

# FINAL BILL REPORT

## ESHB 2099

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**C 5 L 20**  
Synopsis as Enacted

**Brief Description:** Concerning the use of video technology under the involuntary treatment act.

**Sponsors:** House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Irwin and Jinkins).

**House Committee on Civil Rights & Judiciary**

**Senate Committee on Health & Long Term Care**

**Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care**

### **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. Designated crisis responders are designated by a county, entity appointed by a county, or the behavioral health organization in a region.

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.

When a person is taken by law enforcement to a crisis stabilization unit, evaluation and treatment facility, emergency department, triage facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, a DCR must determine within 12 hours of a referral for evaluation whether detention is warranted.

Prior to filing a petition for detention, a DCR must personally interview the person, unless the person refuses the interview, to determine if detention is appropriate. The DCR must also determine whether the person will voluntarily seek treatment and if there is a less restrictive alternative to detention. 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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary:**

A designated crisis responder (DCR) may conduct evaluations under the Involuntary Treatment Act (ITA) by video, provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person 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 designated crisis responder (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.

**Votes on Final Passage:**

House	96	0	
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** June 11, 2020  
July 1, 2026 (Sections 3 and 5)