

---

**SUBSTITUTE SENATE BILL 5706**

---

**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate Human Services, Mental Health & Housing (originally sponsored by Senators Becker, Rivers, Bailey, Brown, O'Ban, Fortunato, and Warnick)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to parent-initiated behavioral health treatment  
2 for children aged thirteen to seventeen years old; amending RCW  
3 71.34.600, 71.34.600, 71.34.650, 71.34.650, 71.34.660, and 71.34.660;  
4 reenacting and amending RCW 71.34.020 and 71.34.020; adding a new  
5 section to chapter 71.34 RCW; providing an effective date; and  
6 providing an expiration date.

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

8 **Sec. 1.** RCW 71.34.020 and 2016 c 155 s 17 are each reenacted and  
9 amended to read as follows:

10 Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout this chapter.

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

17 (2) "Children's mental health specialist" means:

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

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

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

8 (4) "Department" means the department of social and health  
9 services.

10 (5) "Designated mental health professional" means a mental health  
11 professional designated by one or more counties to perform the  
12 functions of a designated mental health professional described in  
13 this chapter.

14 (6) "Evaluation and treatment facility" means a public or private  
15 facility or unit that is certified by the department to provide  
16 emergency, inpatient, residential, or outpatient mental health  
17 evaluation and treatment services for minors. A physically separate  
18 and separately-operated portion of a state hospital may be designated  
19 as an evaluation and treatment facility for minors. A facility which  
20 is part of or operated by the department or federal agency does not  
21 require certification. No correctional institution or facility,  
22 juvenile court detention facility, or jail may be an evaluation and  
23 treatment facility within the meaning of this chapter.

24 (7) "Evaluation and treatment program" means the total system of  
25 services and facilities coordinated and approved by a county or  
26 combination of counties for the evaluation and treatment of minors  
27 under this chapter.

28 (8) "Gravely disabled minor" means a minor who, as a result of a  
29 mental disorder, is in danger of serious physical harm resulting from  
30 a failure to provide for his or her essential human needs of health  
31 or safety, or manifests severe deterioration in routine functioning  
32 evidenced by repeated and escalating loss of cognitive or volitional  
33 control over his or her actions and is not receiving such care as is  
34 essential for his or her health or safety.

35 (9) "Inpatient treatment" means twenty-four-hour-per-day mental  
36 health care provided within a general hospital, psychiatric hospital,  
37 or residential treatment facility certified by the department as an  
38 evaluation and treatment facility for minors.

1 (10) "Less restrictive alternative" or "less restrictive setting"  
2 means outpatient treatment provided to a minor who is not residing in  
3 a facility providing inpatient treatment as defined in this chapter.

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

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

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

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

33 (15) "Minor" means any person under the age of eighteen years.

34 (16) "Outpatient treatment" means any of the nonresidential  
35 services mandated under chapter 71.24 RCW and provided by licensed  
36 services providers as identified by RCW 71.24.025.

37 (17) "Parent" means:

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

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

3 (18) "Personal representative" means the same as in the  
4 regulations implementing the federal health insurance portability and  
5 accountability act.

6 (19) "Physician assistant" means a person licensed as a physician  
7 assistant under chapter 18.57A or 18.71A RCW.

8 ((+19+)) (20) "Professional person in charge" or "professional  
9 person" means a physician or other mental health professional  
10 empowered by an evaluation and treatment facility with authority to  
11 make admission and discharge decisions on behalf of that facility.

12 ((+20+)) (21) "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 ((+21+)) (22) "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 ((+22+)) (23) "Psychologist" means a person licensed as a  
25 psychologist under chapter 18.83 RCW.

26 ((+23+)) (24) "Responsible other" means the minor, the minor's  
27 parent or estate, or any other person legally responsible for support  
28 of the minor.

29 ((+24+)) (25) "Secretary" means the secretary of the department  
30 or secretary's designee.

31 ((+25+)) (26) "Social worker" means a person with a master's or  
32 further advanced degree from a social work educational program  
33 accredited and approved as provided in RCW 18.320.010.

34 ((+26+)) (27) "Start of initial detention" means the time of  
35 arrival of the minor at the first evaluation and treatment facility  
36 offering inpatient treatment if the minor is being involuntarily  
37 detained at the time. With regard to voluntary patients, "start of  
38 initial detention" means the time at which the minor gives notice of  
39 intent to leave under the provisions of this chapter.

1       **Sec. 2.** RCW 71.34.020 and 2016 sp.s. c 29 s 254 and 2016 c 155 s  
2 17 are each reenacted and amended to read as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "Alcoholism" means a disease, characterized by a dependency  
6 on alcoholic beverages, loss of control over the amount and  
7 circumstances of use, symptoms of tolerance, physiological or  
8 psychological withdrawal, or both, if use is reduced or discontinued,  
9 and impairment of health or disruption of social or economic  
10 functioning.

11       (2) "Approved substance use disorder treatment program" means a  
12 program for minors with substance use disorders provided by a  
13 treatment program certified by the department as meeting standards  
14 adopted under chapter 71.24 RCW.

15       (3) "Chemical dependency" means:

16       (a) Alcoholism;

17       (b) Drug addiction; or

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

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

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

28       (6) "Children's mental health specialist" means:

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

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

36       (7) "Commitment" means a determination by a judge or court  
37 commissioner, made after a commitment hearing, that the minor is in  
38 need of inpatient diagnosis, evaluation, or treatment or that the  
39 minor is in need of less restrictive alternative treatment.

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

3 (9) "Designated crisis responder" means a person designated by a  
4 behavioral health organization to perform the duties specified in  
5 this chapter.

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

12 (11) "Evaluation and treatment facility" means a public or  
13 private facility or unit that is certified by the department to  
14 provide emergency, inpatient, residential, or outpatient mental  
15 health evaluation and treatment services for minors. A physically  
16 separate and separately-operated portion of a state hospital may be  
17 designated as an evaluation and treatment facility for minors. A  
18 facility which is part of or operated by the department or federal  
19 agency does not require certification. No correctional institution or  
20 facility, juvenile court detention facility, or jail may be an  
21 evaluation and treatment facility within the meaning of this chapter.

22 (12) "Evaluation and treatment program" means the total system of  
23 services and facilities coordinated and approved by a county or  
24 combination of counties for the evaluation and treatment of minors  
25 under this chapter.

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

34 (14) "Inpatient treatment" means twenty-four-hour-per-day mental  
35 health care provided within a general hospital, psychiatric hospital,  
36 residential treatment facility certified by the department as an  
37 evaluation and treatment facility for minors, secure detoxification  
38 facility for minors, or approved substance use disorder treatment  
39 program for minors.

1 (15) "Intoxicated minor" means a minor whose mental or physical  
2 functioning is substantially impaired as a result of the use of  
3 alcohol or other psychoactive chemicals.

4 (16) "Less restrictive alternative" or "less restrictive setting"  
5 means outpatient treatment provided to a minor who is not residing in  
6 a facility providing inpatient treatment as defined in this chapter.

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

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

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

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

37 (21) "Minor" means any person under the age of eighteen years.

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

1 (23) "Parent" means:  
2 (a) A biological or adoptive parent who has legal custody of the  
3 child, including either parent if custody is shared under a joint  
4 custody agreement; or  
5 (b) A person or agency judicially appointed as legal guardian or  
6 custodian of the child.

7 (24) "Personal representative" means the same as in the  
8 regulations implementing the federal health insurance portability and  
9 accountability act.

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

18 ((+25+)) (26) "Physician assistant" means a person licensed as a  
19 physician assistant under chapter 18.57A or 18.71A RCW.

20 ((+26+)) (27) "Professional person in charge" or "professional  
21 person" means a physician, other mental health professional, or other  
22 person empowered by an evaluation and treatment facility, secure  
23 detoxification facility, or approved substance use disorder treatment  
24 program with authority to make admission and discharge decisions on  
25 behalf of that facility.

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

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

38 ((+29+)) (30) "Psychologist" means a person licensed as a  
39 psychologist under chapter 18.83 RCW.



1        ~~((30))~~ (31) "Public agency" means any evaluation and treatment  
2 facility or institution, or hospital, or approved substance use  
3 disorder treatment program that is conducted for, or includes a  
4 department or ward conducted for, the care and treatment of persons  
5 with mental illness, substance use disorders, or both mental illness  
6 and substance use disorders if the agency is operated directly by  
7 federal, state, county, or municipal government, or a combination of  
8 such governments.

9        ~~((31))~~ (32) "Responsible other" means the minor, the minor's  
10 parent or estate, or any other person legally responsible for support  
11 of the minor.

12        ~~((32))~~ (33) "Secretary" means the secretary of the department  
13 or secretary's designee.

14        ~~((33))~~ (34) "Secure detoxification facility" means a facility  
15 operated by either a public or private agency or by the program of an  
16 agency that:

17        (a) Provides for intoxicated minors:

18        (i) Evaluation and assessment, provided by certified chemical  
19 dependency professionals;

20        (ii) Acute or subacute detoxification services; and

21        (iii) Discharge assistance provided by certified chemical  
22 dependency professionals, including facilitating transitions to  
23 appropriate voluntary or involuntary inpatient services or to less  
24 restrictive alternatives as appropriate for the minor;

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

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

28        ~~((34))~~ (35) "Social worker" means a person with a master's or  
29 further advanced degree from a social work educational program  
30 accredited and approved as provided in RCW 18.320.010.

31        ~~((35))~~ (36) "Start of initial detention" means the time of  
32 arrival of the minor at the first evaluation and treatment facility,  
33 secure detoxification facility, or approved substance use disorder  
34 treatment program offering inpatient treatment if the minor is being  
35 involuntarily detained at the time. With regard to voluntary  
36 patients, "start of initial detention" means the time at which the  
37 minor gives notice of intent to leave under the provisions of this  
38 chapter.

39        ~~((36))~~ (37) "Substance use disorder" means a cluster of  
40 cognitive, behavioral, and physiological symptoms indicating that an

1 individual continues using the substance despite significant  
2 substance-related problems. The diagnosis of a substance use disorder  
3 is based on a pathological pattern of behaviors related to the use of  
4 the substances.

5 **Sec. 3.** RCW 71.34.600 and 2007 c 375 s 11 are each amended to  
6 read as follows:

7 (1) A parent may bring, or authorize the bringing of, his or her  
8 minor child to an evaluation and treatment facility or an inpatient  
9 facility licensed under chapter 70.41, 71.12, or 72.23 RCW and  
10 request that the professional person examine the minor to determine  
11 whether the minor has a mental disorder and is in need of inpatient  
12 treatment.

13 (2) The consent of the minor is not required for admission,  
14 evaluation, and treatment if the parent brings the minor to the  
15 facility.

16 (3) An appropriately trained professional person may evaluate  
17 whether the minor has a mental disorder. The evaluation shall be  
18 completed within twenty-four hours of the time the minor was brought  
19 to the facility, unless the professional person determines that the  
20 condition of the minor necessitates additional time for evaluation.  
21 In no event shall a minor be held longer than seventy-two hours for  
22 evaluation. If, in the judgment of the professional person, it is  
23 determined it is a medical necessity for the minor to receive  
24 inpatient treatment, the minor may be held for treatment. The  
25 facility shall limit treatment to that which the professional person  
26 determines is medically necessary to stabilize the minor's condition  
27 until the evaluation has been completed. The parent shall be  
28 considered the personal representative of the child except as  
29 provided under section 9 of this act. Within twenty-four hours of  
30 completion of the evaluation, the professional person shall notify  
31 the department if the child is held for treatment and of the date of  
32 admission.

33 (4) No provider is obligated to provide treatment to a minor  
34 under the provisions of this section except that no provider may  
35 refuse to treat a minor under the provisions of this section solely  
36 on the basis that the minor has not consented to the treatment. No  
37 provider may admit a minor to treatment under this section unless it  
38 is medically necessary.

1 (5) No minor receiving inpatient treatment under this section may  
2 be discharged from the facility based solely on his or her request.

3 (6) Prior to the review conducted under RCW 71.34.610, the  
4 professional person shall notify the minor of his or her right to  
5 petition superior court for release from the facility.

6 (7) For the purposes of this section "professional person" means  
7 "professional person" as defined in RCW 71.05.020.

8 **Sec. 4.** RCW 71.34.600 and 2016 sp.s. c 29 s 263 are each amended  
9 to read as follows:

10 (1) A parent may bring, or authorize the bringing of, his or her  
11 minor child to:

12 (a) An evaluation and treatment facility or an inpatient facility  
13 licensed under chapter 70.41, 71.12, or 72.23 RCW and request that  
14 the professional person examine the minor to determine whether the  
15 minor has a mental disorder and is in need of inpatient treatment; or

16 (b) A secure detoxification facility or approved substance use  
17 disorder treatment program and request that a substance use disorder  
18 assessment be conducted by a professional person to determine whether  
19 the minor has a substance use disorder and is in need of inpatient  
20 treatment.

21 (2) The consent of the minor is not required for admission,  
22 evaluation, and treatment if the parent brings the minor to the  
23 facility.

24 (3) An appropriately trained professional person may evaluate  
25 whether the minor has a mental disorder or has a substance use  
26 disorder. The evaluation shall be completed within twenty-four hours  
27 of the time the minor was brought to the facility, unless the  
28 professional person determines that the condition of the minor  
29 necessitates additional time for evaluation. In no event shall a  
30 minor be held longer than seventy-two hours for evaluation. If, in  
31 the judgment of the professional person, it is determined it is a  
32 medical necessity for the minor to receive inpatient treatment, the  
33 minor may be held for treatment. The facility shall limit treatment  
34 to that which the professional person determines is medically  
35 necessary to stabilize the minor's condition until the evaluation has  
36 been completed. The parent shall be considered the personal  
37 representative of the child except as provided under section 9 of  
38 this act. Within twenty-four hours of completion of the evaluation,

1 the professional person shall notify the department if the child is  
2 held for treatment and of the date of admission.

3 (4) No provider is obligated to provide treatment to a minor  
4 under the provisions of this section except that no provider may  
5 refuse to treat a minor under the provisions of this section solely  
6 on the basis that the minor has not consented to the treatment. No  
7 provider may admit a minor to treatment under this section unless it  
8 is medically necessary.

9 (5) No minor receiving inpatient treatment under this section may  
10 be discharged from the facility based solely on his or her request.

11 (6) Prior to the review conducted under RCW 71.34.610, the  
12 professional person shall notify the minor of his or her right to  
13 petition superior court for release from the facility.

14 (7) For the purposes of this section "professional person" means  
15 "professional person" as defined in RCW 71.05.020.

16 **Sec. 5.** RCW 71.34.650 and 1998 c 296 s 18 are each amended to  
17 read as follows:

18 (1) A parent may bring, or authorize the bringing of, his or her  
19 minor child to a provider of outpatient mental health treatment and  
20 request that an appropriately trained professional person examine the  
21 minor to determine whether the minor has a mental disorder and is in  
22 need of outpatient treatment. If, in the judgment of the provider, it  
23 is determined that it is a medical necessity for the minor to receive  
24 outpatient treatment, the parent shall be considered the personal  
25 representative for the minor except as provided under section 9 of  
26 this act, and the provider shall collaborate with the parent to  
27 determine a course of treatment for the minor.

28 (2) The consent of the minor is not required for evaluation if  
29 the parent brings the minor to the provider.

30 (3) The professional person may evaluate whether the minor has a  
31 mental disorder and is in need of outpatient treatment.

32 (4) Any minor admitted to inpatient treatment under RCW 71.34.500  
33 or 71.34.600 shall be discharged immediately from inpatient treatment  
34 upon written request of the parent.

35 **Sec. 6.** RCW 71.34.650 and 2016 sp.s. c 29 s 265 are each amended  
36 to read as follows:

37 (1) A parent may bring, or authorize the bringing of, his or her  
38 minor child to(+

1       ~~(a) A))~~ either a provider of outpatient mental health treatment  
2 or a provider of outpatient substance abuse disorder treatment and  
3 request that an appropriately trained professional person examine the  
4 minor to determine whether the minor (~~(has a mental disorder and)~~) is  
5 in need of outpatient treatment(~~(or~~

6       ~~(b) A provider of outpatient substance use disorder treatment and~~  
7 ~~request that an appropriately trained professional person examine the~~  
8 ~~minor to determine whether the minor has a substance use disorder and~~  
9 ~~is in need of outpatient treatment)).~~ If, in the judgment of the  
10 provider, it is determined that it is a medical necessity for the  
11 minor to receive outpatient treatment, the parent shall be considered  
12 the personal representative for the minor except as provided under  
13 section 9 of this act, and the provider shall collaborate with the  
14 parent to determine a course of treatment for the minor.

15       (2) The consent of the minor is not required for evaluation if  
16 the parent brings the minor to the provider.

17       (3) The professional person may evaluate whether the minor has a  
18 mental disorder or substance use disorder and is in need of  
19 outpatient treatment.

20       (4) Any minor admitted to inpatient treatment under RCW 71.34.500  
21 or 71.34.600 shall be discharged immediately from inpatient treatment  
22 upon written request of the parent.

23       **Sec. 7.** RCW 71.34.660 and 2005 c 371 s 3 are each amended to  
24 read as follows:

25       (1) A minor child shall have no cause of action against an  
26 evaluation and treatment facility, inpatient facility, or provider of  
27 outpatient mental health treatment for admitting or accepting the  
28 minor in good faith for evaluation or treatment under RCW 71.34.600  
29 or 71.34.650 based solely upon the fact that the minor did not  
30 consent to evaluation or treatment if the minor's parent has  
31 consented to the evaluation or treatment.

32       (2) A provider shall not be liable for communications with the  
33 parent of a minor evaluated under RCW 71.34.600 or 71.34.650 related  
34 to the exchange of information or treatment discussions permitted  
35 under section 9 of this act.

36       **Sec. 8.** RCW 71.34.660 and 2016 sp.s. c 29 s 266 are each amended  
37 to read as follows:

1       (1) A minor child shall have no cause of action against an  
2 evaluation and treatment facility, secure detoxification facility,  
3 approved substance use disorder treatment program, inpatient  
4 facility, or provider of outpatient mental health treatment or  
5 outpatient substance use disorder treatment for admitting or  
6 accepting the minor in good faith for evaluation or treatment under  
7 RCW 71.34.600 or 71.34.650 based solely upon the fact that the minor  
8 did not consent to evaluation or treatment if the minor's parent has  
9 consented to the evaluation or treatment.

10       (2) A provider shall not be liable for communications with the  
11 parent of a minor evaluated under RCW 71.34.600 or 71.34.650 related  
12 to the exchange of information or treatment discussions permitted  
13 under section 9 of this act.

14       NEW SECTION.   **Sec. 9.** A new section is added to chapter 71.34  
15 RCW to read as follows:

16       During the evaluation of a minor at the request of a parent under  
17 RCW 71.34.600 or 71.34.650 and during the course of medically  
18 necessary treatment commenced pursuant to this evaluation, the parent  
19 shall be considered the personal representative of the minor for the  
20 purpose of transmission of medical information, making treatment  
21 decisions, and reviewing the compliance of the minor with treatment  
22 recommendations. RCW 71.34.500 through 71.34.530 are suspended for  
23 the limited purpose of this evaluation and course of follow-up  
24 treatment, unless the parent agrees to a confidential relationship  
25 between the child and the health care provider, or the receipt of new  
26 information or a material change in circumstances causes the provider  
27 to reevaluate the medical necessity for treatment under RCW 71.34.600  
28 or 71.34.650. Nothing in this section requires a health care provider  
29 to enter into a treatment relationship or make disclosures which  
30 would, in the judgment of the provider, place the child at risk of  
31 harm. The obligation to share treatment information with a parent  
32 under this section shall not include a right of access to  
33 psychotherapy notes as defined under the federal health insurance  
34 portability and accountability act. This section does not authorize  
35 disclosure to the parent of information relating to the substance use  
36 disorder treatment of a child to the extent that this disclosure is  
37 prohibited under federal law. Disclosure of substance use disorder  
38 treatment information to the parent in the role of personal

1 representative is permitted consistent with the other provisions of  
2 this section if federal law changes in this area.

3 NEW SECTION. **Sec. 10.** Sections 1, 3, 5, and 7 of this act  
4 expire April 1, 2018.

5 NEW SECTION. **Sec. 11.** Sections 2, 4, 6, and 8 of this act take  
6 effect April 1, 2018.

--- END ---