenced by behavior that has caused such harm or that
30 places another person or persons in reasonable fear of sustaining
31 such harm; or

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

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

37 ~~((19))~~ (18) "Mental disorder" means any organic, mental, or
38 emotional impairment that has substantial adverse effects on an
39 individual's cognitive or volitional functions.

1 ~~((+20+))~~ (19) "Mental health professional" means a psychiatrist,
2 psychologist, psychiatric nurse, or social worker, and such other
3 mental health professionals as may be defined by rules adopted by the
4 secretary under the authority of chapter 71.05 RCW.

5 ~~((+21+))~~ (20) "Professional person" means a mental health
6 professional and also means a physician, registered nurse, and such
7 others as may be defined in rules adopted by the secretary pursuant
8 to the provisions of this chapter.

9 ~~((+22+))~~ (21) "Psychiatrist" means a person having a license as a
10 physician and surgeon in this state who has in addition completed
11 three years of graduate training in psychiatry in a program approved
12 by the American medical association or the American osteopathic
13 association and is certified or eligible to be certified by the
14 American board of psychiatry and neurology.

15 ~~((+23+))~~ (22) "Psychologist" means a person who has been licensed
16 as a psychologist under chapter 18.83 RCW.

17 ~~((+24+))~~ (23) "Registration records" include all the records of
18 the department, behavioral health organizations, treatment
19 facilities, and other persons providing services to the department,
20 county departments, or facilities which identify individuals who are
21 receiving or who at any time have received services for mental
22 illness.

23 ~~((+25+))~~ (24) "Release" means legal termination of the commitment
24 under chapter 71.05 RCW.

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

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

29 ~~((+28+))~~ (27) "Significant change" means:

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

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

36 ~~((+29+))~~ (28) "Social worker" means a person with a master's or
37 further advanced degree from a social work educational program
38 accredited and approved as provided in RCW 18.320.010.

1 (29) "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 (30) "Treatment" means the broad range of emergency,
5 detoxification, residential, inpatient, and outpatient services and
6 care, including diagnostic evaluation, mental health or chemical
7 dependency education and counseling, medical, psychiatric,
8 psychological, and social service care, vocational rehabilitation,
9 and career counseling, which may be extended to persons with mental
10 disorders, chemical dependency disorders, or both, and their
11 families.

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

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

24 **Sec. 15.** RCW 70.97.030 and 2005 c 504 s 405 are each amended to
25 read as follows:

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

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

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

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

38 (a) Self-endangering behaviors that are frequent or difficult to
39 manage;

1 (b) Aggressive, threatening, or assaultive behaviors that create
2 a risk to the health or safety of other residents or staff, or a
3 significant risk to property and these behaviors are frequent or
4 difficult to manage;

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

6 (d) Complex medication needs and those needs include psychotropic
7 medications;

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

12 (f) A history of frequent or protracted mental health
13 hospitalizations;

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

16 **Sec. 16.** RCW 71.05.020 and 2017 3rd sp.s. c 14 s 14 are each
17 amended to read as follows:

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

20 (1) "Admission" or "admit" means a decision by a physician,
21 physician assistant, or psychiatric advanced registered nurse
22 practitioner that a person should be examined or treated as a patient
23 in a hospital;

24 (2) "Alcoholism" means a disease, characterized by a dependency
25 on alcoholic beverages, loss of control over the amount and
26 circumstances of use, symptoms of tolerance, physiological or
27 psychological withdrawal, or both, if use is reduced or discontinued,
28 and impairment of health or disruption of social or economic
29 functioning;

30 (3) "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 (4) "Approved substance use disorder treatment program" means a
35 program for persons with a substance use disorder provided by a
36 treatment program certified by the department as meeting standards
37 adopted under chapter 71.24 RCW;

1 (5) "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 (6) "Chemical dependency" means:

5 (a) Alcoholism;

6 (b) Drug addiction; or

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

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

18 ~~((10))~~ (9) "Crisis stabilization unit" means a short-term
19 facility or a portion of a facility licensed by the department of
20 health and certified by the department of social and health services
21 under RCW 71.24.035, such as an evaluation and treatment facility or
22 a hospital, which has been designed to assess, diagnose, and treat
23 individuals experiencing an acute crisis without the use of long-term
24 hospitalization;

25 ~~((11))~~ (10) "Custody" means involuntary detention under the
26 provisions of this chapter or chapter 10.77 RCW, uninterrupted by any
27 period of unconditional release from commitment from a facility
28 providing involuntary care and treatment;

29 ~~((12))~~ (11) "Department" means the department of social and
30 health services;

31 ~~((13))~~ (12) "Designated crisis responder" means a mental health
32 professional appointed by the behavioral health organization to
33 perform the duties specified in this chapter;

34 ~~((14))~~ (13) "Detention" or "detain" means the lawful
35 confinement of a person, under the provisions of this chapter;

36 ~~((15))~~ (14) "Developmental disabilities professional" means a
37 person who has specialized training and three years of experience in
38 directly treating or working with persons with developmental
39 disabilities and is a psychiatrist, physician assistant working with
40 a supervising psychiatrist, psychologist, psychiatric advanced

1 registered nurse practitioner, or social worker, and such other
2 developmental disabilities professionals as may be defined by rules
3 adopted by the secretary;

4 ~~((16))~~ (15) "Developmental disability" means that condition
5 defined in RCW 71A.10.020(5);

6 ~~((17))~~ (16) "Discharge" means the termination of hospital
7 medical authority. The commitment may remain in place, be terminated,
8 or be amended by court order;

9 ~~((18))~~ (17) "Drug addiction" means a disease, characterized by
10 a dependency on psychoactive chemicals, loss of control over the
11 amount and circumstances of use, symptoms of tolerance, physiological
12 or psychological withdrawal, or both, if use is reduced or
13 discontinued, and impairment of health or disruption of social or
14 economic functioning;

15 ~~((19))~~ (18) "Evaluation and treatment facility" means any
16 facility which can provide directly, or by direct arrangement with
17 other public or private agencies, emergency evaluation and treatment,
18 outpatient care, and timely and appropriate inpatient care to persons
19 suffering from a mental disorder, and which is certified as such by
20 the department. The department may certify single beds as temporary
21 evaluation and treatment beds under RCW 71.05.745. A physically
22 separate and separately operated portion of a state hospital may be
23 designated as an evaluation and treatment facility. A facility which
24 is part of, or operated by, the department or any federal agency will
25 not require certification. No correctional institution or facility,
26 or jail, shall be an evaluation and treatment facility within the
27 meaning of this chapter;

28 ~~((20))~~ (19) "Gravely disabled" means a condition in which a
29 person, as a result of a mental disorder, or as a result of the use
30 of alcohol or other psychoactive chemicals: (a) Is in danger of
31 serious physical harm resulting from a failure to provide for his or
32 her essential human needs of health or safety; or (b) manifests
33 severe deterioration in routine functioning evidenced by repeated and
34 escalating loss of cognitive or volitional control over his or her
35 actions and is not receiving such care as is essential for his or her
36 health or safety;

37 ~~((21))~~ (20) "Habilitative services" means those services
38 provided by program personnel to assist persons in acquiring and
39 maintaining life skills and in raising their levels of physical,
40 mental, social, and vocational functioning. Habilitative services

1 include education, training for employment, and therapy. The
2 habilitative process shall be undertaken with recognition of the risk
3 to the public safety presented by the person being assisted as
4 manifested by prior charged criminal conduct;

5 ~~((+22+))~~ (21) "History of one or more violent acts" refers to the
6 period of time ten years prior to the filing of a petition under this
7 chapter, excluding any time spent, but not any violent acts
8 committed, in a mental health facility, a long-term alcoholism or
9 drug treatment facility, or in confinement as a result of a criminal
10 conviction;

11 ~~((+23+))~~ (22) "Imminent" means the state or condition of being
12 likely to occur at any moment or near at hand, rather than distant or
13 remote;

14 ~~((+24+))~~ (23) "Individualized service plan" means a plan prepared
15 by a developmental disabilities professional with other professionals
16 as a team, for a person with developmental disabilities, which shall
17 state:

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

20 (b) The conditions and strategies necessary to achieve the
21 purposes of habilitation;

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

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

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

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

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

34 ~~((+25+))~~ (24) "Information related to mental health services"
35 means all information and records compiled, obtained, or maintained
36 in the course of providing services to either voluntary or
37 involuntary recipients of services by a mental health service
38 provider. This may include documents of legal proceedings under this
39 chapter or chapter 71.34 or 10.77 RCW, or somatic health care
40 information;

1 ~~((26))~~ (25) "Intoxicated person" means a person whose mental or
2 physical functioning is substantially impaired as a result of the use
3 of alcohol or other psychoactive chemicals;

4 ~~((27))~~ (26) "In need of assisted outpatient mental health
5 treatment" means that a person, as a result of a mental disorder: (a)
6 Has been committed by a court to detention for involuntary mental
7 health treatment at least twice during the preceding thirty-six
8 months, or, if the person is currently committed for involuntary
9 mental health treatment, the person has been committed to detention
10 for involuntary mental health treatment at least once during the
11 thirty-six months preceding the date of initial detention of the
12 current commitment cycle; (b) is unlikely to voluntarily participate
13 in outpatient treatment without an order for less restrictive
14 alternative treatment, in view of the person's treatment history or
15 current behavior; (c) is unlikely to survive safely in the community
16 without supervision; (d) is likely to benefit from less restrictive
17 alternative treatment; and (e) requires less restrictive alternative
18 treatment to prevent a relapse, decompensation, or deterioration that
19 is likely to result in the person presenting a likelihood of serious
20 harm or the person becoming gravely disabled within a reasonably
21 short period of time. For purposes of (a) of this subsection, time
22 spent in a mental health facility or in confinement as a result of a
23 criminal conviction is excluded from the thirty-six month
24 calculation;

25 ~~((28))~~ (27) "Judicial commitment" means a commitment by a court
26 pursuant to the provisions of this chapter;

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

31 ~~((30))~~ (29) "Less restrictive alternative treatment" means a
32 program of individualized treatment in a less restrictive setting
33 than inpatient treatment that includes the services described in RCW
34 71.05.585;

35 ~~((31))~~ (30) "Licensed physician" means a person licensed to
36 practice medicine or osteopathic medicine and surgery in the state of
37 Washington;

38 ~~((32))~~ (31) "Likelihood of serious harm" means:

39 (a) A substantial risk that: (i) Physical harm will be inflicted
40 by a person upon his or her own person, as evidenced by threats or

1 attempts to commit suicide or inflict physical harm on oneself; (ii)
2 physical harm will be inflicted by a person upon another, as
3 evidenced by behavior which has caused such harm or which places
4 another person or persons in reasonable fear of sustaining such harm;
5 or (iii) physical harm will be inflicted by a person upon the
6 property of others, as evidenced by behavior which has caused
7 substantial loss or damage to the property of others; or

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

10 ~~((+33+))~~ (32) "Medical clearance" means a physician or other
11 health care provider has determined that a person is medically stable
12 and ready for referral to the designated crisis responder;

13 ~~((+34+))~~ (33) "Mental disorder" means any organic, mental, or
14 emotional impairment which has substantial adverse effects on a
15 person's cognitive or volitional functions;

16 ~~((+35+))~~ (34) "Mental health professional" means a psychiatrist,
17 psychologist, physician assistant working with a supervising
18 psychiatrist, psychiatric advanced registered nurse practitioner,
19 psychiatric nurse, or social worker, and such other mental health
20 professionals as may be defined by rules adopted by the secretary
21 pursuant to the provisions of this chapter;

22 ~~((+36+))~~ (35) "Mental health service provider" means a public or
23 private agency that provides mental health services to persons with
24 mental disorders or substance use disorders as defined under this
25 section and receives funding from public sources. This includes, but
26 is not limited to, hospitals licensed under chapter 70.41 RCW,
27 evaluation and treatment facilities as defined in this section,
28 community mental health service delivery systems or behavioral health
29 programs as defined in RCW 71.24.025, facilities conducting
30 competency evaluations and restoration under chapter 10.77 RCW,
31 approved substance use disorder treatment programs as defined in this
32 section, secure detoxification facilities as defined in this section,
33 and correctional facilities operated by state and local governments;

34 ~~((+37+))~~ (36) "Peace officer" means a law enforcement official of
35 a public agency or governmental unit, and includes persons
36 specifically given peace officer powers by any state law, local
37 ordinance, or judicial order of appointment;

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

1 ~~((39))~~ (38) "Private agency" means any person, partnership,
2 corporation, or association that is not a public agency, whether or
3 not financed in whole or in part by public funds, which constitutes
4 an evaluation and treatment facility or private institution, or
5 hospital, or approved substance use disorder treatment program, which
6 is conducted for, or includes a department or ward conducted for, the
7 care and treatment of persons with mental illness, substance use
8 disorders, or both mental illness and substance use disorders;

9 ~~((40))~~ (39) "Professional person" means a mental health
10 professional, ~~((chemical—dependency))~~ substance use disorder
11 professional, or designated crisis responder and shall also mean a
12 physician, physician assistant, psychiatric advanced registered nurse
13 practitioner, registered nurse, and such others as may be defined by
14 rules adopted by the secretary pursuant to the provisions of this
15 chapter;

16 ~~((41))~~ (40) "Psychiatric advanced registered nurse
17 practitioner" means a person who is licensed as an advanced
18 registered nurse practitioner pursuant to chapter 18.79 RCW; and who
19 is board certified in advanced practice psychiatric and mental health
20 nursing;

21 ~~((42))~~ (41) "Psychiatrist" means a person having a license as a
22 physician and surgeon in this state who has in addition completed
23 three years of graduate training in psychiatry in a program approved
24 by the American medical association or the American osteopathic
25 association and is certified or eligible to be certified by the
26 American board of psychiatry and neurology;

27 ~~((43))~~ (42) "Psychologist" means a person who has been licensed
28 as a psychologist pursuant to chapter 18.83 RCW;

29 ~~((44))~~ (43) "Public agency" means any evaluation and treatment
30 facility or institution, secure detoxification facility, approved
31 substance use disorder treatment program, or hospital which is
32 conducted for, or includes a department or ward conducted for, the
33 care and treatment of persons with mental illness, substance use
34 disorders, or both mental illness and substance use disorders, if the
35 agency is operated directly by federal, state, county, or municipal
36 government, or a combination of such governments;

37 ~~((45))~~ (44) "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 persons who are

1 receiving or who at any time have received services for mental
2 illness or substance use disorders;

3 ~~((46))~~ (45) "Release" means legal termination of the commitment
4 under the provisions of this chapter;

5 ~~((47))~~ (46) "Resource management services" has the meaning
6 given in chapter 71.24 RCW;

7 ~~((48))~~ (47) "Secretary" means the secretary of the department
8 of social and health services, or his or her designee;

9 ~~((49))~~ (48) "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 persons:

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 individual;

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

26 ~~((51))~~ (50) "Social worker" means a person with a master's or
27 further advanced degree from a social work educational program
28 accredited and approved as provided in RCW 18.320.010;

29 ~~((52))~~ (51) "Substance use disorder" means a cluster of
30 cognitive, behavioral, and physiological symptoms indicating that an
31 individual continues using the substance despite significant
32 substance-related problems. The diagnosis of a substance use disorder
33 is based on a pathological pattern of behaviors related to the use of
34 the substances;

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

38 (53) "Therapeutic court personnel" means the staff of a mental
39 health court or other therapeutic court which has jurisdiction over
40 defendants who are dually diagnosed with mental disorders, including

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

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

16 (55) "Triage facility" means a short-term facility or a portion
17 of a facility licensed by the department of health and certified by
18 the department of social and health services under RCW 71.24.035,
19 which is designed as a facility to assess and stabilize an individual
20 or determine the need for involuntary commitment of an individual,
21 and must meet department of health residential treatment facility
22 standards. A triage facility may be structured as a voluntary or
23 involuntary placement facility;

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

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

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

31 (1) "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 (2) "Approved substance use disorder treatment program" means a
38 program for minors with substance use disorders provided by a

1 treatment program certified by the department as meeting standards
2 adopted under chapter 71.24 RCW.

3 (3) "Chemical dependency" means:

4 (a) Alcoholism;

5 (b) Drug addiction; or

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

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

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

16 ~~((6))~~ (5) "Children's mental health specialist" means:

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

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

24 ~~((7))~~ (6) "Commitment" means a determination by a judge or
25 court commissioner, made after a commitment hearing, that the minor
26 is in need of inpatient diagnosis, evaluation, or treatment or that
27 the minor is in need of less restrictive alternative treatment.

28 ~~((8))~~ (7) "Department" means the department of social and
29 health services.

30 ~~((9))~~ (8) "Designated crisis responder" means a person
31 designated by a behavioral health organization to perform the duties
32 specified in this chapter.

33 ~~((10))~~ (9) "Drug addiction" means a disease, characterized by a
34 dependency on psychoactive chemicals, loss of control over the amount
35 and circumstances of use, symptoms of tolerance, physiological or
36 psychological withdrawal, or both, if use is reduced or discontinued,
37 and impairment of health or disruption of social or economic
38 functioning.

39 ~~((11))~~ (10) "Evaluation and treatment facility" means a public
40 or private facility or unit that is certified by the department to

1 provide emergency, inpatient, residential, or outpatient mental
2 health evaluation and treatment services for minors. A physically
3 separate and separately-operated portion of a state hospital may be
4 designated as an evaluation and treatment facility for minors. A
5 facility which is part of or operated by the department or federal
6 agency does not require certification. No correctional institution or
7 facility, juvenile court detention facility, or jail may be an
8 evaluation and treatment facility within the meaning of this chapter.

9 ~~((12))~~ (11) "Evaluation and treatment program" means the total
10 system of services and facilities coordinated and approved by a
11 county or combination of counties for the evaluation and treatment of
12 minors under this chapter.

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

21 ~~((14))~~ (13) "Inpatient treatment" means twenty-four-hour-per-
22 day mental health care provided within a general hospital,
23 psychiatric hospital, residential treatment facility certified by the
24 department as an evaluation and treatment facility for minors, secure
25 detoxification facility for minors, or approved substance use
26 disorder treatment program for minors.

27 ~~((15))~~ (14) "Intoxicated minor" means a minor whose mental or
28 physical functioning is substantially impaired as a result of the use
29 of alcohol or other psychoactive chemicals.

30 ~~((16))~~ (15) "Less restrictive alternative" or "less restrictive
31 setting" means outpatient treatment provided to a minor who is not
32 residing in a facility providing inpatient treatment as defined in
33 this chapter.

34 ~~((17))~~ (16) "Likelihood of serious harm" means either: (a) A
35 substantial risk that physical harm will be inflicted by an
36 individual upon his or her own person, as evidenced by threats or
37 attempts to commit suicide or inflict physical harm on oneself; (b) a
38 substantial risk that physical harm will be inflicted by an
39 individual upon another, as evidenced by behavior which has caused
40 such harm or which places another person or persons in reasonable

1 fear of sustaining such harm; or (c) a substantial risk that physical
2 harm will be inflicted by an individual upon the property of others,
3 as evidenced by behavior which has caused substantial loss or damage
4 to the property of others.

5 ~~((+18+))~~ (17) "Medical necessity" for inpatient care means a
6 requested service which is reasonably calculated to: (a) Diagnose,
7 correct, cure, or alleviate a mental disorder or substance use
8 disorder; or (b) prevent the progression of a substance use disorder
9 that endangers life or causes suffering and pain, or results in
10 illness or infirmity or threatens to cause or aggravate a handicap,
11 or causes physical deformity or malfunction, and there is no adequate
12 less restrictive alternative available.

13 ~~((+19+))~~ (18) "Mental disorder" means any organic, mental, or
14 emotional impairment that has substantial adverse effects on an
15 individual's cognitive or volitional functions. The presence of
16 alcohol abuse, drug abuse, juvenile criminal history, antisocial
17 behavior, or intellectual disabilities alone is insufficient to
18 justify a finding of "mental disorder" within the meaning of this
19 section.

20 ~~((+20+))~~ (19) "Mental health professional" means a psychiatrist,
21 physician assistant working with a supervising 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 this chapter.

25 ~~((+21+))~~ (20) "Minor" means any person under the age of eighteen
26 years.

27 ~~((+22+))~~ (21) "Outpatient treatment" means any of the
28 nonresidential services mandated under chapter 71.24 RCW and provided
29 by licensed service providers as identified by RCW 71.24.025.

30 ~~((+23+))~~ (22) "Parent" means:

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

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

36 ~~((+24+))~~ (23) "Private agency" means any person, partnership,
37 corporation, or association that is not a public agency, whether or
38 not financed in whole or in part by public funds, that constitutes an
39 evaluation and treatment facility or private institution, or
40 hospital, or approved substance use disorder treatment program, that

1 is conducted for, or includes a department or ward conducted for, the
2 care and treatment of persons with mental illness, substance use
3 disorders, or both mental illness and substance use disorders.

4 ~~((+25+))~~ (24) "Physician assistant" means a person licensed as a
5 physician assistant under chapter 18.57A or 18.71A RCW.

6 ~~((+26+))~~ (25) "Professional person in charge" or "professional
7 person" means a physician, other mental health professional, or other
8 person empowered by an evaluation and treatment facility, secure
9 detoxification facility, or approved substance use disorder treatment
10 program with authority to make admission and discharge decisions on
11 behalf of that facility.

12 ~~((+27+))~~ (26) "Psychiatric nurse" means a registered nurse who
13 has a bachelor's degree from an accredited college or university, and
14 who has had, in addition, at least two years' experience in the
15 direct treatment of persons who have a mental illness or who are
16 emotionally disturbed, such experience gained under the supervision
17 of a mental health professional. "Psychiatric nurse" shall also mean
18 any other registered nurse who has three years of such experience.

19 ~~((+28+))~~ (27) "Psychiatrist" means a person having a license as a
20 physician in this state who has completed residency training in
21 psychiatry in a program approved by the American Medical Association
22 or the American Osteopathic Association, and is board eligible or
23 board certified in psychiatry.

24 ~~((+29+))~~ (28) "Psychologist" means a person licensed as a
25 psychologist under chapter 18.83 RCW.

26 ~~((+30+))~~ (29) "Public agency" means any evaluation and treatment
27 facility or institution, or hospital, or approved substance use
28 disorder treatment program that is conducted for, or includes a
29 department or ward conducted for, the care and treatment of persons
30 with mental illness, substance use disorders, or both mental illness
31 and substance use disorders if the agency is operated directly by
32 federal, state, county, or municipal government, or a combination of
33 such governments.

34 ~~((+31+))~~ (30) "Responsible other" means the minor, the minor's
35 parent or estate, or any other person legally responsible for support
36 of the minor.

37 ~~((+32+))~~ (31) "Secretary" means the secretary of the department
38 or secretary's designee.

1 (~~(33)~~) (32) "Secure detoxification facility" means a facility
2 operated by either a public or private agency or by the program of an
3 agency that:

4 (a) Provides for intoxicated minors:

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

7 (ii) Acute or subacute detoxification services; and

8 (iii) Discharge assistance provided by certified (~~(chemical~~
9 ~~dependency)~~) substance use disorder professionals, including
10 facilitating transitions to appropriate voluntary or involuntary
11 inpatient services or to less restrictive alternatives as appropriate
12 for the minor;

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

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

16 (~~(34)~~) (33) "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 (~~(35)~~) (34) "Start of initial detention" means the time of
20 arrival of the minor at the first evaluation and treatment facility,
21 secure detoxification facility, or approved substance use disorder
22 treatment program offering inpatient treatment if the minor is being
23 involuntarily detained at the time. With regard to voluntary
24 patients, "start of initial detention" means the time at which the
25 minor gives notice of intent to leave under the provisions of this
26 chapter.

27 (~~(36)~~) (35) "Substance use disorder" means a cluster of
28 cognitive, behavioral, and physiological symptoms indicating that an
29 individual continues using the substance despite significant
30 substance-related problems. The diagnosis of a substance use disorder
31 is based on a pathological pattern of behaviors related to the use of
32 the substances.

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

36 **Sec. 18.** RCW 71.34.720 and 2016 sp.s. c 29 s 271 and 2016 c 155
37 s 19 are each reenacted and amended to read as follows:

38 (1) Each minor approved by the facility for inpatient admission
39 shall be examined and evaluated by a children's mental health

1 specialist, for minors admitted as a result of a mental disorder, or
2 by a ((~~chemical dependency~~)) substance use disorder professional, for
3 minors admitted as a result of a substance use disorder, as to the
4 child's mental condition and by a physician, physician assistant, or
5 psychiatric advanced registered nurse practitioner as to the child's
6 physical condition within twenty-four hours of admission. Reasonable
7 measures shall be taken to ensure medical treatment is provided for
8 any condition requiring immediate medical attention.

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

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

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

33 (5) If the evaluation and treatment facility, secure
34 detoxification facility, or approved substance use disorder treatment
35 program admits the minor, it may detain the minor for evaluation and
36 treatment for a period not to exceed seventy-two hours from the time
37 of provisional acceptance. The computation of such seventy-two hour
38 period shall exclude Saturdays, Sundays, and holidays. This initial
39 treatment period shall not exceed seventy-two hours except when an

1 application for voluntary inpatient treatment is received or a
2 petition for fourteen-day commitment is filed.

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

5 **Sec. 19.** RCW 71.34.720 and 2016 sp.s. c 29 s 272 are each
6 amended to read as follows:

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

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

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

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

36 (5) If the evaluation and treatment facility, secure
37 detoxification facility, or approved substance use disorder treatment
38 program admits the minor, it may detain the minor for evaluation and
39 treatment for a period not to exceed seventy-two hours from the time

1 of provisional acceptance. The computation of such seventy-two hour
2 period shall exclude Saturdays, Sundays, and holidays. This initial
3 treatment period shall not exceed seventy-two hours except when an
4 application for voluntary inpatient treatment is received or a
5 petition for fourteen-day commitment is filed.

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

8 **Sec. 20.** RCW 71.34.760 and 2016 sp.s. c 29 s 278 are each
9 amended to read as follows:

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

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

24 (a) Make the long-term placement of the minor in the most
25 appropriate, available state-funded evaluation and treatment facility
26 or approved substance use disorder treatment program, having
27 carefully considered factors including the treatment needs of the
28 minor, the most appropriate facility able to respond to the minor's
29 identified treatment needs, the geographic proximity of the facility
30 to the minor's family, the immediate availability of bed space, and
31 the probable impact of the placement on other residents of the
32 facility;

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

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

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

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

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

9 **Sec. 21.** RCW 18.205.080 and 1998 c 243 s 8 are each amended to
10 read as follows:

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

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

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

35 (4) Each member of the committee shall be reimbursed for travel
36 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
37 members of the committee shall be compensated in accordance with RCW
38 43.03.240 when engaged in the authorized business of the committee.

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

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

9 NEW SECTION. Sec. 22. Section 4 of this act takes effect only
10 if neither Substitute House Bill No. 1388 (including any later
11 amendments or substitutes) nor Substitute Senate Bill No. 5259
12 (including any later amendments or substitutes) is signed into law by
13 the governor by the effective date of this section.

14 NEW SECTION. Sec. 23. Section 21 of this act takes effect only
15 if Substitute House Bill No. 1388 (including any later amendments or
16 substitutes) or Substitute Senate Bill No. 5259 (including any later
17 amendments or substitutes) is signed into law by the governor by the
18 effective date of this section.

19 NEW SECTION. Sec. 24. (1) Section 9 of this act takes effect
20 July 1, 2019.

21 (2) Section 13 of this act takes effect August 1, 2020.

22 (3) Section 19 of this act takes effect July 1, 2026.

23 NEW SECTION. Sec. 25. (1) Section 8 of this act expires July 1,
24 2019.

25 (2) Section 12 of this act expires August 1, 2020.

26 (3) Section 18 of this act expires July 1, 2026.

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