
Civil Rights & Judiciary Committee

HB 1678

Brief Description: Allowing involuntary treatment act evaluations by video.

Sponsors: Representatives Irwin, Jenkins and Goodman.

Brief Summary of Bill

- Defines "video," under the Involuntary Treatment Act (ITA), as the delivery of health care services through the use of interactive audio and visual technology permitting real-time communication between a person and a designated crisis responder (DCR) for the purpose of evaluation, with certain exceptions.
- Provides that a DCR may perform ITA evaluations by video.

Hearing Date: 2/8/19

Staff: Ingrid Lewis (786-7289).

Background:

The Involuntary Treatment Act (ITA) sets forth the procedures, rights, and requirements for involuntary behavioral health treatment of adults. A person may be committed by a court for involuntary behavioral health treatment if he or she, due to a mental health or substance use disorder, poses a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient behavioral health treatment. A designated crisis responder (DCR) is a mental health professional responsible for investigating and determining whether a person may be in need of involuntary treatment. If the DCR finds a basis for commitment, the DCR may detain the person for up to 72-hours, excluding weekends and holidays, to an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment facility. Designated crisis responders are designated by a county, entity appointed by a county, or the behavioral health organization in a region.

Under the ITA a DCR is responsible for conducting an evaluation and investigation based on relevant, credible, and timely information to determine if:

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- there is evidence that a referred person may suffer from a mental disorder or substance use disorder;
- there is evidence that the person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm to themselves, other people, other's property, or the referred person may be gravely disabled; and
- the referred person refuses to seek appropriate treatment options, and no less restrictive alternative is available.

An evaluation and investigation must occur before a petition for detention is filed.

Evaluation Timeframes.

When a person is held for initial evaluation in an emergency room and refuses voluntary treatment, a DCR must detain the person to an appropriate facility or release the person within six hours of a referral for evaluation, not counting the time period prior to medical clearance.

When a person is taken to a crisis stabilization unit, evaluation and treatment facility, emergency department, triage facility, secure detoxification facility, or approved substance use disorder treatment program by law enforcement, a mental health professional must examine the person within three hours of arrival at the facility, and a DCR must determine within 12 hours of a referral for evaluation whether detention is warranted.

Summary of Bill:

A designated crisis responder (DCR) may conduct evaluations under the involuntary treatment act by video provided that a licensed health care professional who can adequately and accurately assist with obtaining any necessary information is available at the time of the evaluation.

"Video" is defined as the delivery of health care services through the use of interactive audio and visual technology permitting real-time communication between a person and a DCR for the purpose of evaluation. The term does not include the use of audio-only telephone, facsimile, electronic mail, or store and forward technology. "Store and forward technology" is defined as the use of an asynchronous transmission of a person's medical information from a mental health service provider to a DCR, which results in medical diagnosis, consultation, or treatment.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.