

SHB 1826 - S COMM AMD

By Subcommittee on Behavioral Health

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 71.05.365 and 2016 sp.s. c 37 s 15 are each amended
4 to read as follows:

5 (1) When a person has been involuntarily committed for treatment
6 to a hospital for a period of ninety or one hundred eighty days, and
7 the superintendent or professional person in charge of the hospital
8 determines that the person no longer requires active psychiatric
9 treatment at an inpatient level of care, the behavioral health
10 organization, full integration entity under RCW 71.24.380, or agency
11 providing oversight of long-term care or developmental disability
12 services that is responsible for resource management services for the
13 person must work with the hospital to develop an individualized
14 discharge plan and arrange for a transition to the community in
15 accordance with the person's individualized discharge plan within
16 fourteen days of the determination.

17 (2) When this determination is made, the superintendent or
18 professional person in charge of the hospital shall disclose to the
19 behavioral health organization, full integration entity under RCW
20 71.24.380, managed care organization, administrative services
21 organization, or agency providing oversight of long-term care or
22 developmental disability services that is responsible for resource
23 management services for the person, any publicly accessible forensic
24 reports and relevant details of a person's criminal history for: (a)
25 A person who has a history of one or more violent acts as defined in
26 RCW 71.05.020; (b) a person committed under grounds set forth in RCW
27 71.05.280(3) where the charge underlying the finding of incompetence
28 is for a felony classified as violent under RCW 9.94A.030; or (c) a
29 person who has been convicted of a serious violent offense as defined
30 in RCW 9.94A.030 or a sex offense as defined in RCW 9.94A.030.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.05
2 RCW to read as follows:
3 Any information or records received by a law enforcement entity
4 or prosecuting attorney's office under this chapter shall remain
5 confidential and subject to the limitations on disclosure set forth
6 in this chapter and chapter 70.02 RCW. The misuse or unauthorized
7 disclosure of information or records by any person, law enforcement
8 entity or prosecuting attorney's office, or other person with whom
9 information is shared pursuant to RCW 70.02.260, shall subject the
10 person, entity or office with which the person is associated, or
11 both, to a civil penalty of five thousand dollars and other
12 applicable civil remedies or sanctions under state and federal law. A
13 suit to enforce this section shall be brought by the attorney
14 general. All penalties recovered shall be paid into the state
15 treasury and credited to the general fund. The attorney general may
16 recover reasonable attorneys' fees for any action brought to enforce
17 this section."

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18 On page 1, line 2 of the title, after "process;" strike the
19 remainder of the title and insert "amending RCW 71.05.365; adding a
20 new section to chapter 71.05 RCW; and prescribing penalties."

EFFECT: This amendment makes technical amendments to clarify the timing of the information disclosure and to avoid conflict with the behavioral health integration bill (E2SSB 5432).

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