
ENGROSSED SUBSTITUTE HOUSE BILL 1768

State of Washington 66th Legislature 2019 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Davis, Macri, Jenkins, Ormsby, Slatter, and Tharinger)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to modernizing substance use disorder
2 professional practice; amending RCW 18.205.010, 18.205.020,
3 18.205.030, 18.205.080, 18.205.090, 18.205.095, 10.77.079, 13.40.020,
4 13.40.042, 18.130.040, 43.70.442, 43.70.442, 70.97.010, 70.97.030,
5 71.34.020, 71.34.720, 71.34.720, 71.34.760, 18.130.175, and
6 43.43.842; reenacting and amending RCW 71.05.020; providing effective
7 dates; and providing expiration dates.

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

9 **Sec. 1.** RCW 18.205.010 and 1998 c 243 s 1 are each amended to
10 read as follows:

11 The legislature recognizes (~~chemical dependency~~) substance use
12 disorder professionals as discrete health professionals. (~~Chemical~~
13 ~~dependency~~) Substance use disorder professional certification serves
14 the public interest.

15 **Sec. 2.** RCW 18.205.020 and 2008 c 135 s 15 are each amended to
16 read as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

1 (1) "Certification" means a voluntary process recognizing an
2 individual who qualifies by examination and meets established
3 educational prerequisites, and which protects the title of practice.

4 ~~(2) ("Certified chemical dependency professional" means an~~
5 ~~individual certified in chemical dependency counseling, under this~~
6 ~~chapter.~~

7 ~~(3) "Certified chemical dependency professional trainee" means an~~
8 ~~individual working toward the education and experience requirements~~
9 ~~for certification as a chemical dependency professional.~~

10 ~~(4) "Chemical dependency counseling" means employing the core~~
11 ~~competencies of chemical dependency counseling to assist or attempt~~
12 ~~to assist an alcohol or drug addicted person to develop and maintain~~
13 ~~abstinence from alcohol and other mood-altering drugs.~~

14 ~~(5)) "Committee" means the ((chemical dependency)) substance use~~
15 ~~disorder professional certification advisory committee established~~
16 ~~under this chapter.~~

17 ~~((+6)) (3) "Core competencies of ((chemical—dependency))~~
18 ~~substance use disorder counseling" means competency in the nationally~~
19 ~~recognized knowledge, skills, and attitudes of professional practice,~~
20 ~~including assessment and diagnosis of ((chemical—dependency))~~
21 ~~substance use disorders, ((chemical—dependency)) substance use~~
22 ~~disorder treatment planning and referral, patient and family~~
23 ~~education in the disease of ((chemical—dependency)) substance use~~
24 ~~disorders, individual and group counseling ((with alcoholic and drug~~
25 ~~addicted individuals)), relapse prevention counseling, and case~~
26 ~~management, all oriented to assist ((alcoholic and drug addicted~~
27 ~~patients to achieve and maintain abstinence from mood-altering~~
28 ~~substances and develop independent support systems)) individuals with~~
29 ~~substance use disorder in their recovery.~~

30 ~~((+7)) (4) "Department" means the department of health.~~

31 ~~((+8)) (5) "Health profession" means a profession providing~~
32 ~~health services regulated under the laws of this state.~~

33 ~~((+9)) (6) "Recovery" means a process of change through which~~
34 ~~individuals improve their health and wellness, live self-directed~~
35 ~~lives, and strive to reach their full potential. Recovery often~~
36 ~~involves achieving remission from active substance use disorder.~~

37 ~~(7) "Secretary" means the secretary of health or the secretary's~~
38 ~~designee.~~

39 ~~(8) "Substance use disorder counseling" means employing the core~~
40 ~~competencies of substance use disorder counseling to assist or~~

1 attempt to assist individuals with substance use disorder in their
2 recovery.

3 (9) "Substance use disorder professional" means an individual
4 certified in substance use disorder counseling under this chapter.

5 (10) "Substance use disorder professional trainee" means an
6 individual working toward the education and experience requirements
7 for certification as a substance use disorder professional.

8 **Sec. 3.** RCW 18.205.030 and 2008 c 135 s 16 are each amended to
9 read as follows:

10 No person may represent oneself as a certified (~~chemical~~
11 ~~dependency~~) substance use disorder professional or certified
12 (~~chemical~~~~dependency~~) substance use disorder professional trainee
13 or use any title or description of services of a certified (~~chemical~~
14 ~~dependency~~) substance use disorder professional or certified
15 (~~chemical~~~~dependency~~) substance use disorder professional trainee
16 without applying for certification, meeting the required
17 qualifications, and being certified by the department of health,
18 unless otherwise exempted by this chapter.

19 **Sec. 4.** RCW 18.205.080 and 2018 c 201 s 9007 are each amended to
20 read as follows:

21 (1) The secretary shall appoint a (~~chemical~~~~dependency~~)
22 substance use disorder certification advisory committee to further
23 the purposes of this chapter. The committee shall be composed of
24 seven members, one member initially appointed for a term of one year,
25 three for a term of two years, and three for a term of three years.
26 Subsequent appointments shall be for terms of three years. No person
27 may serve as a member of the committee for more than two consecutive
28 terms. Members of the committee shall be residents of this state. The
29 committee shall be composed of four certified (~~chemical~~~~dependency~~)
30 substance use disorder professionals; one (~~chemical~~~~dependency~~)
31 substance use disorder treatment program director; one physician
32 licensed under chapter 18.71 or 18.57 RCW who is certified in
33 addiction medicine or a licensed or certified mental health
34 practitioner; and one member of the public who has received
35 (~~chemical~~~~dependency~~) substance use disorder counseling.

36 (2) The secretary may remove any member of the committee for
37 cause as specified by rule. In the case of a vacancy, the secretary

1 shall appoint a person to serve for the remainder of the unexpired
2 term.

3 (3) The committee shall meet at the times and places designated
4 by the secretary and shall hold meetings during the year as necessary
5 to provide advice to the director. The committee may elect a chair
6 and a vice chair. A majority of the members currently serving shall
7 constitute a quorum.

8 (4) Each member of the committee shall be reimbursed for travel
9 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
10 members of the committee shall be compensated in accordance with RCW
11 43.03.240 when engaged in the authorized business of the committee.

12 (5) The director of the health care authority, or his or her
13 designee, shall serve as an ex officio member of the committee.

14 (6) The secretary, members of the committee, or individuals
15 acting on their behalf are immune from suit in any action, civil or
16 criminal, based on any certification or disciplinary proceedings or
17 other official acts performed in the course of their duties.

18 **Sec. 5.** RCW 18.205.090 and 2001 c 251 s 30 are each amended to
19 read as follows:

20 (1) The secretary shall issue a certificate to any applicant who
21 demonstrates to the secretary's satisfaction that the following
22 requirements have been met:

23 (a) Completion of an educational program approved by the
24 secretary or successful completion of alternate training that meets
25 established criteria;

26 (b) Successful completion of an approved examination, based on
27 core competencies of (~~chemical dependency~~) substance use disorder
28 counseling; and

29 (c) Successful completion of an experience requirement that
30 establishes fewer hours of experience for applicants with higher
31 levels of relevant education. In meeting any experience requirement
32 established under this subsection, the secretary may not require more
33 than one thousand five hundred hours of experience in (~~chemical~~
34 ~~dependency~~) substance use disorder counseling for applicants who are
35 licensed under chapter 18.83 RCW or under chapter 18.79 RCW as
36 advanced registered nurse practitioners.

37 (2) The secretary shall establish by rule what constitutes
38 adequate proof of meeting the criteria.

1 (3) Applicants are subject to the grounds for denial of a
2 certificate or issuance of a conditional certificate under chapter
3 18.130 RCW.

4 (4) Certified (~~(chemical dependency)~~) substance use disorder
5 professionals shall not be required to be registered under chapter
6 18.19 RCW or licensed under chapter 18.225 RCW.

7 (5) As of the effective date of this section, a person certified
8 under this chapter holding the title of chemical dependency
9 professional is considered to hold the title of substance use
10 disorder professional until such time as the person's present
11 certification expires or is renewed.

12 **Sec. 6.** RCW 18.205.095 and 2008 c 135 s 18 are each amended to
13 read as follows:

14 (1) The secretary shall issue a trainee certificate to any
15 applicant who demonstrates to the satisfaction of the secretary that
16 he or she is working toward the education and experience requirements
17 in RCW 18.205.090.

18 (2) A trainee certified under this section shall submit to the
19 secretary for approval a declaration, in accordance with rules
20 adopted by the department, that he or she is enrolled in an approved
21 education program and actively pursuing the experience requirements
22 in RCW 18.205.090. This declaration must be updated with the
23 trainee's annual renewal.

24 (3) A trainee certified under this section may practice only
25 under the supervision of a certified (~~(chemical dependency)~~)
26 substance use disorder professional. The first fifty hours of any
27 face-to-face client contact must be under direct observation. All
28 remaining experience must be under supervision in accordance with
29 rules adopted by the department.

30 (4) A certified (~~(chemical dependency)~~) substance use disorder
31 professional trainee provides (~~(chemical dependency)~~) substance use
32 disorder assessments, counseling, and case management with a state
33 regulated agency and can provide clinical services to patients
34 consistent with his or her education, training, and experience as
35 approved by his or her supervisor.

36 (5) A trainee certification may only be renewed four times.

37 (6) Applicants are subject to denial of a certificate or issuance
38 of a conditional certificate for the reasons set forth in chapter
39 18.130 RCW.

1 (7) As of the effective date of this section, a person certified
2 under this chapter holding the title of chemical dependency
3 professional trainee is considered to hold the title of substance use
4 disorder professional trainee until such time as the person's present
5 certification expires or is renewed.

6 **Sec. 7.** RCW 10.77.079 and 2015 1st sp.s. c 7 s 9 are each
7 amended to read as follows:

8 (1) If the issue of competency to stand trial is raised by the
9 court or a party under RCW 10.77.060, the prosecutor may continue
10 with the competency process or dismiss the charges without prejudice
11 and refer the defendant for assessment by a mental health
12 professional, (~~chemical dependency~~) substance use disorder
13 professional, or developmental disabilities professional to determine
14 the appropriate service needs for the defendant.

15 (2) This section does not apply to defendants with a current
16 charge or prior conviction for a violent offense or sex offense as
17 defined in RCW 9.94A.030, or a violation of RCW 9A.36.031(1) (d),
18 (f), or (h).

19 **Sec. 8.** RCW 13.40.020 and 2018 c 82 s 3 are each amended to read
20 as follows:

21 For the purposes of this chapter:

22 (1) "Assessment" means an individualized examination of a child
23 to determine the child's psychosocial needs and problems, including
24 the type and extent of any mental health, substance abuse, or co-
25 occurring mental health and substance abuse disorders, and
26 recommendations for treatment. "Assessment" includes, but is not
27 limited to, drug and alcohol evaluations, psychological and
28 psychiatric evaluations, records review, clinical interview, and
29 administration of a formal test or instrument;

30 (2) "Community-based rehabilitation" means one or more of the
31 following: Employment; attendance of information classes; literacy
32 classes; counseling, outpatient substance abuse treatment programs,
33 outpatient mental health programs, anger management classes,
34 education or outpatient treatment programs to prevent animal cruelty,
35 or other services including, when appropriate, restorative justice
36 programs; or attendance at school or other educational programs
37 appropriate for the juvenile as determined by the school district.

1 Placement in community-based rehabilitation programs is subject to
2 available funds;

3 (3) "Community-based sanctions" may include one or more of the
4 following:

5 (a) A fine, not to exceed five hundred dollars;

6 (b) Community restitution not to exceed one hundred fifty hours
7 of community restitution;

8 (4) "Community restitution" means compulsory service, without
9 compensation, performed for the benefit of the community by the
10 offender as punishment for committing an offense. Community
11 restitution may be performed through public or private organizations
12 or through work crews;

13 (5) "Community supervision" means an order of disposition by the
14 court of an adjudicated youth not committed to the department or an
15 order granting a deferred disposition. A community supervision order
16 for a single offense may be for a period of up to two years for a sex
17 offense as defined by RCW 9.94A.030 and up to one year for other
18 offenses. As a mandatory condition of any term of community
19 supervision, the court shall order the juvenile to refrain from
20 committing new offenses. As a mandatory condition of community
21 supervision, the court shall order the juvenile to comply with the
22 mandatory school attendance provisions of chapter 28A.225 RCW and to
23 inform the school of the existence of this requirement. Community
24 supervision is an individualized program comprised of one or more of
25 the following:

26 (a) Community-based sanctions;

27 (b) Community-based rehabilitation;

28 (c) Monitoring and reporting requirements;

29 (d) Posting of a probation bond;

30 (e) Residential treatment, where substance abuse, mental health,
31 and/or co-occurring disorders have been identified in an assessment
32 by a qualified mental health professional, psychologist,
33 psychiatrist, or (~~chemical dependency~~) substance use disorder
34 professional and a funded bed is available. If a child agrees to
35 voluntary placement in a state-funded long-term evaluation and
36 treatment facility, the case must follow the existing placement
37 procedure including consideration of less restrictive treatment
38 options and medical necessity.

39 (i) A court may order residential treatment after consideration
40 and findings regarding whether:

1 (A) The referral is necessary to rehabilitate the child;

2 (B) The referral is necessary to protect the public or the child;

3 (C) The referral is in the child's best interest;

4 (D) The child has been given the opportunity to engage in less
5 restrictive treatment and has been unable or unwilling to comply; and

6 (E) Inpatient treatment is the least restrictive action
7 consistent with the child's needs and circumstances.

8 (ii) In any case where a court orders a child to inpatient
9 treatment under this section, the court must hold a review hearing no
10 later than sixty days after the youth begins inpatient treatment, and
11 every thirty days thereafter, as long as the youth is in inpatient
12 treatment;

13 (6) "Confinement" means physical custody by the department of
14 children, youth, and families in a facility operated by or pursuant
15 to a contract with the state, or physical custody in a detention
16 facility operated by or pursuant to a contract with any county. The
17 county may operate or contract with vendors to operate county
18 detention facilities. The department may operate or contract to
19 operate detention facilities for juveniles committed to the
20 department. Pretrial confinement or confinement of less than thirty-
21 one days imposed as part of a disposition or modification order may
22 be served consecutively or intermittently, in the discretion of the
23 court;

24 (7) "Court," when used without further qualification, means the
25 juvenile court judge(s) or commissioner(s);

26 (8) "Criminal history" includes all criminal complaints against
27 the respondent for which, prior to the commission of a current
28 offense:

29 (a) The allegations were found correct by a court. If a
30 respondent is convicted of two or more charges arising out of the
31 same course of conduct, only the highest charge from among these
32 shall count as an offense for the purposes of this chapter; or

33 (b) The criminal complaint was diverted by a prosecutor pursuant
34 to the provisions of this chapter on agreement of the respondent and
35 after an advisement to the respondent that the criminal complaint
36 would be considered as part of the respondent's criminal history. A
37 successfully completed deferred adjudication that was entered before
38 July 1, 1998, or a deferred disposition shall not be considered part
39 of the respondent's criminal history;

1 (9) "Department" means the department of children, youth, and
2 families;

3 (10) "Detention facility" means a county facility, paid for by
4 the county, for the physical confinement of a juvenile alleged to
5 have committed an offense or an adjudicated offender subject to a
6 disposition or modification order. "Detention facility" includes
7 county group homes, inpatient substance abuse programs, juvenile
8 basic training camps, and electronic monitoring;

9 (11) "Diversion unit" means any probation counselor who enters
10 into a diversion agreement with an alleged youthful offender, or any
11 other person, community accountability board, youth court under the
12 supervision of the juvenile court, or other entity with whom the
13 juvenile court administrator has contracted to arrange and supervise
14 such agreements pursuant to RCW 13.40.080, or any person, community
15 accountability board, or other entity specially funded by the
16 legislature to arrange and supervise diversion agreements in
17 accordance with the requirements of this chapter. For purposes of
18 this subsection, "community accountability board" means a board
19 comprised of members of the local community in which the juvenile
20 offender resides. The superior court shall appoint the members. The
21 boards shall consist of at least three and not more than seven
22 members. If possible, the board should include a variety of
23 representatives from the community, such as a law enforcement
24 officer, teacher or school administrator, high school student,
25 parent, and business owner, and should represent the cultural
26 diversity of the local community;

27 (12) "Foster care" means temporary physical care in a foster
28 family home or group care facility as defined in RCW 74.15.020 and
29 licensed by the department, or other legally authorized care;

30 (13) "Institution" means a juvenile facility established pursuant
31 to chapters 72.05 and 72.16 through 72.20 RCW;

32 (14) "Intensive supervision program" means a parole program that
33 requires intensive supervision and monitoring, offers an array of
34 individualized treatment and transitional services, and emphasizes
35 community involvement and support in order to reduce the likelihood a
36 juvenile offender will commit further offenses;

37 (15) "Juvenile," "youth," and "child" mean any individual who is
38 under the chronological age of eighteen years and who has not been
39 previously transferred to adult court pursuant to RCW 13.40.110,
40 unless the individual was convicted of a lesser charge or acquitted

1 of the charge for which he or she was previously transferred pursuant
2 to RCW 13.40.110 or who is not otherwise under adult court
3 jurisdiction;

4 (16) "Juvenile offender" means any juvenile who has been found by
5 the juvenile court to have committed an offense, including a person
6 eighteen years of age or older over whom jurisdiction has been
7 extended under RCW 13.40.300;

8 (17) "Labor" means the period of time before a birth during which
9 contractions are of sufficient frequency, intensity, and duration to
10 bring about effacement and progressive dilation of the cervix;

11 (18) "Local sanctions" means one or more of the following: (a)
12 0-30 days of confinement; (b) 0-12 months of community supervision;
13 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

14 (19) "Manifest injustice" means a disposition that would either
15 impose an excessive penalty on the juvenile or would impose a
16 serious, and clear danger to society in light of the purposes of this
17 chapter;

18 (20) "Monitoring and reporting requirements" means one or more of
19 the following: Curfews; requirements to remain at home, school, work,
20 or court-ordered treatment programs during specified hours;
21 restrictions from leaving or entering specified geographical areas;
22 requirements to report to the probation officer as directed and to
23 remain under the probation officer's supervision; and other
24 conditions or limitations as the court may require which may not
25 include confinement;

26 (21) "Offense" means an act designated a violation or a crime if
27 committed by an adult under the law of this state, under any
28 ordinance of any city or county of this state, under any federal law,
29 or under the law of another state if the act occurred in that state;

30 (22) "Physical restraint" means the use of any bodily force or
31 physical intervention to control a juvenile offender or limit a
32 juvenile offender's freedom of movement in a way that does not
33 involve a mechanical restraint. Physical restraint does not include
34 momentary periods of minimal physical restriction by direct person-
35 to-person contact, without the aid of mechanical restraint,
36 accomplished with limited force and designed to:

37 (a) Prevent a juvenile offender from completing an act that would
38 result in potential bodily harm to self or others or damage property;

39 (b) Remove a disruptive juvenile offender who is unwilling to
40 leave the area voluntarily; or

1 (c) Guide a juvenile offender from one location to another;

2 (23) "Postpartum recovery" means (a) the entire period a woman or
3 youth is in the hospital, birthing center, or clinic after giving
4 birth and (b) an additional time period, if any, a treating physician
5 determines is necessary for healing after the youth leaves the
6 hospital, birthing center, or clinic;

7 (24) "Probation bond" means a bond, posted with sufficient
8 security by a surety justified and approved by the court, to secure
9 the offender's appearance at required court proceedings and
10 compliance with court-ordered community supervision or conditions of
11 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
12 a deposit of cash or posting of other collateral in lieu of a bond if
13 approved by the court;

14 (25) "Respondent" means a juvenile who is alleged or proven to
15 have committed an offense;

16 (26) "Restitution" means financial reimbursement by the offender
17 to the victim, and shall be limited to easily ascertainable damages
18 for injury to or loss of property, actual expenses incurred for
19 medical treatment for physical injury to persons, lost wages
20 resulting from physical injury, and costs of the victim's counseling
21 reasonably related to the offense. Restitution shall not include
22 reimbursement for damages for mental anguish, pain and suffering, or
23 other intangible losses. Nothing in this chapter shall limit or
24 replace civil remedies or defenses available to the victim or
25 offender;

26 (27) "Restorative justice" means practices, policies, and
27 programs informed by and sensitive to the needs of crime victims that
28 are designed to encourage offenders to accept responsibility for
29 repairing the harm caused by their offense by providing safe and
30 supportive opportunities for voluntary participation and
31 communication between the victim, the offender, their families, and
32 relevant community members;

33 (28) "Restraints" means anything used to control the movement of
34 a person's body or limbs and includes:

35 (a) Physical restraint; or

36 (b) Mechanical device including but not limited to: Metal
37 handcuffs, plastic ties, ankle restraints, leather cuffs, other
38 hospital-type restraints, tasers, or batons;

39 (29) "Screening" means a process that is designed to identify a
40 child who is at risk of having mental health, substance abuse, or co-

1 occurring mental health and substance abuse disorders that warrant
2 immediate attention, intervention, or more comprehensive assessment.
3 A screening may be undertaken with or without the administration of a
4 formal instrument;

5 (30) "Secretary" means the secretary of the department;

6 (31) "Services" means services which provide alternatives to
7 incarceration for those juveniles who have pleaded or been
8 adjudicated guilty of an offense or have signed a diversion agreement
9 pursuant to this chapter;

10 (32) "Sex offense" means an offense defined as a sex offense in
11 RCW 9.94A.030;

12 (33) "Sexual motivation" means that one of the purposes for which
13 the respondent committed the offense was for the purpose of his or
14 her sexual gratification;

15 (34) "Surety" means an entity licensed under state insurance laws
16 or by the state department of licensing, to write corporate,
17 property, or probation bonds within the state, and justified and
18 approved by the superior court of the county having jurisdiction of
19 the case;

20 (35) "Transportation" means the conveying, by any means, of an
21 incarcerated pregnant youth from the institution or detention
22 facility to another location from the moment she leaves the
23 institution or detention facility to the time of arrival at the other
24 location, and includes the escorting of the pregnant incarcerated
25 youth from the institution or detention facility to a transport
26 vehicle and from the vehicle to the other location;

27 (36) "Violation" means an act or omission, which if committed by
28 an adult, must be proven beyond a reasonable doubt, and is punishable
29 by sanctions which do not include incarceration;

30 (37) "Violent offense" means a violent offense as defined in RCW
31 9.94A.030;

32 (38) "Youth court" means a diversion unit under the supervision
33 of the juvenile court.

34 **Sec. 9.** RCW 13.40.042 and 2014 c 128 s 4 are each amended to
35 read as follows:

36 (1) When a police officer has reasonable cause to believe that a
37 juvenile has committed acts constituting a nonfelony crime that is
38 not a serious offense as identified in RCW 10.77.092, and the officer
39 believes that the juvenile suffers from a mental disorder, and the

1 local prosecutor has entered into an agreement with law enforcement
2 regarding the detention of juveniles who may have a mental disorder
3 or may be suffering from chemical dependency, the arresting officer,
4 instead of taking the juvenile to the local juvenile detention
5 facility, may take the juvenile to:

6 (a) An evaluation and treatment facility as defined in RCW
7 71.34.020 if the juvenile suffers from a mental disorder and the
8 facility has been identified as an alternative location by agreement
9 of the prosecutor, law enforcement, and the mental health provider;

10 (b) A facility or program identified by agreement of the
11 prosecutor and law enforcement; or

12 (c) A location already identified and in use by law enforcement
13 for the purpose of a behavioral health diversion.

14 (2) For the purposes of this section, an "alternative location"
15 means a facility or program that has the capacity to evaluate a youth
16 and, if determined to be appropriate, develop a behavioral health
17 intervention plan and initiate treatment.

18 (3) If a juvenile is taken to any location described in
19 subsection (1)(a) or (b) of this section, the juvenile may be held
20 for up to twelve hours and must be examined by a mental health or
21 (~~chemical dependency~~) substance use disorder professional within
22 three hours of arrival.

23 (4) The authority provided pursuant to this section is in
24 addition to existing authority under RCW 10.31.110 and 10.31.120.

25 **Sec. 10.** RCW 18.130.040 and 2017 c 336 s 18 are each amended to
26 read as follows:

27 (1) This chapter applies only to the secretary and the boards and
28 commissions having jurisdiction in relation to the professions
29 licensed under the chapters specified in this section. This chapter
30 does not apply to any business or profession not licensed under the
31 chapters specified in this section.

32 (2)(a) The secretary has authority under this chapter in relation
33 to the following professions:

34 (i) Dispensing opticians licensed and designated apprentices
35 under chapter 18.34 RCW;

36 (ii) Midwives licensed under chapter 18.50 RCW;

37 (iii) Ocularists licensed under chapter 18.55 RCW;

38 (iv) Massage therapists and businesses licensed under chapter
39 18.108 RCW;

- 1 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 2 (vi) East Asian medicine practitioners licensed under chapter
3 18.06 RCW;
- 4 (vii) Radiologic technologists certified and X-ray technicians
5 registered under chapter 18.84 RCW;
- 6 (viii) Respiratory care practitioners licensed under chapter
7 18.89 RCW;
- 8 (ix) Hypnotherapists and agency affiliated counselors registered
9 and advisors and counselors certified under chapter 18.19 RCW;
- 10 (x) Persons licensed as mental health counselors, mental health
11 counselor associates, marriage and family therapists, marriage and
12 family therapist associates, social workers, social work associates—
13 advanced, and social work associates—independent clinical under
14 chapter 18.225 RCW;
- 15 (xi) Persons registered as nursing pool operators under chapter
16 18.52C RCW;
- 17 (xii) Nursing assistants registered or certified or medication
18 assistants endorsed under chapter 18.88A RCW;
- 19 (xiii) Dietitians and nutritionists certified under chapter
20 18.138 RCW;
- 21 (xiv) ((~~Chemical—dependency~~)) Substance use disorder
22 professionals and ((~~chemical—dependency~~)) substance use disorder
23 professional trainees certified under chapter 18.205 RCW;
- 24 (xv) Sex offender treatment providers and certified affiliate sex
25 offender treatment providers certified under chapter 18.155 RCW;
- 26 (xvi) Persons licensed and certified under chapter 18.73 RCW or
27 RCW 18.71.205;
- 28 (xvii) Orthotists and prosthetists licensed under chapter 18.200
29 RCW;
- 30 (xviii) Surgical technologists registered under chapter 18.215
31 RCW;
- 32 (xix) Recreational therapists under chapter 18.230 RCW;
- 33 (xx) Animal massage therapists certified under chapter 18.240
34 RCW;
- 35 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 36 (xxii) Home care aides certified under chapter 18.88B RCW;
- 37 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
- 38 (xxiv) Reflexologists certified under chapter 18.108 RCW;
- 39 (xxv) Medical assistants-certified, medical assistants-
40 hemodialysis technician, medical assistants-phlebotomist, forensic

1 phlebotomist, and medical assistants-registered certified and
2 registered under chapter 18.360 RCW; and
3 (xxvi) Behavior analysts, assistant behavior analysts, and
4 behavior technicians under chapter 18.380 RCW.
5 (b) The boards and commissions having authority under this
6 chapter are as follows:
7 (i) The podiatric medical board as established in chapter 18.22
8 RCW;
9 (ii) The chiropractic quality assurance commission as established
10 in chapter 18.25 RCW;
11 (iii) The dental quality assurance commission as established in
12 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
13 licenses and registrations issued under chapter 18.260 RCW, and
14 certifications issued under chapter 18.350 RCW;
15 (iv) The board of hearing and speech as established in chapter
16 18.35 RCW;
17 (v) The board of examiners for nursing home administrators as
18 established in chapter 18.52 RCW;
19 (vi) The optometry board as established in chapter 18.54 RCW
20 governing licenses issued under chapter 18.53 RCW;
21 (vii) The board of osteopathic medicine and surgery as
22 established in chapter 18.57 RCW governing licenses issued under
23 chapters 18.57 and 18.57A RCW;
24 (viii) The pharmacy quality assurance commission as established
25 in chapter 18.64 RCW governing licenses issued under chapters 18.64
26 and 18.64A RCW;
27 (ix) The medical quality assurance commission as established in
28 chapter 18.71 RCW governing licenses and registrations issued under
29 chapters 18.71 and 18.71A RCW;
30 (x) The board of physical therapy as established in chapter 18.74
31 RCW;
32 (xi) The board of occupational therapy practice as established in
33 chapter 18.59 RCW;
34 (xii) The nursing care quality assurance commission as
35 established in chapter 18.79 RCW governing licenses and registrations
36 issued under that chapter;
37 (xiii) The examining board of psychology and its disciplinary
38 committee as established in chapter 18.83 RCW;
39 (xiv) The veterinary board of governors as established in chapter
40 18.92 RCW;

1 (xv) The board of naturopathy established in chapter 18.36A RCW;
2 and

3 (xvi) The board of denturists established in chapter 18.30 RCW.

4 (3) In addition to the authority to discipline license holders,
5 the disciplining authority has the authority to grant or deny
6 licenses. The disciplining authority may also grant a license subject
7 to conditions.

8 (4) All disciplining authorities shall adopt procedures to ensure
9 substantially consistent application of this chapter, the uniform
10 disciplinary act, among the disciplining authorities listed in
11 subsection (2) of this section.

12 **Sec. 11.** RCW 43.70.442 and 2016 c 90 s 5 are each amended to
13 read as follows:

14 (1)(a) Each of the following professionals certified or licensed
15 under Title 18 RCW shall, at least once every six years, complete
16 training in suicide assessment, treatment, and management that is
17 approved, in rule, by the relevant disciplining authority:

18 (i) An adviser or counselor certified under chapter 18.19 RCW;

19 (ii) A ~~((chemical—dependency))~~ substance use disorder
20 professional licensed under chapter 18.205 RCW;

21 (iii) A marriage and family therapist licensed under chapter
22 18.225 RCW;

23 (iv) A mental health counselor licensed under chapter 18.225 RCW;

24 (v) An occupational therapy practitioner licensed under chapter
25 18.59 RCW;

26 (vi) A psychologist licensed under chapter 18.83 RCW;

27 (vii) An advanced social worker or independent clinical social
28 worker licensed under chapter 18.225 RCW; and

29 (viii) A social worker associate—advanced or social worker
30 associate—independent clinical licensed under chapter 18.225 RCW.

31 (b) The requirements in (a) of this subsection apply to a person
32 holding a retired active license for one of the professions in (a) of
33 this subsection.

34 (c) The training required by this subsection must be at least six
35 hours in length, unless a disciplining authority has determined,
36 under subsection (10)(b) of this section, that training that includes
37 only screening and referral elements is appropriate for the
38 profession in question, in which case the training must be at least
39 three hours in length.

1 (d) Beginning July 1, 2017, the training required by this
2 subsection must be on the model list developed under subsection (6)
3 of this section. Nothing in this subsection (1)(d) affects the
4 validity of training completed prior to July 1, 2017.

5 (2)(a) Except as provided in (b) of this subsection, a
6 professional listed in subsection (1)(a) of this section must
7 complete the first training required by this section by the end of
8 the first full continuing education reporting period after January 1,
9 2014, or during the first full continuing education reporting period
10 after initial licensure or certification, whichever occurs later.

11 (b) A professional listed in subsection (1)(a) of this section
12 applying for initial licensure may delay completion of the first
13 training required by this section for six years after initial
14 licensure if he or she can demonstrate successful completion of the
15 training required in subsection (1) of this section no more than six
16 years prior to the application for initial licensure.

17 (3) The hours spent completing training in suicide assessment,
18 treatment, and management under this section count toward meeting any
19 applicable continuing education or continuing competency requirements
20 for each profession.

21 (4)(a) A disciplining authority may, by rule, specify minimum
22 training and experience that is sufficient to exempt an individual
23 professional from the training requirements in subsections (1) and
24 (5) of this section. Nothing in this subsection (4)(a) allows a
25 disciplining authority to provide blanket exemptions to broad
26 categories or specialties within a profession.

27 (b) A disciplining authority may exempt a professional from the
28 training requirements of subsections (1) and (5) of this section if
29 the professional has only brief or limited patient contact.

30 (5)(a) Each of the following professionals credentialed under
31 Title 18 RCW shall complete a one-time training in suicide
32 assessment, treatment, and management that is approved by the
33 relevant disciplining authority:

34 (i) A chiropractor licensed under chapter 18.25 RCW;

35 (ii) A naturopath licensed under chapter 18.36A RCW;

36 (iii) A licensed practical nurse, registered nurse, or advanced
37 registered nurse practitioner, other than a certified registered
38 nurse anesthetist, licensed under chapter 18.79 RCW;

1 (iv) An osteopathic physician and surgeon licensed under chapter
2 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
3 and surgery license issued under RCW 18.57.035;

4 (v) An osteopathic physician assistant licensed under chapter
5 18.57A RCW;

6 (vi) A physical therapist or physical therapist assistant
7 licensed under chapter 18.74 RCW;

8 (vii) A physician licensed under chapter 18.71 RCW, other than a
9 resident holding a limited license issued under RCW 18.71.095(3);

10 (viii) A physician assistant licensed under chapter 18.71A RCW;

11 (ix) A pharmacist licensed under chapter 18.64 RCW; and

12 (x) A person holding a retired active license for one of the
13 professions listed in (a)(i) through (ix) of this subsection.

14 (b)(i) A professional listed in (a)(i) through (viii) of this
15 subsection or a person holding a retired active license for one of
16 the professions listed in (a)(i) through (viii) of this subsection
17 must complete the one-time training by the end of the first full
18 continuing education reporting period after January 1, 2016, or
19 during the first full continuing education reporting period after
20 initial licensure, whichever is later. Training completed between
21 June 12, 2014, and January 1, 2016, that meets the requirements of
22 this section, other than the timing requirements of this subsection
23 (5)(b), must be accepted by the disciplining authority as meeting the
24 one-time training requirement of this subsection (5).

25 (ii) A licensed pharmacist or a person holding a retired active
26 pharmacist license must complete the one-time training by the end of
27 the first full continuing education reporting period after January 1,
28 2017, or during the first full continuing education reporting period
29 after initial licensure, whichever is later.

30 (c) The training required by this subsection must be at least six
31 hours in length, unless a disciplining authority has determined,
32 under subsection (10)(b) of this section, that training that includes
33 only screening and referral elements is appropriate for the
34 profession in question, in which case the training must be at least
35 three hours in length.

36 (d) Beginning July 1, 2017, the training required by this
37 subsection must be on the model list developed under subsection (6)
38 of this section. Nothing in this subsection (5)(d) affects the
39 validity of training completed prior to July 1, 2017.

1 (6) (a) The secretary and the disciplining authorities shall work
2 collaboratively to develop a model list of training programs in
3 suicide assessment, treatment, and management.

4 (b) The secretary and the disciplining authorities shall update
5 the list at least once every two years.

6 (c) By June 30, 2016, the department shall adopt rules
7 establishing minimum standards for the training programs included on
8 the model list. The minimum standards must require that six-hour
9 trainings include content specific to veterans and the assessment of
10 issues related to imminent harm via lethal means or self-injurious
11 behaviors and that three-hour trainings for pharmacists include
12 content related to the assessment of issues related to imminent harm
13 via lethal means. When adopting the rules required under this
14 subsection (6) (c), the department shall:

15 (i) Consult with the affected disciplining authorities, public
16 and private institutions of higher education, educators, experts in
17 suicide assessment, treatment, and management, the Washington
18 department of veterans affairs, and affected professional
19 associations; and

20 (ii) Consider standards related to the best practices registry of
21 the American foundation for suicide prevention and the suicide
22 prevention resource center.

23 (d) Beginning January 1, 2017:

24 (i) The model list must include only trainings that meet the
25 minimum standards established in the rules adopted under (c) of this
26 subsection and any three-hour trainings that met the requirements of
27 this section on or before July 24, 2015;

28 (ii) The model list must include six-hour trainings in suicide
29 assessment, treatment, and management, and three-hour trainings that
30 include only screening and referral elements; and

31 (iii) A person or entity providing the training required in this
32 section may petition the department for inclusion on the model list.
33 The department shall add the training to the list only if the
34 department determines that the training meets the minimum standards
35 established in the rules adopted under (c) of this subsection.

36 (7) The department shall provide the health profession training
37 standards created in this section to the professional educator
38 standards board as a model in meeting the requirements of RCW
39 28A.410.226 and provide technical assistance, as requested, in the
40 review and evaluation of educator training programs. The educator

1 training programs approved by the professional educator standards
2 board may be included in the department's model list.

3 (8) Nothing in this section may be interpreted to expand or limit
4 the scope of practice of any profession regulated under chapter
5 18.130 RCW.

6 (9) The secretary and the disciplining authorities affected by
7 this section shall adopt any rules necessary to implement this
8 section.

9 (10) For purposes of this section:

10 (a) "Disciplining authority" has the same meaning as in RCW
11 18.130.020.

12 (b) "Training in suicide assessment, treatment, and management"
13 means empirically supported training approved by the appropriate
14 disciplining authority that contains the following elements: Suicide
15 assessment, including screening and referral, suicide treatment, and
16 suicide management. However, the disciplining authority may approve
17 training that includes only screening and referral elements if
18 appropriate for the profession in question based on the profession's
19 scope of practice. The board of occupational therapy may also approve
20 training that includes only screening and referral elements if
21 appropriate for occupational therapy practitioners based on practice
22 setting.

23 (11) A state or local government employee is exempt from the
24 requirements of this section if he or she receives a total of at
25 least six hours of training in suicide assessment, treatment, and
26 management from his or her employer every six years. For purposes of
27 this subsection, the training may be provided in one six-hour block
28 or may be spread among shorter training sessions at the employer's
29 discretion.

30 (12) An employee of a community mental health agency licensed
31 under chapter 71.24 RCW or a chemical dependency program certified
32 under chapter 70.96A RCW is exempt from the requirements of this
33 section if he or she receives a total of at least six hours of
34 training in suicide assessment, treatment, and management from his or
35 her employer every six years. For purposes of this subsection, the
36 training may be provided in one six-hour block or may be spread among
37 shorter training sessions at the employer's discretion.

38 **Sec. 12.** RCW 43.70.442 and 2017 c 262 s 4 are each amended to
39 read as follows:

1 (1)(a) Each of the following professionals certified or licensed
2 under Title 18 RCW shall, at least once every six years, complete
3 training in suicide assessment, treatment, and management that is
4 approved, in rule, by the relevant disciplining authority:

5 (i) An adviser or counselor certified under chapter 18.19 RCW;

6 (ii) A ~~((chemical—dependency))~~ substance use disorder
7 professional licensed under chapter 18.205 RCW;

8 (iii) A marriage and family therapist licensed under chapter
9 18.225 RCW;

10 (iv) A mental health counselor licensed under chapter 18.225 RCW;

11 (v) An occupational therapy practitioner licensed under chapter
12 18.59 RCW;

13 (vi) A psychologist licensed under chapter 18.83 RCW;

14 (vii) An advanced social worker or independent clinical social
15 worker licensed under chapter 18.225 RCW; and

16 (viii) A social worker associate—advanced or social worker
17 associate—independent clinical licensed under chapter 18.225 RCW.

18 (b) The requirements in (a) of this subsection apply to a person
19 holding a retired active license for one of the professions in (a) of
20 this subsection.

21 (c) The training required by this subsection must be at least six
22 hours in length, unless a disciplining authority has determined,
23 under subsection (10)(b) of this section, that training that includes
24 only screening and referral elements is appropriate for the
25 profession in question, in which case the training must be at least
26 three hours in length.

27 (d) Beginning July 1, 2017, the training required by this
28 subsection must be on the model list developed under subsection (6)
29 of this section. Nothing in this subsection (1)(d) affects the
30 validity of training completed prior to July 1, 2017.

31 (2)(a) Except as provided in (b) of this subsection, a
32 professional listed in subsection (1)(a) of this section must
33 complete the first training required by this section by the end of
34 the first full continuing education reporting period after January 1,
35 2014, or during the first full continuing education reporting period
36 after initial licensure or certification, whichever occurs later.

37 (b) A professional listed in subsection (1)(a) of this section
38 applying for initial licensure may delay completion of the first
39 training required by this section for six years after initial
40 licensure if he or she can demonstrate successful completion of the

1 training required in subsection (1) of this section no more than six
2 years prior to the application for initial licensure.

3 (3) The hours spent completing training in suicide assessment,
4 treatment, and management under this section count toward meeting any
5 applicable continuing education or continuing competency requirements
6 for each profession.

7 (4)(a) A disciplining authority may, by rule, specify minimum
8 training and experience that is sufficient to exempt an individual
9 professional from the training requirements in subsections (1) and
10 (5) of this section. Nothing in this subsection (4)(a) allows a
11 disciplining authority to provide blanket exemptions to broad
12 categories or specialties within a profession.

13 (b) A disciplining authority may exempt a professional from the
14 training requirements of subsections (1) and (5) of this section if
15 the professional has only brief or limited patient contact.

16 (5)(a) Each of the following professionals credentialed under
17 Title 18 RCW shall complete a one-time training in suicide
18 assessment, treatment, and management that is approved by the
19 relevant disciplining authority:

20 (i) A chiropractor licensed under chapter 18.25 RCW;

21 (ii) A naturopath licensed under chapter 18.36A RCW;

22 (iii) A licensed practical nurse, registered nurse, or advanced
23 registered nurse practitioner, other than a certified registered
24 nurse anesthetist, licensed under chapter 18.79 RCW;

25 (iv) An osteopathic physician and surgeon licensed under chapter
26 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
27 and surgery license issued under RCW 18.57.035;

28 (v) An osteopathic physician assistant licensed under chapter
29 18.57A RCW;

30 (vi) A physical therapist or physical therapist assistant
31 licensed under chapter 18.74 RCW;

32 (vii) A physician licensed under chapter 18.71 RCW, other than a
33 resident holding a limited license issued under RCW 18.71.095(3);

34 (viii) A physician assistant licensed under chapter 18.71A RCW;

35 (ix) A pharmacist licensed under chapter 18.64 RCW;

36 (x) A dentist licensed under chapter 18.32 RCW;

37 (xi) A dental hygienist licensed under chapter 18.29 RCW; and

38 (xii) A person holding a retired active license for one of the
39 professions listed in (a)(i) through (xi) of this subsection.

1 (b)(i) A professional listed in (a)(i) through (viii) of this
2 subsection or a person holding a retired active license for one of
3 the professions listed in (a)(i) through (viii) of this subsection
4 must complete the one-time training by the end of the first full
5 continuing education reporting period after January 1, 2016, or
6 during the first full continuing education reporting period after
7 initial licensure, whichever is later. Training completed between
8 June 12, 2014, and January 1, 2016, that meets the requirements of
9 this section, other than the timing requirements of this subsection
10 (5)(b), must be accepted by the disciplining authority as meeting the
11 one-time training requirement of this subsection (5).

12 (ii) A licensed pharmacist or a person holding a retired active
13 pharmacist license must complete the one-time training by the end of
14 the first full continuing education reporting period after January 1,
15 2017, or during the first full continuing education reporting period
16 after initial licensure, whichever is later.

17 (iii) A licensed dentist, a licensed dental hygienist, or a
18 person holding a retired active license as a dentist shall complete
19 the one-time training by the end of the full continuing education
20 reporting period after August 1, 2020, or during the first full
21 continuing education reporting period after initial licensure,
22 whichever is later. Training completed between July 23, 2017, and
23 August 1, 2020, that meets the requirements of this section, other
24 than the timing requirements of this subsection (5)(b)(iii), must be
25 accepted by the disciplining authority as meeting the one-time
26 training requirement of this subsection (5).

27 (c) The training required by this subsection must be at least six
28 hours in length, unless a disciplining authority has determined,
29 under subsection (10)(b) of this section, that training that includes
30 only screening and referral elements is appropriate for the
31 profession in question, in which case the training must be at least
32 three hours in length.

33 (d) Beginning July 1, 2017, the training required by this
34 subsection must be on the model list developed under subsection (6)
35 of this section. Nothing in this subsection (5)(d) affects the
36 validity of training completed prior to July 1, 2017.

37 (6)(a) The secretary and the disciplining authorities shall work
38 collaboratively to develop a model list of training programs in
39 suicide assessment, treatment, and management.

1 (b) The secretary and the disciplining authorities shall update
2 the list at least once every two years.

3 (c) By June 30, 2016, the department shall adopt rules
4 establishing minimum standards for the training programs included on
5 the model list. The minimum standards must require that six-hour
6 trainings include content specific to veterans and the assessment of
7 issues related to imminent harm via lethal means or self-injurious
8 behaviors and that three-hour trainings for pharmacists or dentists
9 include content related to the assessment of issues related to
10 imminent harm via lethal means. When adopting the rules required
11 under this subsection (6)(c), the department shall:

12 (i) Consult with the affected disciplining authorities, public
13 and private institutions of higher education, educators, experts in
14 suicide assessment, treatment, and management, the Washington
15 department of veterans affairs, and affected professional
16 associations; and

17 (ii) Consider standards related to the best practices registry of
18 the American foundation for suicide prevention and the suicide
19 prevention resource center.

20 (d) Beginning January 1, 2017:

21 (i) The model list must include only trainings that meet the
22 minimum standards established in the rules adopted under (c) of this
23 subsection and any three-hour trainings that met the requirements of
24 this section on or before July 24, 2015;

25 (ii) The model list must include six-hour trainings in suicide
26 assessment, treatment, and management, and three-hour trainings that
27 include only screening and referral elements; and

28 (iii) A person or entity providing the training required in this
29 section may petition the department for inclusion on the model list.
30 The department shall add the training to the list only if the
31 department determines that the training meets the minimum standards
32 established in the rules adopted under (c) of this subsection.

33 (7) The department shall provide the health profession training
34 standards created in this section to the professional educator
35 standards board as a model in meeting the requirements of RCW
36 28A.410.226 and provide technical assistance, as requested, in the
37 review and evaluation of educator training programs. The educator
38 training programs approved by the professional educator standards
39 board may be included in the department's model list.

1 (8) Nothing in this section may be interpreted to expand or limit
2 the scope of practice of any profession regulated under chapter
3 18.130 RCW.

4 (9) The secretary and the disciplining authorities affected by
5 this section shall adopt any rules necessary to implement this
6 section.

7 (10) For purposes of this section:

8 (a) "Disciplining authority" has the same meaning as in RCW
9 18.130.020.

10 (b) "Training in suicide assessment, treatment, and management"
11 means empirically supported training approved by the appropriate
12 disciplining authority that contains the following elements: Suicide
13 assessment, including screening and referral, suicide treatment, and
14 suicide management. However, the disciplining authority may approve
15 training that includes only screening and referral elements if
16 appropriate for the profession in question based on the profession's
17 scope of practice. The board of occupational therapy may also approve
18 training that includes only screening and referral elements if
19 appropriate for occupational therapy practitioners based on practice
20 setting.

21 (11) A state or local government employee is exempt from the
22 requirements of this section if he or she receives a total of at
23 least six hours of training in suicide assessment, treatment, and
24 management from his or her employer every six years. For purposes of
25 this subsection, the training may be provided in one six-hour block
26 or may be spread among shorter training sessions at the employer's
27 discretion.

28 (12) An employee of a community mental health agency licensed
29 under chapter 71.24 RCW or a chemical dependency program certified
30 under chapter 70.96A RCW is exempt from the requirements of this
31 section if he or she receives a total of at least six hours of
32 training in suicide assessment, treatment, and management from his or
33 her employer every six years. For purposes of this subsection, the
34 training may be provided in one six-hour block or may be spread among
35 shorter training sessions at the employer's discretion.

36 **Sec. 13.** RCW 70.97.010 and 2016 sp.s. c 29 s 419 are each
37 amended to read as follows:

38 The definitions in this section apply throughout this chapter
39 unless the context clearly requires otherwise.

1 (1) "Antipsychotic medications" means that class of drugs
2 primarily used to treat serious manifestations of mental illness
3 associated with thought disorders, which includes but is not limited
4 to atypical antipsychotic medications.

5 (2) "Attending staff" means any person on the staff of a public
6 or private agency having responsibility for the care and treatment of
7 a patient.

8 (3) "Chemical dependency" means alcoholism, drug addiction, or
9 dependence on alcohol and one or more other psychoactive chemicals,
10 as the context requires and as those terms are defined in chapter
11 71.05 RCW.

12 ~~(4) ("Chemical dependency professional" means a person certified~~
13 ~~as a chemical dependency professional by the department of health~~
14 ~~under chapter 18.205 RCW.~~

15 ~~(5))~~ (5) "Commitment" means the determination by a court that an
16 individual should be detained for a period of either evaluation or
17 treatment, or both, in an inpatient or a less restrictive setting.

18 ~~((6))~~ (6) "Conditional release" means a modification of a
19 commitment that may be revoked upon violation of any of its terms.

20 ~~((7))~~ (7) "Custody" means involuntary detention under chapter
21 71.05 RCW, uninterrupted by any period of unconditional release from
22 commitment from a facility providing involuntary care and treatment.

23 ~~((8))~~ (8) "Department" means the department of social and
24 health services.

25 ~~((9))~~ (9) "Designated crisis responder" has the same meaning as
26 in chapter 71.05 RCW.

27 ~~((10))~~ (10) "Detention" or "detain" means the lawful confinement
28 of an individual under chapter 71.05 RCW.

29 ~~((11))~~ (11) "Discharge" means the termination of facility
30 authority. The commitment may remain in place, be terminated, or be
31 amended by court order.

32 ~~((12))~~ (12) "Enhanced services facility" means a facility that
33 provides treatment and services to persons for whom acute inpatient
34 treatment is not medically necessary and who have been determined by
35 the department to be inappropriate for placement in other licensed
36 facilities due to the complex needs that result in behavioral and
37 security issues.

38 ~~((13))~~ (13) "Expanded community services program" means a
39 nonsecure program of enhanced behavioral and residential support
40 provided to long-term and residential care providers serving

1 specifically eligible clients who would otherwise be at risk for
2 hospitalization at state hospital geriatric units.

3 ~~((14))~~ (13) "Facility" means an enhanced services facility.

4 ~~((15))~~ (14) "Gravely disabled" means a condition in which an
5 individual, as a result of a mental disorder, as a result of the use
6 of alcohol or other psychoactive chemicals, or both:

7 (a) Is in danger of serious physical harm resulting from a
8 failure to provide for his or her essential human needs of health or
9 safety; or

10 (b) Manifests severe deterioration in routine functioning
11 evidenced by repeated and escalating loss of cognitive or volitional
12 control over his or her actions and is not receiving such care as is
13 essential for his or her health or safety.

14 ~~((16))~~ (15) "History of one or more violent acts" refers to the
15 period of time ten years before the filing of a petition under this
16 chapter or chapter 71.05 RCW, excluding any time spent, but not any
17 violent acts committed, in a mental health facility or a long-term
18 alcoholism or drug treatment facility, or in confinement as a result
19 of a criminal conviction.

20 ~~((17))~~ (16) "Licensed physician" means a person licensed to
21 practice medicine or osteopathic medicine and surgery in the state of
22 Washington.

23 ~~((18))~~ (17) "Likelihood of serious harm" means:

24 (a) A substantial risk that:

25 (i) Physical harm will be inflicted by an individual upon his or
26 her own person, as evidenced by threats or attempts to commit suicide
27 or inflict physical harm on oneself;

28 (ii) Physical harm will be inflicted by an individual upon
29 another, as evidenced by behavior that has caused such harm or that
30 places another person or persons in reasonable fear of sustaining
31 such harm; or

32 (iii) Physical harm will be inflicted by an individual upon the
33 property of others, as evidenced by behavior that has caused
34 substantial loss or damage to the property of others; or

35 (b) The individual has threatened the physical safety of another
36 and has a history of one or more violent acts.

37 ~~((19))~~ (18) "Mental disorder" means any organic, mental, or
38 emotional impairment that has substantial adverse effects on an
39 individual's cognitive or volitional functions.

1 ~~((20))~~ (19) "Mental health professional" means a psychiatrist,
2 psychologist, psychiatric nurse, or social worker, and such other
3 mental health professionals as may be defined by rules adopted by the
4 secretary under the authority of chapter 71.05 RCW.

5 ~~((21))~~ (20) "Professional person" means a mental health
6 professional and also means a physician, registered nurse, and such
7 others as may be defined in rules adopted by the secretary pursuant
8 to the provisions of this chapter.

9 ~~((22))~~ (21) "Psychiatrist" means a person having a license as a
10 physician and surgeon in this state who has in addition completed
11 three years of graduate training in psychiatry in a program approved
12 by the American medical association or the American osteopathic
13 association and is certified or eligible to be certified by the
14 American board of psychiatry and neurology.

15 ~~((23))~~ (22) "Psychologist" means a person who has been licensed
16 as a psychologist under chapter 18.83 RCW.

17 ~~((24))~~ (23) "Registration records" include all the records of
18 the department, behavioral health organizations, treatment
19 facilities, and other persons providing services to the department,
20 county departments, or facilities which identify individuals who are
21 receiving or who at any time have received services for mental
22 illness.

23 ~~((25))~~ (24) "Release" means legal termination of the commitment
24 under chapter 71.05 RCW.

25 ~~((26))~~ (25) "Resident" means a person admitted to an enhanced
26 services facility.

27 ~~((27))~~ (26) "Secretary" means the secretary of the department
28 or the secretary's designee.

29 ~~((28))~~ (27) "Significant change" means:

30 (a) A deterioration in a resident's physical, mental, or
31 psychosocial condition that has caused or is likely to cause clinical
32 complications or life-threatening conditions; or

33 (b) An improvement in the resident's physical, mental, or
34 psychosocial condition that may make the resident eligible for
35 release or for treatment in a less intensive or less secure setting.

36 ~~((29))~~ (28) "Social worker" means a person with a master's or
37 further advanced degree from a social work educational program
38 accredited and approved as provided in RCW 18.320.010.

1 (29) "Substance use disorder professional" means a person
2 certified as a substance use disorder professional by the department
3 of health under chapter 18.205 RCW.

4 (30) "Treatment" means the broad range of emergency,
5 detoxification, residential, inpatient, and outpatient services and
6 care, including diagnostic evaluation, mental health or chemical
7 dependency education and counseling, medical, psychiatric,
8 psychological, and social service care, vocational rehabilitation,
9 and career counseling, which may be extended to persons with mental
10 disorders, chemical dependency disorders, or both, and their
11 families.

12 (31) "Treatment records" include registration and all other
13 records concerning individuals who are receiving or who at any time
14 have received services for mental illness, which are maintained by
15 the department, by behavioral health organizations and their staffs,
16 and by treatment facilities. "Treatment records" do not include notes
17 or records maintained for personal use by an individual providing
18 treatment services for the department, behavioral health
19 organizations, or a treatment facility if the notes or records are
20 not available to others.

21 (32) "Violent act" means behavior that resulted in homicide,
22 attempted suicide, nonfatal injuries, or substantial damage to
23 property.

24 **Sec. 14.** RCW 70.97.030 and 2005 c 504 s 405 are each amended to
25 read as follows:

26 A person, eighteen years old or older, may be admitted to an
27 enhanced services facility if he or she meets the criteria in
28 subsections (1) through (3) of this section:

29 (1) The person requires: (a) Daily care by or under the
30 supervision of a mental health professional, (~~chemical dependency~~)
31 substance use disorder professional, or nurse; or (b) assistance with
32 three or more activities of daily living; and

33 (2) The person has: (a) A mental disorder, chemical dependency
34 disorder, or both; (b) an organic or traumatic brain injury; or (c) a
35 cognitive impairment that results in symptoms or behaviors requiring
36 supervision and facility services; (~~and~~) and

37 (3) The person has two or more of the following:

38 (a) Self-endangering behaviors that are frequent or difficult to
39 manage;

1 (b) Aggressive, threatening, or assaultive behaviors that create
2 a risk to the health or safety of other residents or staff, or a
3 significant risk to property and these behaviors are frequent or
4 difficult to manage;

5 (c) Intrusive behaviors that put residents or staff at risk;

6 (d) Complex medication needs and those needs include psychotropic
7 medications;

8 (e) A history of or likelihood of unsuccessful placements in
9 either a licensed facility or other state facility or a history of
10 rejected applications for admission to other licensed facilities
11 based on the person's behaviors, history, or security needs;

12 (f) A history of frequent or protracted mental health
13 hospitalizations;

14 (g) A history of offenses against a person or felony offenses
15 that created substantial damage to property.

16 **Sec. 15.** RCW 71.05.020 and 2018 c 305 s 1, 2018 c 291 s 1, and
17 2018 c 201 s 3001 are each reenacted and amended to read as follows:

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

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

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

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

34 (4) "Approved substance use disorder treatment program" means a
35 program for persons with a substance use disorder provided by a
36 treatment program certified by the department as meeting standards
37 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) "Authority" means the Washington state health care authority;

5 (7) "Chemical dependency" means:

6 (a) Alcoholism;

7 (b) Drug addiction; or

8 (c) Dependence on alcohol and one or more psychoactive chemicals,
9 as the context requires;

10 (8) (~~"Chemical dependency professional" means a person certified~~
11 ~~as a chemical dependency professional by the department under chapter~~
12 ~~18.205 RCW;~~

13 ~~(9))~~ "Commitment" means the determination by a court that a
14 person should be detained for a period of either evaluation or
15 treatment, or both, in an inpatient or a less restrictive setting;

16 ~~((10))~~ (9) "Conditional release" means a revocable modification
17 of a commitment, which may be revoked upon violation of any of its
18 terms;

19 ~~((11))~~ (10) "Crisis stabilization unit" means a short-term
20 facility or a portion of a facility licensed or certified by the
21 department under RCW 71.24.035, such as an evaluation and treatment
22 facility or a hospital, which has been designed to assess, diagnose,
23 and treat individuals experiencing an acute crisis without the use of
24 long-term hospitalization;

25 ~~((12))~~ (11) "Custody" means involuntary detention under the
26 provisions of this chapter or chapter 10.77 RCW, uninterrupted by any
27 period of unconditional release from commitment from a facility
28 providing involuntary care and treatment;

29 ~~((13))~~ (12) "Department" means the department of health;

30 ~~((14))~~ (13) "Designated crisis responder" means a mental health
31 professional appointed by the county, an entity appointed by the
32 county, or the behavioral health organization to perform the duties
33 specified in this chapter;

34 ~~((15))~~ (14) "Detention" or "detain" means the lawful
35 confinement of a person, under the provisions of this chapter;

36 ~~((16))~~ (15) "Developmental disabilities professional" means a
37 person who has specialized training and three years of experience in
38 directly treating or working with persons with developmental
39 disabilities and is a psychiatrist, physician assistant working with
40 a supervising psychiatrist, psychologist, psychiatric advanced

1 registered nurse practitioner, or social worker, and such other
2 developmental disabilities professionals as may be defined by rules
3 adopted by the secretary of the department of social and health
4 services;

5 ~~((17))~~ (16) "Developmental disability" means that condition
6 defined in RCW 71A.10.020(5);

7 ~~((18))~~ (17) "Director" means the director of the authority;

8 ~~((19))~~ (18) "Discharge" means the termination of hospital
9 medical authority. The commitment may remain in place, be terminated,
10 or be amended by court order;

11 ~~((20))~~ (19) "Drug addiction" means a disease, characterized by
12 a dependency on psychoactive chemicals, loss of control over the
13 amount and circumstances of use, symptoms of tolerance, physiological
14 or psychological withdrawal, or both, if use is reduced or
15 discontinued, and impairment of health or disruption of social or
16 economic functioning;

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

31 ~~((22))~~ (21) "Gravely disabled" means a condition in which a
32 person, as a result of a mental disorder, or as a result of the use
33 of alcohol or other psychoactive chemicals: (a) Is in danger of
34 serious physical harm resulting from a failure to provide for his or
35 her essential human needs of health or safety; or (b) manifests
36 severe deterioration in routine functioning evidenced by repeated and
37 escalating loss of cognitive or volitional control over his or her
38 actions and is not receiving such care as is essential for his or her
39 health or safety;

1 ~~((23))~~ (22) "Habilitative services" means those services
2 provided by program personnel to assist persons in acquiring and
3 maintaining life skills and in raising their levels of physical,
4 mental, social, and vocational functioning. Habilitative services
5 include education, training for employment, and therapy. The
6 habilitative process shall be undertaken with recognition of the risk
7 to the public safety presented by the person being assisted as
8 manifested by prior charged criminal conduct;

9 ~~((24))~~ (23) "Hearing" means any proceeding conducted in open
10 court. For purposes of this chapter, at any hearing the petitioner,
11 the respondent, the witnesses, and the presiding judicial officer may
12 be present and participate either in person or by video, as
13 determined by the court. The term "video" as used herein shall
14 include any functional equivalent. At any hearing conducted by video,
15 the technology used must permit the judicial officer, counsel, all
16 parties, and the witnesses to be able to see, hear, and speak, when
17 authorized, during the hearing; to allow attorneys to use exhibits or
18 other materials during the hearing; and to allow respondent's counsel
19 to be in the same location as the respondent unless otherwise
20 requested by the respondent or the respondent's counsel. Witnesses in
21 a proceeding may also appear in court through other means, including
22 telephonically, pursuant to the requirements of superior court civil
23 rule 43. Notwithstanding the foregoing, the court, upon its own
24 motion or upon a motion for good cause by any party, may require all
25 parties and witnesses to participate in the hearing in person rather
26 than by video. In ruling on any such motion, the court may allow in-
27 person or video testimony; and the court may consider, among other
28 things, whether the respondent's alleged mental illness affects the
29 respondent's ability to perceive or participate in the proceeding by
30 video;

31 ~~((25))~~ (24) "History of one or more violent acts" refers to the
32 period of time ten years prior to the filing of a petition under this
33 chapter, excluding any time spent, but not any violent acts
34 committed, in a mental health facility, a long-term alcoholism or
35 drug treatment facility, or in confinement as a result of a criminal
36 conviction;

37 ~~((26))~~ (25) "Imminent" means the state or condition of being
38 likely to occur at any moment or near at hand, rather than distant or
39 remote;

1 (~~(27)~~) (26) "Individualized service plan" means a plan prepared
2 by a developmental disabilities professional with other professionals
3 as a team, for a person with developmental disabilities, which shall
4 state:

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

7 (b) The conditions and strategies necessary to achieve the
8 purposes of habilitation;

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

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

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

14 (f) Where relevant in light of past criminal behavior and due
15 consideration for public safety, the criteria for proposed movement
16 to less-restrictive settings, criteria for proposed eventual
17 discharge or release, and a projected possible date for discharge or
18 release; and

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

21 (~~(28)~~) (27) "Information related to mental health services"
22 means all information and records compiled, obtained, or maintained
23 in the course of providing services to either voluntary or
24 involuntary recipients of services by a mental health service
25 provider. This may include documents of legal proceedings under this
26 chapter or chapter 71.34 or 10.77 RCW, or somatic health care
27 information;

28 (~~(29)~~) (28) "Intoxicated person" means a person whose mental or
29 physical functioning is substantially impaired as a result of the use
30 of alcohol or other psychoactive chemicals;

31 (~~(30)~~) (29) "In need of assisted outpatient behavioral health
32 treatment" means that a person, as a result of a mental disorder or
33 substance use disorder: (a) Has been committed by a court to
34 detention for involuntary behavioral health treatment during the
35 preceding thirty-six months; (b) is unlikely to voluntarily
36 participate in outpatient treatment without an order for less
37 restrictive alternative treatment, based on a history of nonadherence
38 with treatment or in view of the person's current behavior; (c) is
39 likely to benefit from less restrictive alternative treatment; and
40 (d) requires less restrictive alternative treatment to prevent a

1 relapse, decompensation, or deterioration that is likely to result in
2 the person presenting a likelihood of serious harm or the person
3 becoming gravely disabled within a reasonably short period of time;

4 ~~((31))~~ (30) "Judicial commitment" means a commitment by a court
5 pursuant to the provisions of this chapter;

6 ~~((32))~~ (31) "Legal counsel" means attorneys and staff employed
7 by county prosecutor offices or the state attorney general acting in
8 their capacity as legal representatives of public mental health and
9 substance use disorder service providers under RCW 71.05.130;

10 ~~((33))~~ (32) "Less restrictive alternative treatment" means a
11 program of individualized treatment in a less restrictive setting
12 than inpatient treatment that includes the services described in RCW
13 71.05.585;

14 ~~((34))~~ (33) "Licensed physician" means a person licensed to
15 practice medicine or osteopathic medicine and surgery in the state of
16 Washington;

17 ~~((35))~~ (34) "Likelihood of serious harm" means:

18 (a) A substantial risk that: (i) Physical harm will be inflicted
19 by a person upon his or her own person, as evidenced by threats or
20 attempts to commit suicide or inflict physical harm on oneself; (ii)
21 physical harm will be inflicted by a person upon another, as
22 evidenced by behavior which has caused such harm or which places
23 another person or persons in reasonable fear of sustaining such harm;
24 or (iii) physical harm will be inflicted by a person upon the
25 property of others, as evidenced by behavior which has caused
26 substantial loss or damage to the property of others; or

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

29 ~~((36))~~ (35) "Medical clearance" means a physician or other
30 health care provider has determined that a person is medically stable
31 and ready for referral to the designated crisis responder;

32 ~~((37))~~ (36) "Mental disorder" means any organic, mental, or
33 emotional impairment which has substantial adverse effects on a
34 person's cognitive or volitional functions;

35 ~~((38))~~ (37) "Mental health professional" means a psychiatrist,
36 psychologist, physician assistant working with a supervising
37 psychiatrist, psychiatric advanced registered nurse practitioner,
38 psychiatric nurse, or social worker, and such other mental health
39 professionals as may be defined by rules adopted by the secretary
40 pursuant to the provisions of this chapter;

1 ~~((39))~~ (38) "Mental health service provider" means a public or
2 private agency that provides mental health services to persons with
3 mental disorders or substance use disorders as defined under this
4 section and receives funding from public sources. This includes, but
5 is not limited to, hospitals licensed under chapter 70.41 RCW,
6 evaluation and treatment facilities as defined in this section,
7 community mental health service delivery systems or behavioral health
8 programs as defined in RCW 71.24.025, facilities conducting
9 competency evaluations and restoration under chapter 10.77 RCW,
10 approved substance use disorder treatment programs as defined in this
11 section, secure detoxification facilities as defined in this section,
12 and correctional facilities operated by state and local governments;

13 ~~((40))~~ (39) "Peace officer" means a law enforcement official of
14 a public agency or governmental unit, and includes persons
15 specifically given peace officer powers by any state law, local
16 ordinance, or judicial order of appointment;

17 ~~((41))~~ (40) "Physician assistant" means a person licensed as a
18 physician assistant under chapter 18.57A or 18.71A RCW;

19 ~~((42))~~ (41) "Private agency" means any person, partnership,
20 corporation, or association that is not a public agency, whether or
21 not financed in whole or in part by public funds, which constitutes
22 an evaluation and treatment facility or private institution, or
23 hospital, or approved substance use disorder treatment program, which
24 is conducted for, or includes a department or ward conducted for, the
25 care and treatment of persons with mental illness, substance use
26 disorders, or both mental illness and substance use disorders;

27 ~~((43))~~ (42) "Professional person" means a mental health
28 professional, ~~((chemical—dependency))~~ substance use disorder
29 professional, or designated crisis responder and shall also mean a
30 physician, physician assistant, psychiatric advanced registered nurse
31 practitioner, registered nurse, and such others as may be defined by
32 rules adopted by the secretary pursuant to the provisions of this
33 chapter;

34 ~~((44))~~ (43) "Psychiatric advanced registered nurse
35 practitioner" means a person who is licensed as an advanced
36 registered nurse practitioner pursuant to chapter 18.79 RCW; and who
37 is board certified in advanced practice psychiatric and mental health
38 nursing;

39 ~~((45))~~ (44) "Psychiatrist" means a person having a license as a
40 physician and surgeon in this state who has in addition completed

1 three years of graduate training in psychiatry in a program approved
2 by the American medical association or the American osteopathic
3 association and is certified or eligible to be certified by the
4 American board of psychiatry and neurology;

5 ~~((46))~~ (45) "Psychologist" means a person who has been licensed
6 as a psychologist pursuant to chapter 18.83 RCW;

7 ~~((47))~~ (46) "Public agency" means any evaluation and treatment
8 facility or institution, secure detoxification facility, approved
9 substance use disorder treatment program, or hospital which is
10 conducted for, or includes a department or ward conducted for, the
11 care and treatment of persons with mental illness, substance use
12 disorders, or both mental illness and substance use disorders, if the
13 agency is operated directly by federal, state, county, or municipal
14 government, or a combination of such governments;

15 ~~((48))~~ (47) "Release" means legal termination of the commitment
16 under the provisions of this chapter;

17 ~~((49))~~ (48) "Resource management services" has the meaning
18 given in chapter 71.24 RCW;

19 ~~((50))~~ (49) "Secretary" means the secretary of the department
20 of health, or his or her designee;

21 ~~((51))~~ (50) "Secure detoxification facility" means a facility
22 operated by either a public or private agency or by the program of an
23 agency that:

24 (a) Provides for intoxicated persons:

25 (i) Evaluation and assessment, provided by certified ~~((chemical
26 dependency))~~ substance use disorder professionals;

27 (ii) Acute or subacute detoxification services; and

28 (iii) Discharge assistance provided by certified ~~((chemical
29 dependency))~~ substance use disorder professionals, including
30 facilitating transitions to appropriate voluntary or involuntary
31 inpatient services or to less restrictive alternatives as appropriate
32 for the individual;

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

35 (c) Is licensed or certified as such by the department of health;

36 ~~((52))~~ (51) "Serious violent offense" has the same meaning as
37 provided in RCW 9.94A.030;

38 ~~((53))~~ (52) "Social worker" means a person with a master's or
39 further advanced degree from a social work educational program
40 accredited and approved as provided in RCW 18.320.010;

1 (~~(54)~~) (53) "Substance use disorder" means a cluster of
2 cognitive, behavioral, and physiological symptoms indicating that an
3 individual continues using the substance despite significant
4 substance-related problems. The diagnosis of a substance use disorder
5 is based on a pathological pattern of behaviors related to the use of
6 the substances;

7 (54) "Substance use disorder professional" means a person
8 certified as a substance use disorder professional by the department
9 of health under chapter 18.205 RCW;

10 (55) "Therapeutic court personnel" means the staff of a mental
11 health court or other therapeutic court which has jurisdiction over
12 defendants who are dually diagnosed with mental disorders, including
13 court personnel, probation officers, a court monitor, prosecuting
14 attorney, or defense counsel acting within the scope of therapeutic
15 court duties;

16 (56) "Treatment records" include registration and all other
17 records concerning persons who are receiving or who at any time have
18 received services for mental illness, which are maintained by the
19 department of social and health services, the department, the
20 authority, behavioral health organizations and their staffs, and by
21 treatment facilities. Treatment records include mental health
22 information contained in a medical bill including but not limited to
23 mental health drugs, a mental health diagnosis, provider name, and
24 dates of service stemming from a medical service. Treatment records
25 do not include notes or records maintained for personal use by a
26 person providing treatment services for the department of social and
27 health services, the department, the authority, behavioral health
28 organizations, or a treatment facility if the notes or records are
29 not available to others;

30 (57) "Triage facility" means a short-term facility or a portion
31 of a facility licensed or certified by the department under RCW
32 71.24.035, which is designed as a facility to assess and stabilize an
33 individual or determine the need for involuntary commitment of an
34 individual, and must meet department residential treatment facility
35 standards. A triage facility may be structured as a voluntary or
36 involuntary placement facility;

37 (58) "Violent act" means behavior that resulted in homicide,
38 attempted suicide, nonfatal injuries, or substantial damage to
39 property.

1 **Sec. 16.** RCW 71.34.020 and 2018 c 201 s 5002 are each amended to
2 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 licensed or certified by the department of health
14 as meeting standards adopted under chapter 71.24 RCW.

15 (3) "Authority" means the Washington state health care authority.

16 (4) "Chemical dependency" means:

17 (a) Alcoholism;

18 (b) Drug addiction; or

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

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

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

29 ~~((7))~~ (6) "Children's mental health specialist" means:

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

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

37 ~~((8))~~ (7) "Commitment" means a determination by a judge or
38 court commissioner, made after a commitment hearing, that the minor
39 is in need of inpatient diagnosis, evaluation, or treatment or that
40 the minor is in need of less restrictive alternative treatment.

1 ~~((9))~~ (8) "Department" means the department of social and
2 health services.

3 ~~((10))~~ (9) "Designated crisis responder" means a person
4 designated by a behavioral health organization to perform the duties
5 specified in this chapter.

6 ~~((11))~~ (10) "Director" means the director of the authority.

7 ~~((12))~~ (11) "Drug addiction" means a disease, characterized by
8 a dependency on psychoactive chemicals, loss of control over the
9 amount and circumstances of use, symptoms of tolerance, physiological
10 or psychological withdrawal, or both, if use is reduced or
11 discontinued, and impairment of health or disruption of social or
12 economic functioning.

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

24 ~~((14))~~ (13) "Evaluation and treatment program" means the total
25 system of services and facilities coordinated and approved by a
26 county or combination of counties for the evaluation and treatment of
27 minors under this chapter.

28 ~~((15))~~ (14) "Gravely disabled minor" means a minor who, as a
29 result of a mental disorder, or as a result of the use of alcohol or
30 other psychoactive chemicals, is in danger of serious physical harm
31 resulting from a failure to provide for his or her essential human
32 needs of health or safety, or manifests severe deterioration in
33 routine functioning evidenced by repeated and escalating loss of
34 cognitive or volitional control over his or her actions and is not
35 receiving such care as is essential for his or her health or safety.

36 ~~((16))~~ (15) "Inpatient treatment" means twenty-four-hour-per-
37 day mental health care provided within a general hospital,
38 psychiatric hospital, residential treatment facility licensed or
39 certified by the department of health as an evaluation and treatment

1 facility for minors, secure detoxification facility for minors, or
2 approved substance use disorder treatment program for minors.

3 ~~((17))~~ (16) "Intoxicated minor" means a minor whose mental or
4 physical functioning is substantially impaired as a result of the use
5 of alcohol or other psychoactive chemicals.

6 ~~((18))~~ (17) "Less restrictive alternative" or "less restrictive
7 setting" means outpatient treatment provided to a minor who is not
8 residing in a facility providing inpatient treatment as defined in
9 this chapter.

10 ~~((19))~~ (18) "Likelihood of serious harm" means either: (a) A
11 substantial risk that physical harm will be inflicted by an
12 individual upon his or her own person, as evidenced by threats or
13 attempts to commit suicide or inflict physical harm on oneself; (b) a
14 substantial risk that physical harm will be inflicted by an
15 individual upon another, as evidenced by behavior which has caused
16 such harm or which places another person or persons in reasonable
17 fear of sustaining such harm; or (c) a substantial risk that physical
18 harm will be inflicted by an individual upon the property of others,
19 as evidenced by behavior which has caused substantial loss or damage
20 to the property of others.

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

29 ~~((21))~~ (20) "Mental disorder" means any organic, mental, or
30 emotional impairment that has substantial adverse effects on an
31 individual's cognitive or volitional functions. The presence of
32 alcohol abuse, drug abuse, juvenile criminal history, antisocial
33 behavior, or intellectual disabilities alone is insufficient to
34 justify a finding of "mental disorder" within the meaning of this
35 section.

36 ~~((22))~~ (21) "Mental health professional" means a psychiatrist,
37 psychiatric advanced registered nurse practitioner, physician
38 assistant working with a supervising psychiatrist, psychologist,
39 psychiatric nurse, or social worker, and such other mental health

1 professionals as may be defined by rules adopted by the secretary of
2 the department of health under this chapter.

3 ~~((23))~~ (22) "Minor" means any person under the age of eighteen
4 years.

5 ~~((24))~~ (23) "Outpatient treatment" means any of the
6 nonresidential services mandated under chapter 71.24 RCW and provided
7 by licensed or certified service providers as identified by RCW
8 71.24.025.

9 ~~((25))~~ (24) "Parent" means:

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

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

15 ~~((26))~~ (25) "Private agency" means any person, partnership,
16 corporation, or association that is not a public agency, whether or
17 not financed in whole or in part by public funds, that constitutes an
18 evaluation and treatment facility or private institution, or
19 hospital, or approved substance use disorder treatment program, that
20 is conducted for, or includes a distinct unit, floor, or ward
21 conducted for, the care and treatment of persons with mental illness,
22 substance use disorders, or both mental illness and substance use
23 disorders.

24 ~~((27))~~ (26) "Physician assistant" means a person licensed as a
25 physician assistant under chapter 18.57A or 18.71A RCW.

26 ~~((28))~~ (27) "Professional person in charge" or "professional
27 person" means a physician, other mental health professional, or other
28 person empowered by an evaluation and treatment facility, secure
29 detoxification facility, or approved substance use disorder treatment
30 program with authority to make admission and discharge decisions on
31 behalf of that facility.

32 ~~((29))~~ (28) "Psychiatric nurse" means a registered nurse who
33 has experience in the direct treatment of persons who have a mental
34 illness or who are emotionally disturbed, such experience gained
35 under the supervision of a mental health professional.

36 ~~((30))~~ (29) "Psychiatrist" means a person having a license as a
37 physician in this state who has completed residency training in
38 psychiatry in a program approved by the American Medical Association
39 or the American Osteopathic Association, and is board eligible or
40 board certified in psychiatry.

1 (~~(31)~~) (30) "Psychologist" means a person licensed as a
2 psychologist under chapter 18.83 RCW.

3 (~~(32)~~) (31) "Public agency" means any evaluation and treatment
4 facility or institution, or hospital, or approved substance use
5 disorder treatment program that is conducted for, or includes a
6 distinct unit, floor, or ward conducted for, the care and treatment
7 of persons with mental illness, substance use disorders, or both
8 mental illness and substance use disorders if the agency is operated
9 directly by federal, state, county, or municipal government, or a
10 combination of such governments.

11 (~~(33)~~) (32) "Responsible other" means the minor, the minor's
12 parent or estate, or any other person legally responsible for support
13 of the minor.

14 (~~(34)~~) (33) "Secretary" means the secretary of the department
15 or secretary's designee.

16 (~~(35)~~) (34) "Secure detoxification facility" means a facility
17 operated by either a public or private agency or by the program of an
18 agency that:

19 (a) Provides for intoxicated minors:

20 (i) Evaluation and assessment, provided by certified (~~chemical~~
21 ~~dependency~~) substance use disorder professionals;

22 (ii) Acute or subacute detoxification services; and

23 (iii) Discharge assistance provided by certified (~~chemical~~
24 ~~dependency~~) substance use disorder professionals, including
25 facilitating transitions to appropriate voluntary or involuntary
26 inpatient services or to less restrictive alternatives as appropriate
27 for the minor;

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

30 (c) Is licensed or certified as such by the department of health.

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

1 minor gives notice of intent to leave under the provisions of this
2 chapter.

3 ~~((38))~~ (37) "Substance use disorder" means a cluster of
4 cognitive, behavioral, and physiological symptoms indicating that an
5 individual continues using the substance despite significant
6 substance-related problems. The diagnosis of a substance use disorder
7 is based on a pathological pattern of behaviors related to the use of
8 the substances.

9 (38) "Substance use disorder professional" means a person
10 certified as a substance use disorder professional by the department
11 of health under chapter 18.205 RCW.

12 **Sec. 17.** RCW 71.34.720 and 2018 c 201 s 5017 are each amended to
13 read as follows:

14 (1) Each minor approved by the facility for inpatient admission
15 shall be examined and evaluated by a children's mental health
16 specialist, for minors admitted as a result of a mental disorder, or
17 by a ~~((chemical dependency))~~ substance use disorder professional, for
18 minors admitted as a result of a substance use disorder, as to the
19 child's mental condition and by a physician, physician assistant, or
20 psychiatric advanced registered nurse practitioner as to the child's
21 physical condition within twenty-four hours of admission. Reasonable
22 measures shall be taken to ensure medical treatment is provided for
23 any condition requiring immediate medical attention.

24 (2) If, after examination and evaluation, the children's mental
25 health specialist or substance use disorder specialist and the
26 physician, physician assistant, or psychiatric advanced registered
27 nurse practitioner determine that the initial needs of the minor, if
28 detained to an evaluation and treatment facility, would be better
29 served by placement in a substance use disorder treatment program or,
30 if detained to a secure detoxification facility or approved substance
31 use disorder treatment program, would be better served in an
32 evaluation and treatment facility, then the minor shall be referred
33 to the more appropriate placement; however a minor may only be
34 referred to a secure detoxification facility or approved substance
35 use disorder treatment program if there is a secure detoxification
36 facility or approved substance use disorder treatment program
37 available and that has adequate space for the minor.

38 (3) The admitting facility shall take reasonable steps to notify
39 immediately the minor's parent of the admission.

1 (4) During the initial seventy-two hour treatment period, the
2 minor has a right to associate or receive communications from parents
3 or others unless the professional person in charge determines that
4 such communication would be seriously detrimental to the minor's
5 condition or treatment and so indicates in the minor's clinical
6 record, and notifies the minor's parents of this determination. In no
7 event may the minor be denied the opportunity to consult an attorney.

8 (5) If the evaluation and treatment facility, secure
9 detoxification facility, or approved substance use disorder treatment
10 program admits the minor, it may detain the minor for evaluation and
11 treatment for a period not to exceed seventy-two hours from the time
12 of provisional acceptance. The computation of such seventy-two hour
13 period shall exclude Saturdays, Sundays, and holidays. This initial
14 treatment period shall not exceed seventy-two hours except when an
15 application for voluntary inpatient treatment is received or a
16 petition for fourteen-day commitment is filed.

17 (6) Within twelve hours of the admission, the facility shall
18 advise the minor of his or her rights as set forth in this chapter.

19 **Sec. 18.** RCW 71.34.720 and 2018 c 201 s 5018 are each amended to
20 read as follows:

21 (1) Each minor approved by the facility for inpatient admission
22 shall be examined and evaluated by a children's mental health
23 specialist, for minors admitted as a result of a mental disorder, or
24 by a (~~chemical dependency~~) substance use disorder professional, for
25 minors admitted as a result of a substance use disorder, as to the
26 child's mental condition and by a physician, physician assistant, or
27 psychiatric advanced registered nurse practitioner as to the child's
28 physical condition within twenty-four hours of admission. Reasonable
29 measures shall be taken to ensure medical treatment is provided for
30 any condition requiring immediate medical attention.

31 (2) If, after examination and evaluation, the children's mental
32 health specialist or substance use disorder specialist and the
33 physician, physician assistant, or psychiatric advanced registered
34 nurse practitioner determine that the initial needs of the minor, if
35 detained to an evaluation and treatment facility, would be better
36 served by placement in a substance use disorder treatment program or,
37 if detained to a secure detoxification facility or approved substance
38 use disorder treatment program, would be better served in an

1 evaluation and treatment facility, then the minor shall be referred
2 to the more appropriate placement.

3 (3) The admitting facility shall take reasonable steps to notify
4 immediately the minor's parent of the admission.

5 (4) During the initial seventy-two hour treatment period, the
6 minor has a right to associate or receive communications from parents
7 or others unless the professional person in charge determines that
8 such communication would be seriously detrimental to the minor's
9 condition or treatment and so indicates in the minor's clinical
10 record, and notifies the minor's parents of this determination. In no
11 event may the minor be denied the opportunity to consult an attorney.

12 (5) If the evaluation and treatment facility, secure
13 detoxification facility, or approved substance use disorder treatment
14 program admits the minor, it may detain the minor for evaluation and
15 treatment for a period not to exceed seventy-two hours from the time
16 of provisional acceptance. The computation of such seventy-two hour
17 period shall exclude Saturdays, Sundays, and holidays. This initial
18 treatment period shall not exceed seventy-two hours except when an
19 application for voluntary inpatient treatment is received or a
20 petition for fourteen-day commitment is filed.

21 (6) Within twelve hours of the admission, the facility shall
22 advise the minor of his or her rights as set forth in this chapter.

23 **Sec. 19.** RCW 71.34.760 and 2018 c 201 s 5019 are each amended to
24 read as follows:

25 (1) If a minor is committed for one hundred eighty-day inpatient
26 treatment and is to be placed in a state-supported program, the
27 director shall accept immediately and place the minor in a state-
28 funded long-term evaluation and treatment facility or state-funded
29 approved substance use disorder treatment program.

30 (2) The director's placement authority shall be exercised through
31 a designated placement committee appointed by the director and
32 composed of children's mental health specialists and (~~chemical~~
33 ~~dependency~~) substance use disorder professionals, including at least
34 one child psychiatrist who represents the state-funded, long-term,
35 evaluation and treatment facility for minors and one (~~chemical~~
36 ~~dependency~~) substance use disorder professional who represents the
37 state-funded approved substance use disorder treatment program. The
38 responsibility of the placement committee will be to:

1 (a) Make the long-term placement of the minor in the most
2 appropriate, available state-funded evaluation and treatment facility
3 or approved substance use disorder treatment program, having
4 carefully considered factors including the treatment needs of the
5 minor, the most appropriate facility able to respond to the minor's
6 identified treatment needs, the geographic proximity of the facility
7 to the minor's family, the immediate availability of bed space, and
8 the probable impact of the placement on other residents of the
9 facility;

10 (b) Approve or deny requests from treatment facilities for
11 transfer of a minor to another facility;

12 (c) Receive and monitor reports required under this section;

13 (d) Receive and monitor reports of all discharges.

14 (3) The director may authorize transfer of minors among treatment
15 facilities if the transfer is in the best interests of the minor or
16 due to treatment priorities.

17 (4) The responsible state-funded evaluation and treatment
18 facility or approved substance use disorder treatment program shall
19 submit a report to the authority's designated placement committee
20 within ninety days of admission and no less than every one hundred
21 eighty days thereafter, setting forth such facts as the authority
22 requires, including the minor's individual treatment plan and
23 progress, recommendations for future treatment, and possible less
24 restrictive treatment.

25 **Sec. 20.** RCW 18.130.175 and 2006 c 99 s 7 are each amended to
26 read as follows:

27 (1) In lieu of disciplinary action under RCW 18.130.160 and if
28 the disciplining authority determines that the unprofessional conduct
29 may be the result of substance abuse, the disciplining authority may
30 refer the license holder to a voluntary substance abuse monitoring
31 program approved by the disciplining authority.

32 The cost of the treatment shall be the responsibility of the
33 license holder, but the responsibility does not preclude payment by
34 an employer, existing insurance coverage, or other sources. Primary
35 alcoholism or other drug addiction treatment shall be provided by
36 approved treatment programs under RCW 70.96A.020 or by any other
37 provider approved by the entity or the commission. However, nothing
38 shall prohibit the disciplining authority from approving additional
39 services and programs as an adjunct to primary alcoholism or other

1 drug addiction treatment. The disciplining authority may also approve
2 the use of out-of-state programs. Referral of the license holder to
3 the program shall be done only with the consent of the license
4 holder. Referral to the program may also include probationary
5 conditions for a designated period of time. If the license holder
6 does not consent to be referred to the program or does not
7 successfully complete the program, the disciplining authority may
8 take appropriate action under RCW 18.130.160 which includes
9 suspension of the license unless or until the disciplining authority,
10 in consultation with the director of the voluntary substance abuse
11 monitoring program, determines the license holder is able to practice
12 safely. The secretary shall adopt uniform rules for the evaluation by
13 the ((~~disciplinary~~—[disciplining])) disciplining authority of a
14 relapse or program violation on the part of a license holder in the
15 substance abuse monitoring program. The evaluation shall encourage
16 program participation with additional conditions, in lieu of
17 disciplinary action, when the ((~~disciplinary~~—[disciplining]))
18 disciplining authority determines that the license holder is able to
19 continue to practice with reasonable skill and safety.

20 (2) In addition to approving substance abuse monitoring programs
21 that may receive referrals from the disciplining authority, the
22 disciplining authority may establish by rule requirements for
23 participation of license holders who are not being investigated or
24 monitored by the disciplining authority for substance abuse. License
25 holders voluntarily participating in the approved programs without
26 being referred by the disciplining authority shall not be subject to
27 disciplinary action under RCW 18.130.160 for their substance abuse,
28 and shall not have their participation made known to the disciplining
29 authority, if they meet the requirements of this section and the
30 program in which they are participating.

31 (3) The license holder shall sign a waiver allowing the program
32 to release information to the disciplining authority if the licensee
33 does not comply with the requirements of this section or is unable to
34 practice with reasonable skill or safety. The substance abuse program
35 shall report to the disciplining authority any license holder who
36 fails to comply with the requirements of this section or the program
37 or who, in the opinion of the program, is unable to practice with
38 reasonable skill or safety. License holders shall report to the
39 disciplining authority if they fail to comply with this section or do
40 not complete the program's requirements. License holders may, upon

1 the agreement of the program and disciplining authority, reenter the
2 program if they have previously failed to comply with this section.

3 (4) The treatment and pretreatment records of license holders
4 referred to or voluntarily participating in approved programs shall
5 be confidential, shall be exempt from chapter 42.56 RCW, and shall
6 not be subject to discovery by subpoena or admissible as evidence
7 except for monitoring records reported to the disciplining authority
8 for cause as defined in subsection (3) of this section. Monitoring
9 records relating to license holders referred to the program by the
10 disciplining authority or relating to license holders reported to the
11 disciplining authority by the program for cause, shall be released to
12 the disciplining authority at the request of the disciplining
13 authority. Records held by the disciplining authority under this
14 section shall be exempt from chapter 42.56 RCW and shall not be
15 subject to discovery by subpoena except by the license holder.

16 (5) "Substance abuse," as used in this section, means the
17 impairment, as determined by the disciplining authority, of a license
18 holder's professional services by an addiction to, a dependency on,
19 or the use of alcohol, legend drugs, or controlled substances.

20 (6) This section does not affect an employer's right or ability
21 to make employment-related decisions regarding a license holder. This
22 section does not restrict the authority of the disciplining authority
23 to take disciplinary action for any other unprofessional conduct.

24 (7) A person who, in good faith, reports information or takes
25 action in connection with this section is immune from civil liability
26 for reporting information or taking the action.

27 (a) The immunity from civil liability provided by this section
28 shall be liberally construed to accomplish the purposes of this
29 section and the persons entitled to immunity shall include:

30 (i) An approved monitoring treatment program;

31 (ii) The professional association operating the program;

32 (iii) Members, employees, or agents of the program or
33 association;

34 (iv) Persons reporting a license holder as being possibly
35 impaired or providing information about the license holder's
36 impairment; and

37 (v) Professionals supervising or monitoring the course of the
38 impaired license holder's treatment or rehabilitation.

39 (b) The courts are strongly encouraged to impose sanctions on
40 clients and their attorneys whose allegations under this subsection

1 are not made in good faith and are without either reasonable
2 objective, substantive grounds, or both.

3 (c) The immunity provided in this section is in addition to any
4 other immunity provided by law.

5 (8) In the case of a person who is applying to be a substance use
6 disorder professional or substance use disorder professional trainee
7 certified under chapter 18.205 RCW, if the person is:

8 (a) Less than one year in recovery from a substance use disorder,
9 the duration of time that the person may be required to participate
10 in the voluntary substance abuse monitoring program may not exceed
11 the amount of time necessary for the person to achieve one year in
12 recovery; or

13 (b) At least one year in recovery from a substance use disorder,
14 the person may not be required to participate in the substance abuse
15 monitoring program.

16 **Sec. 21.** RCW 43.43.842 and 2014 c 88 s 1 are each amended to
17 read as follows:

18 (1)(a) The secretary of social and health services and the
19 secretary of health shall adopt additional requirements for the
20 licensure or relicensure of agencies, facilities, and licensed
21 individuals who provide care and treatment to vulnerable adults,
22 including nursing pools registered under chapter 18.52C RCW. These
23 additional requirements shall ensure that any person associated with
24 a licensed agency or facility having unsupervised access with a
25 vulnerable adult shall not be the respondent in an active protective
26 order under RCW 74.34.130, nor have been: (i) Convicted of a crime
27 against persons as defined in RCW 43.43.830, except as provided in
28 this section; (ii) convicted of crimes relating to financial
29 exploitation as defined in RCW 43.43.830, except as provided in this
30 section; or (iii) found in any disciplinary board final decision to
31 have abused a vulnerable adult under RCW 43.43.830.

32 (b) A person associated with a licensed agency or facility who
33 has unsupervised access with a vulnerable adult shall make the
34 disclosures specified in RCW 43.43.834(2). The person shall make the
35 disclosures in writing, sign, and swear to the contents under penalty
36 of perjury. The person shall, in the disclosures, specify all crimes
37 against children or other persons, all crimes relating to financial
38 exploitation, and all crimes relating to drugs as defined in RCW
39 43.43.830, committed by the person.

1 (2) The rules adopted under this section shall permit the
2 licensee to consider the criminal history of an applicant for
3 employment in a licensed facility when the applicant has one or more
4 convictions for a past offense and:

5 (a) The offense was simple assault, assault in the fourth degree,
6 or the same offense as it may be renamed, and three or more years
7 have passed between the most recent conviction and the date of
8 application for employment;

9 (b) The offense was prostitution, or the same offense as it may
10 be renamed, and three or more years have passed between the most
11 recent conviction and the date of application for employment;

12 (c) The offense was theft in the third degree, or the same
13 offense as it may be renamed, and three or more years have passed
14 between the most recent conviction and the date of application for
15 employment;

16 (d) The offense was theft in the second degree, or the same
17 offense as it may be renamed, and five or more years have passed
18 between the most recent conviction and the date of application for
19 employment;

20 (e) The offense was forgery, or the same offense as it may be
21 renamed, and five or more years have passed between the most recent
22 conviction and the date of application for employment;

23 (f) The department of social and health services reviewed the
24 employee's otherwise disqualifying criminal history through the
25 department of social and health services' background assessment
26 review team process conducted in 2002, and determined that such
27 employee could remain in a position covered by this section; or

28 (g) The otherwise disqualifying conviction or disposition has
29 been the subject of a pardon, annulment, or other equivalent
30 procedure.

31 The offenses set forth in (a) through (g) of this subsection do
32 not automatically disqualify an applicant from employment by a
33 licensee. Nothing in this section may be construed to require the
34 employment of any person against a licensee's judgment.

35 (3) The rules adopted pursuant to subsection (2) of this section
36 may not allow a licensee to automatically deny an applicant with a
37 conviction for an offense set forth in subsection (2) of this section
38 for a position as a substance use disorder professional or substance
39 use disorder professional trainee certified under chapter 18.205 RCW
40 if:

1 (a) At least one year has passed between the applicant's most
2 recent conviction for an offense set forth in subsection (2) of this
3 section and the date of application for employment;

4 (b) The offense was committed as a result of the applicant's
5 substance use or untreated mental health symptoms; and

6 (c) The applicant is at least one year in recovery from a
7 substance use disorder, whether through abstinence or stability on
8 medication-assisted therapy, or in recovery from a mental health
9 disorder.

10 (4) In consultation with law enforcement personnel, the secretary
11 of social and health services and the secretary of health shall
12 investigate, or cause to be investigated, the conviction record and
13 the protection proceeding record information under this chapter of
14 the staff of each agency or facility under their respective
15 jurisdictions seeking licensure or relicensure. An individual
16 responding to a criminal background inquiry request from his or her
17 employer or potential employer shall disclose the information about
18 his or her criminal history under penalty of perjury. The secretaries
19 shall use the information solely for the purpose of determining
20 eligibility for licensure or relicensure. Criminal justice agencies
21 shall provide the secretaries such information as they may have and
22 that the secretaries may require for such purpose.

23 NEW SECTION. Sec. 22. (1) Section 12 of this act takes effect
24 August 1, 2020.

25 (2) Section 18 of this act takes effect July 1, 2026.

26 NEW SECTION. Sec. 23. (1) Section 11 of this act expires August
27 1, 2020.

28 (2) Section 17 of this act expires July 1, 2026.

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