
HOUSE BILL 1972

State of Washington

65th Legislature

2017 Regular Session

By Representative Klippert

Read first time 02/06/17. Referred to Committee on Judiciary.

1 AN ACT Relating to the mental health evaluation and treatment of
2 individuals who threaten to murder a family member or other person
3 who resides with the individual; reenacting and amending RCW
4 71.05.020 and 71.05.020; providing an effective date; providing an
5 expiration date; and declaring an emergency.

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

7 **Sec. 1.** RCW 71.05.020 and 2016 c 155 s 1 are each reenacted and
8 amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (14) "Developmental disability" means that condition defined in
40 RCW 71A.10.020(5);

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

4 (16) "Evaluation and treatment facility" means any facility which
5 can provide directly, or by direct arrangement with other public or
6 private agencies, emergency evaluation and treatment, outpatient
7 care, and timely and appropriate inpatient care to persons suffering
8 from a mental disorder, and which is certified as such by the
9 department. The department may certify single beds as temporary
10 evaluation and treatment beds under RCW 71.05.745. A physically
11 separate and separately operated portion of a state hospital may be
12 designated as an evaluation and treatment facility. A facility which
13 is part of, or operated by, the department or any federal agency will
14 not require certification. No correctional institution or facility,
15 or jail, shall be an evaluation and treatment facility within the
16 meaning of this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (23) "Information related to mental health services" means all
4 information and records compiled, obtained, or maintained in the
5 course of providing services to either voluntary or involuntary
6 recipients of services by a mental health service provider. This may
7 include documents of legal proceedings under this chapter or chapter
8 71.34 or 10.77 RCW, or somatic health care information;

9 (24) "Judicial commitment" means a commitment by a court pursuant
10 to the provisions of this chapter;

11 (25) "Legal counsel" means attorneys and staff employed by county
12 prosecutor offices or the state attorney general acting in their
13 capacity as legal representatives of public mental health service
14 providers under RCW 71.05.130;

15 (26) "Less restrictive alternative treatment" means a program of
16 individualized treatment in a less restrictive setting than inpatient
17 treatment that includes the services described in RCW 71.05.585;

18 (27) "Likelihood of serious harm" means:

19 (a) A substantial risk that: (i) Physical harm will be inflicted
20 by a person upon his or her own person, as evidenced by threats or
21 attempts to commit suicide or inflict physical harm on oneself; (ii)
22 physical harm will be inflicted by a person upon another, as
23 evidenced by behavior which has caused such harm or which places
24 another person or persons in reasonable fear of sustaining such harm;
25 ~~((e))~~ (iii) physical harm will be inflicted by a person who has
26 threatened to murder a family member or other person who resides with
27 the person, the threat seriously alarms the family member or other
28 person, and the threat places the family member or other person in
29 reasonable fear the person will attempt to carry out the threat; or
30 (iv) physical harm will be inflicted by a person upon the property of
31 others, as evidenced by behavior which has caused substantial loss or
32 damage to the property of others; or

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

35 (28) "Medical clearance" means a physician or other health care
36 provider has determined that a person is medically stable and ready
37 for referral to the designated mental health professional;

38 (29) "Mental disorder" means any organic, mental, or emotional
39 impairment which has substantial adverse effects on a person's
40 cognitive or volitional functions;

1 (30) "Mental health professional" means a psychiatrist,
2 psychologist, physician assistant working with a supervising
3 psychiatrist, psychiatric advanced registered nurse practitioner,
4 psychiatric nurse, or social worker, and such other mental health
5 professionals as may be defined by rules adopted by the secretary
6 pursuant to the provisions of this chapter;

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

17 (32) "Peace officer" means a law enforcement official of a public
18 agency or governmental unit, and includes persons specifically given
19 peace officer powers by any state law, local ordinance, or judicial
20 order of appointment;

21 (33) "Physician assistant" means a person licensed as a physician
22 assistant under chapter 18.57A or 18.71A RCW;

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

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

34 (36) "Psychiatric advanced registered nurse practitioner" means a
35 person who is licensed as an advanced registered nurse practitioner
36 pursuant to chapter 18.79 RCW; and who is board certified in advanced
37 practice psychiatric and mental health nursing;

38 (37) "Psychiatrist" means a person having a license as a
39 physician and surgeon in this state who has in addition completed
40 three years of graduate training in psychiatry in a program approved

1 by the American medical association or the American osteopathic
2 association and is certified or eligible to be certified by the
3 American board of psychiatry and neurology;

4 (38) "Psychologist" means a person who has been licensed as a
5 psychologist pursuant to chapter 18.83 RCW;

6 (39) "Public agency" means any evaluation and treatment facility
7 or institution, or hospital which is conducted for, or includes a
8 department or ward conducted for, the care and treatment of persons
9 with mental illness, if the agency is operated directly by, federal,
10 state, county, or municipal government, or a combination of such
11 governments;

12 (40) "Registration records" include all the records of the
13 department, behavioral health organizations, treatment facilities,
14 and other persons providing services to the department, county
15 departments, or facilities which identify persons who are receiving
16 or who at any time have received services for mental illness;

17 (41) "Release" means legal termination of the commitment under
18 the provisions of this chapter;

19 (42) "Resource management services" has the meaning given in
20 chapter 71.24 RCW;

21 (43) "Secretary" means the secretary of the department of social
22 and health services, or his or her designee;

23 (44) "Serious violent offense" has the same meaning as provided
24 in RCW 9.94A.030;

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

28 (46) "Therapeutic court personnel" means the staff of a mental
29 health court or other therapeutic court which has jurisdiction over
30 defendants who are dually diagnosed with mental disorders, including
31 court personnel, probation officers, a court monitor, prosecuting
32 attorney, or defense counsel acting within the scope of therapeutic
33 court duties;

34 (47) "Treatment records" include registration and all other
35 records concerning persons who are receiving or who at any time have
36 received services for mental illness, which are maintained by the
37 department, by behavioral health organizations and their staffs, and
38 by treatment facilities. Treatment records include mental health
39 information contained in a medical bill including but not limited to
40 mental health drugs, a mental health diagnosis, provider name, and

1 dates of service stemming from a medical service. Treatment records
2 do not include notes or records maintained for personal use by a
3 person providing treatment services for the department, behavioral
4 health organizations, or a treatment facility if the notes or records
5 are not available to others;

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

14 (49) "Violent act" means behavior that resulted in homicide,
15 attempted suicide, nonfatal injuries, or substantial damage to
16 property.

17 **Sec. 2.** RCW 71.05.020 and 2016 1st sp.s. c 29 s 204 and 2016 c
18 155 s 1 are each reenacted and amended to read as follows:

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

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

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

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

35 (4) "Approved substance use disorder treatment program" means a
36 program for persons with a substance use disorder provided by a
37 treatment program certified by the department as meeting standards
38 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 (7) "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 person
13 should be detained for a period of either evaluation or treatment, or
14 both, in an inpatient or a less restrictive setting;

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

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

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

28 (12) "Department" means the department of social and health
29 services;

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

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

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

1 disabilities professionals as may be defined by rules adopted by the
2 secretary;

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

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

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

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

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

36 (21) "Habilitative services" means those services provided by
37 program personnel to assist persons in acquiring and maintaining life
38 skills and in raising their levels of physical, mental, social, and
39 vocational functioning. Habilitative services include education,
40 training for employment, and therapy. The habilitative process shall

1 be undertaken with recognition of the risk to the public safety
2 presented by the person being assisted as manifested by prior charged
3 criminal conduct;

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

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

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

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

18 (b) The conditions and strategies necessary to achieve the
19 purposes of habilitation;

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

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

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

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

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

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

38 (26) "Intoxicated person" means a person whose mental or physical
39 functioning is substantially impaired as a result of the use of
40 alcohol or other psychoactive chemicals;

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

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

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

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

31 (31) "Licensed physician" means a person licensed to practice
32 medicine or osteopathic medicine and surgery in the state of
33 Washington;

34 (32) "Likelihood of serious harm" means:

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

1 (~~(e)~~) (iii) physical harm will be inflicted by a person who has
2 threatened to murder a family member or other person who resides with
3 the person, the threat seriously alarms the family member or other
4 person, and the threat places the family member or other person in
5 reasonable fear the person will attempt to carry out the threat; or
6 (iv) physical harm will be inflicted by a person upon the property of
7 others, as evidenced by behavior which has caused substantial loss or
8 damage to the property of others; or

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

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

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

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

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

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

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

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

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

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

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

25 (43) "Psychologist" means a person who has been licensed as a
26 psychologist pursuant to chapter 18.83 RCW;

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

35 (45) "Registration records" include all the records of the
36 department, behavioral health organizations, treatment facilities,
37 and other persons providing services to the department, county
38 departments, or facilities which identify persons who are receiving
39 or who at any time have received services for mental illness or
40 substance use disorders;

1 (46) "Release" means legal termination of the commitment under
2 the provisions of this chapter;

3 (47) "Resource management services" has the meaning given in
4 chapter 71.24 RCW;

5 (48) "Secretary" means the secretary of the department of social
6 and health services, or his or her designee;

7 (49) "Secure detoxification facility" means a facility operated
8 by either a public or private agency or by the program of an agency
9 that:

10 (a) Provides for intoxicated persons:

11 (i) Evaluation and assessment, provided by certified chemical
12 dependency professionals;

13 (ii) Acute or subacute detoxification services; and

14 (iii) Discharge assistance provided by certified chemical
15 dependency professionals, including facilitating transitions to
16 appropriate voluntary or involuntary inpatient services or to less
17 restrictive alternatives as appropriate for the individual;

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

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

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

23 (51) "Social worker" means a person with a master's or further
24 advanced degree from a social work educational program accredited and
25 approved as provided in RCW 18.320.010;

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

32 (53) "Therapeutic court personnel" means the staff of a mental
33 health court or other therapeutic court which has jurisdiction over
34 defendants who are dually diagnosed with mental disorders, including
35 court personnel, probation officers, a court monitor, prosecuting
36 attorney, or defense counsel acting within the scope of therapeutic
37 court duties;

38 (54) "Treatment records" include registration and all other
39 records concerning persons who are receiving or who at any time have
40 received services for mental illness, which are maintained by the

1 department, by behavioral health organizations and their staffs, and
2 by treatment facilities. Treatment records include mental health
3 information contained in a medical bill including but not limited to
4 mental health drugs, a mental health diagnosis, provider name, and
5 dates of service stemming from a medical service. Treatment records
6 do not include notes or records maintained for personal use by a
7 person providing treatment services for the department, behavioral
8 health organizations, or a treatment facility if the notes or records
9 are not available to others;

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

18 (56) "Violent act" means behavior that resulted in homicide,
19 attempted suicide, nonfatal injuries, or substantial damage to
20 property.

21 NEW SECTION. **Sec. 3.** Section 2 of this act takes effect April
22 1, 2018.

23 NEW SECTION. **Sec. 4.** Section 1 of this act expires April 1,
24 2018.

25 NEW SECTION. **Sec. 5.** Section 1 of this act is necessary for the
26 immediate preservation of the public peace, health, or safety, or
27 support of the state government and its existing public institutions,
28 and takes effect immediately.

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