
HOUSE BILL 1768

State of Washington

66th Legislature

2019 Regular Session

By Representatives Davis, Macri, Jenkins, Ormsby, Slatter, and Tharinger

Read first time 01/30/19. Referred to Committee on Health Care & Wellness.

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, and 71.34.760; reenacting and
6 amending RCW 71.05.020; providing effective dates; and providing
7 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 ~~((("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)).~~

29 ~~((7)) (4) "Department" means the department of health.~~

30 ~~((8)) (5) "Health profession" means a profession providing
31 health services regulated under the laws of this state.~~

32 ~~((9)) (6) "Secretary" means the secretary of health or the
33 secretary's designee.~~

34 (7) "Substance use disorder counseling" means employing the core
35 competencies of substance use disorder counseling to assist or
36 attempt to assist individuals who are using or dependent on alcohol
37 or other drugs.

38 (8) "Substance use disorder professional" means an individual
39 certified in substance use disorder counseling under this chapter.

1 (9) "Substance use disorder professional trainee" means an
2 individual working toward the education and experience requirements
3 for certification as a substance use disorder professional.

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

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

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

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

32 (2) The secretary may remove any member of the committee for
33 cause as specified by rule. In the case of a vacancy, the secretary
34 shall appoint a person to serve for the remainder of the unexpired
35 term.

36 (3) The committee shall meet at the times and places designated
37 by the secretary and shall hold meetings during the year as necessary
38 to provide advice to the director. The committee may elect a chair

1 and a vice chair. A majority of the members currently serving shall
2 constitute a quorum.

3 (4) Each member of the committee shall be reimbursed for travel
4 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
5 members of the committee shall be compensated in accordance with RCW
6 43.03.240 when engaged in the authorized business of the committee.

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

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

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

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

18 (a) Completion of an educational program approved by the
19 secretary or successful completion of alternate training that meets
20 established criteria;

21 (b) Successful completion of an approved examination, based on
22 core competencies of (~~chemical dependency~~) substance use disorder
23 counseling; and

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

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

34 (3) Applicants are subject to the grounds for denial of a
35 certificate or issuance of a conditional certificate under chapter
36 18.130 RCW.

37 (4) Certified (~~chemical dependency~~) substance use disorder
38 professionals shall not be required to be registered under chapter
39 18.19 RCW or licensed under chapter 18.225 RCW.

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

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

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

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

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

24 (4) A certified (~~chemical dependency~~) substance use disorder
25 professional trainee provides (~~chemical dependency~~) substance use
26 disorder assessments, counseling, and case management with a state
27 regulated agency and can provide clinical services to patients
28 consistent with his or her education, training, and experience as
29 approved by his or her supervisor.

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

31 (6) Applicants are subject to denial of a certificate or issuance
32 of a conditional certificate for the reasons set forth in chapter
33 18.130 RCW.

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

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

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

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

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

16 For the purposes of this chapter:

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

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

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

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

38 (b) Community restitution not to exceed one hundred fifty hours
39 of community restitution;

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

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

- 19 (a) Community-based sanctions;
- 20 (b) Community-based rehabilitation;
- 21 (c) Monitoring and reporting requirements;
- 22 (d) Posting of a probation bond;

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

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

- 34 (A) The referral is necessary to rehabilitate the child;
- 35 (B) The referral is necessary to protect the public or the child;
- 36 (C) The referral is in the child's best interest;
- 37 (D) The child has been given the opportunity to engage in less
38 restrictive treatment and has been unable or unwilling to comply; and
- 39 (E) Inpatient treatment is the least restrictive action
40 consistent with the child's needs and circumstances.

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

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

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

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

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

26 (b) The criminal complaint was diverted by a prosecutor pursuant
27 to the provisions of this chapter on agreement of the respondent and
28 after an advisement to the respondent that the criminal complaint
29 would be considered as part of the respondent's criminal history. A
30 successfully completed deferred adjudication that was entered before
31 July 1, 1998, or a deferred disposition shall not be considered part
32 of the respondent's criminal history;

33 (9) "Department" means the department of children, youth, and
34 families;

35 (10) "Detention facility" means a county facility, paid for by
36 the county, for the physical confinement of a juvenile alleged to
37 have committed an offense or an adjudicated offender subject to a
38 disposition or modification order. "Detention facility" includes
39 county group homes, inpatient substance abuse programs, juvenile
40 basic training camps, and electronic monitoring;

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

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

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

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

29 (15) "Juvenile," "youth," and "child" mean any individual who is
30 under the chronological age of eighteen years and who has not been
31 previously transferred to adult court pursuant to RCW 13.40.110,
32 unless the individual was convicted of a lesser charge or acquitted
33 of the charge for which he or she was previously transferred pursuant
34 to RCW 13.40.110 or who is not otherwise under adult court
35 jurisdiction;

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

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

4 (18) "Local sanctions" means one or more of the following: (a)
5 0-30 days of confinement; (b) 0-12 months of community supervision;
6 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

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

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

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

23 (22) "Physical restraint" means the use of any bodily force or
24 physical intervention to control a juvenile offender or limit a
25 juvenile offender's freedom of movement in a way that does not
26 involve a mechanical restraint. Physical restraint does not include
27 momentary periods of minimal physical restriction by direct person-
28 to-person contact, without the aid of mechanical restraint,
29 accomplished with limited force and designed to:

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

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

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

35 (23) "Postpartum recovery" means (a) the entire period a woman or
36 youth is in the hospital, birthing center, or clinic after giving
37 birth and (b) an additional time period, if any, a treating physician
38 determines is necessary for healing after the youth leaves the
39 hospital, birthing center, or clinic;

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

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

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

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

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

29 (a) Physical restraint; or

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

33 (29) "Screening" means a process that is designed to identify a
34 child who is at risk of having mental health, substance abuse, or co-
35 occurring mental health and substance abuse disorders that warrant
36 immediate attention, intervention, or more comprehensive assessment.
37 A screening may be undertaken with or without the administration of a
38 formal instrument;

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

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

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

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

10 (34) "Surety" means an entity licensed under state insurance laws
11 or by the state department of licensing, to write corporate,
12 property, or probation bonds within the state, and justified and
13 approved by the superior court of the county having jurisdiction of
14 the case;

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

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

25 (37) "Violent offense" means a violent offense as defined in RCW
26 9.94A.030;

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

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

31 (1) When a police officer has reasonable cause to believe that a
32 juvenile has committed acts constituting a nonfelony crime that is
33 not a serious offense as identified in RCW 10.77.092, and the officer
34 believes that the juvenile suffers from a mental disorder, and the
35 local prosecutor has entered into an agreement with law enforcement
36 regarding the detention of juveniles who may have a mental disorder
37 or may be suffering from chemical dependency, the arresting officer,
38 instead of taking the juvenile to the local juvenile detention
39 facility, may take the juvenile to:

1 (a) An evaluation and treatment facility as defined in RCW
2 71.34.020 if the juvenile suffers from a mental disorder and the
3 facility has been identified as an alternative location by agreement
4 of the prosecutor, law enforcement, and the mental health provider;

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

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

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

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

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

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

22 (1) This chapter applies only to the secretary and the boards and
23 commissions having jurisdiction in relation to the professions
24 licensed under the chapters specified in this section. This chapter
25 does not apply to any business or profession not licensed under the
26 chapters specified in this section.

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

29 (i) Dispensing opticians licensed and designated apprentices
30 under chapter 18.34 RCW;

31 (ii) Midwives licensed under chapter 18.50 RCW;

32 (iii) Ocularists licensed under chapter 18.55 RCW;

33 (iv) Massage therapists and businesses licensed under chapter
34 18.108 RCW;

35 (v) Dental hygienists licensed under chapter 18.29 RCW;

36 (vi) East Asian medicine practitioners licensed under chapter
37 18.06 RCW;

38 (vii) Radiologic technologists certified and X-ray technicians
39 registered under chapter 18.84 RCW;

- 1 (viii) Respiratory care practitioners licensed under chapter
2 18.89 RCW;
- 3 (ix) Hypnotherapists and agency affiliated counselors registered
4 and advisors and counselors certified under chapter 18.19 RCW;
- 5 (x) Persons licensed as mental health counselors, mental health
6 counselor associates, marriage and family therapists, marriage and
7 family therapist associates, social workers, social work associates—
8 advanced, and social work associates—independent clinical under
9 chapter 18.225 RCW;
- 10 (xi) Persons registered as nursing pool operators under chapter
11 18.52C RCW;
- 12 (xii) Nursing assistants registered or certified or medication
13 assistants endorsed under chapter 18.88A RCW;
- 14 (xiii) Dietitians and nutritionists certified under chapter
15 18.138 RCW;
- 16 (xiv) (~~(Chemical—dependency)~~) Substance use disorder
17 professionals and (~~(chemical—dependency)~~) substance use disorder
18 professional trainees certified under chapter 18.205 RCW;
- 19 (xv) Sex offender treatment providers and certified affiliate sex
20 offender treatment providers certified under chapter 18.155 RCW;
- 21 (xvi) Persons licensed and certified under chapter 18.73 RCW or
22 RCW 18.71.205;
- 23 (xvii) Orthotists and prosthetists licensed under chapter 18.200
24 RCW;
- 25 (xviii) Surgical technologists registered under chapter 18.215
26 RCW;
- 27 (xix) Recreational therapists under chapter 18.230 RCW;
- 28 (xx) Animal massage therapists certified under chapter 18.240
29 RCW;
- 30 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 31 (xxii) Home care aides certified under chapter 18.88B RCW;
- 32 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
- 33 (xxiv) Reflexologists certified under chapter 18.108 RCW;
- 34 (xxv) Medical assistants-certified, medical assistants-
35 hemodialysis technician, medical assistants-phlebotomist, forensic
36 phlebotomist, and medical assistants-registered certified and
37 registered under chapter 18.360 RCW; and
- 38 (xxvi) Behavior analysts, assistant behavior analysts, and
39 behavior technicians under chapter 18.380 RCW.

1 (b) The boards and commissions having authority under this
2 chapter are as follows:

3 (i) The podiatric medical board as established in chapter 18.22
4 RCW;

5 (ii) The chiropractic quality assurance commission as established
6 in chapter 18.25 RCW;

7 (iii) The dental quality assurance commission as established in
8 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
9 licenses and registrations issued under chapter 18.260 RCW, and
10 certifications issued under chapter 18.350 RCW;

11 (iv) The board of hearing and speech as established in chapter
12 18.35 RCW;

13 (v) The board of examiners for nursing home administrators as
14 established in chapter 18.52 RCW;

15 (vi) The optometry board as established in chapter 18.54 RCW
16 governing licenses issued under chapter 18.53 RCW;

17 (vii) The board of osteopathic medicine and surgery as
18 established in chapter 18.57 RCW governing licenses issued under
19 chapters 18.57 and 18.57A RCW;

20 (viii) The pharmacy quality assurance commission as established
21 in chapter 18.64 RCW governing licenses issued under chapters 18.64
22 and 18.64A RCW;

23 (ix) The medical quality assurance commission as established in
24 chapter 18.71 RCW governing licenses and registrations issued under
25 chapters 18.71 and 18.71A RCW;

26 (x) The board of physical therapy as established in chapter 18.74
27 RCW;

28 (xi) The board of occupational therapy practice as established in
29 chapter 18.59 RCW;

30 (xii) The nursing care quality assurance commission as
31 established in chapter 18.79 RCW governing licenses and registrations
32 issued under that chapter;

33 (xiii) The examining board of psychology and its disciplinary
34 committee as established in chapter 18.83 RCW;

35 (xiv) The veterinary board of governors as established in chapter
36 18.92 RCW;

37 (xv) The board of naturopathy established in chapter 18.36A RCW;
38 and

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

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

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

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

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

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

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

18 (iii) A marriage and family therapist licensed under chapter
19 18.225 RCW;

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

21 (v) An occupational therapy practitioner licensed under chapter
22 18.59 RCW;

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

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

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

28 (b) The requirements in (a) of this subsection apply to a person
29 holding a retired active license for one of the professions in (a) of
30 this subsection.

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

37 (d) Beginning July 1, 2017, the training required by this
38 subsection must be on the model list developed under subsection (6)

1 of this section. Nothing in this subsection (1)(d) affects the
2 validity of training completed prior to July 1, 2017.

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

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

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

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

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

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

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

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

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

37 (iv) An osteopathic physician and surgeon licensed under chapter
38 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
39 and surgery license issued under RCW 18.57.035;

1 (v) An osteopathic physician assistant licensed under chapter
2 18.57A RCW;

3 (vi) A physical therapist or physical therapist assistant
4 licensed under chapter 18.74 RCW;

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

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

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

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

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

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

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 include
9 content related to the assessment of issues related to imminent harm
10 via lethal means. When adopting the rules required under this
11 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. 12.** RCW 43.70.442 and 2017 c 262 s 4 are each amended to
37 read as follows:

38 (1)(a) Each of the following professionals certified or licensed
39 under Title 18 RCW shall, at least once every six years, complete

1 training in suicide assessment, treatment, and management that is
2 approved, in rule, by the relevant disciplining authority:

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

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

6 (iii) A marriage and family therapist licensed under chapter
7 18.225 RCW;

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

9 (v) An occupational therapy practitioner licensed under chapter
10 18.59 RCW;

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

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

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

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

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

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

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

35 (b) A professional listed in subsection (1)(a) of this section
36 applying for initial licensure may delay completion of the first
37 training required by this section for six years after initial
38 licensure if he or she can demonstrate successful completion of the
39 training required in subsection (1) of this section no more than six
40 years prior to the application for initial licensure.

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

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

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

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

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

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

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

23 (iv) An osteopathic physician and surgeon licensed under chapter
24 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
25 and surgery license issued under RCW 18.57.035;

26 (v) An osteopathic physician assistant licensed under chapter
27 18.57A RCW;

28 (vi) A physical therapist or physical therapist assistant
29 licensed under chapter 18.74 RCW;

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

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

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

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

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

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

38 (b)(i) A professional listed in (a)(i) through (viii) of this
39 subsection or a person holding a retired active license for one of
40 the professions listed in (a)(i) through (viii) of this subsection

1 must complete the one-time training by the end of the first full
2 continuing education reporting period after January 1, 2016, or
3 during the first full continuing education reporting period after
4 initial licensure, whichever is later. Training completed between
5 June 12, 2014, and January 1, 2016, that meets the requirements of
6 this section, other than the timing requirements of this subsection
7 (5)(b), must be accepted by the disciplining authority as meeting the
8 one-time training requirement of this subsection (5).

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

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

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

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

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

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

39 (c) By June 30, 2016, the department shall adopt rules
40 establishing minimum standards for the training programs included on

1 the model list. The minimum standards must require that six-hour
2 trainings include content specific to veterans and the assessment of
3 issues related to imminent harm via lethal means or self-injurious
4 behaviors and that three-hour trainings for pharmacists or dentists
5 include content related to the assessment of issues related to
6 imminent harm via lethal means. When adopting the rules required
7 under this subsection (6)(c), the department shall:

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

13 (ii) Consider standards related to the best practices registry of
14 the American foundation for suicide prevention and the suicide
15 prevention resource center.

16 (d) Beginning January 1, 2017:

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

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

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

29 (7) The department shall provide the health profession training
30 standards created in this section to the professional educator
31 standards board as a model in meeting the requirements of RCW
32 28A.410.226 and provide technical assistance, as requested, in the
33 review and evaluation of educator training programs. The educator
34 training programs approved by the professional educator standards
35 board may be included in the department's model list.

36 (8) Nothing in this section may be interpreted to expand or limit
37 the scope of practice of any profession regulated under chapter
38 18.130 RCW.

1 (9) The secretary and the disciplining authorities affected by
2 this section shall adopt any rules necessary to implement this
3 section.

4 (10) For purposes of this section:

5 (a) "Disciplining authority" has the same meaning as in RCW
6 18.130.020.

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

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

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

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

35 The definitions in this section apply throughout this chapter
36 unless the context clearly requires otherwise.

37 (1) "Antipsychotic medications" means that class of drugs
38 primarily used to treat serious manifestations of mental illness

1 associated with thought disorders, which includes but is not limited
2 to atypical antipsychotic medications.

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

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

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

13 ~~(5))~~ (5) "Commitment" means the determination by a court that an
14 individual should be detained for a period of either evaluation or
15 treatment, or both, in an inpatient or a less restrictive setting.

16 ~~((6))~~ (6) "Conditional release" means a modification of a
17 commitment that may be revoked upon violation of any of its terms.

18 ~~((7))~~ (7) "Custody" means involuntary detention under chapter
19 71.05 RCW, uninterrupted by any period of unconditional release from
20 commitment from a facility providing involuntary care and treatment.

21 ~~((8))~~ (8) "Department" means the department of social and
22 health services.

23 ~~((9))~~ (9) "Designated crisis responder" has the same meaning as
24 in chapter 71.05 RCW.

25 ~~((10))~~ (10) "Detention" or "detain" means the lawful confinement
26 of an individual under chapter 71.05 RCW.

27 ~~((11))~~ (11) "Discharge" means the termination of facility
28 authority. The commitment may remain in place, be terminated, or be
29 amended by court order.

30 ~~((12))~~ (12) "Enhanced services facility" means a facility that
31 provides treatment and services to persons for whom acute inpatient
32 treatment is not medically necessary and who have been determined by
33 the department to be inappropriate for placement in other licensed
34 facilities due to the complex needs that result in behavioral and
35 security issues.

36 ~~((13))~~ (13) "Expanded community services program" means a
37 nonsecure program of enhanced behavioral and residential support
38 provided to long-term and residential care providers serving
39 specifically eligible clients who would otherwise be at risk for
40 hospitalization at state hospital geriatric units.

1 (~~(14)~~) (13) "Facility" means an enhanced services facility.

2 (~~(15)~~) (14) "Gravely disabled" means a condition in which an
3 individual, as a result of a mental disorder, as a result of the use
4 of alcohol or other psychoactive chemicals, or both:

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

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

12 (~~(16)~~) (15) "History of one or more violent acts" refers to the
13 period of time ten years before the filing of a petition under this
14 chapter or chapter 71.05 RCW, excluding any time spent, but not any
15 violent acts committed, in a mental health facility or a long-term
16 alcoholism or drug treatment facility, or in confinement as a result
17 of a criminal conviction.

18 (~~(17)~~) (16) "Licensed physician" means a person licensed to
19 practice medicine or osteopathic medicine and surgery in the state of
20 Washington.

21 (~~(18)~~) (17) "Likelihood of serious harm" means:

22 (a) A substantial risk that:

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

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

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

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

35 (~~(19)~~) (18) "Mental disorder" means any organic, mental, or
36 emotional impairment that has substantial adverse effects on an
37 individual's cognitive or volitional functions.

38 (~~(20)~~) (19) "Mental health professional" means a psychiatrist,
39 psychologist, psychiatric nurse, or social worker, and such other

1 mental health professionals as may be defined by rules adopted by the
2 secretary under the authority of chapter 71.05 RCW.

3 ~~((21))~~ (20) "Professional person" means a mental health
4 professional and also means a physician, registered nurse, and such
5 others as may be defined in rules adopted by the secretary pursuant
6 to the provisions of this chapter.

7 ~~((22))~~ (21) "Psychiatrist" means a person having a license as a
8 physician and surgeon in this state who has in addition completed
9 three years of graduate training in psychiatry in a program approved
10 by the American medical association or the American osteopathic
11 association and is certified or eligible to be certified by the
12 American board of psychiatry and neurology.

13 ~~((23))~~ (22) "Psychologist" means a person who has been licensed
14 as a psychologist under chapter 18.83 RCW.

15 ~~((24))~~ (23) "Registration records" include all the records of
16 the department, behavioral health organizations, treatment
17 facilities, and other persons providing services to the department,
18 county departments, or facilities which identify individuals who are
19 receiving or who at any time have received services for mental
20 illness.

21 ~~((25))~~ (24) "Release" means legal termination of the commitment
22 under chapter 71.05 RCW.

23 ~~((26))~~ (25) "Resident" means a person admitted to an enhanced
24 services facility.

25 ~~((27))~~ (26) "Secretary" means the secretary of the department
26 or the secretary's designee.

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

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

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

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

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

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

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

18 (32) "Violent act" means behavior that resulted in homicide,
19 attempted suicide, nonfatal injuries, or substantial damage to
20 property.

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

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

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

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

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

35 (a) Self-endangering behaviors that are frequent or difficult to
36 manage;

37 (b) Aggressive, threatening, or assaultive behaviors that create
38 a risk to the health or safety of other residents or staff, or a

1 significant risk to property and these behaviors are frequent or
2 difficult to manage;

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

4 (d) Complex medication needs and those needs include psychotropic
5 medications;

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

10 (f) A history of frequent or protracted mental health
11 hospitalizations;

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

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

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

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

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

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

32 (4) "Approved substance use disorder treatment program" means a
33 program for persons with a substance use disorder provided by a
34 treatment program certified by the department as meeting standards
35 adopted under chapter 71.24 RCW;

36 (5) "Attending staff" means any person on the staff of a public
37 or private agency having responsibility for the care and treatment of
38 a patient;

39 (6) "Authority" means the Washington state health care authority;

1 (7) "Chemical dependency" means:
2 (a) Alcoholism;
3 (b) Drug addiction; or
4 (c) Dependence on alcohol and one or more psychoactive chemicals,
5 as the context requires;
6 (8) (~~"Chemical dependency professional" means a person certified~~
7 ~~as a chemical dependency professional by the department under chapter~~
8 ~~18.205 RCW;~~
9 ~~(9)~~) "Commitment" means the determination by a court that a
10 person should be detained for a period of either evaluation or
11 treatment, or both, in an inpatient or a less restrictive setting;
12 (~~(10)~~) (9) "Conditional release" means a revocable modification
13 of a commitment, which may be revoked upon violation of any of its
14 terms;
15 (~~(11)~~) (10) "Crisis stabilization unit" means a short-term
16 facility or a portion of a facility licensed or certified by the
17 department under RCW 71.24.035, such as an evaluation and treatment
18 facility or a hospital, which has been designed to assess, diagnose,
19 and treat individuals experiencing an acute crisis without the use of
20 long-term hospitalization;
21 (~~(12)~~) (11) "Custody" means involuntary detention under the
22 provisions of this chapter or chapter 10.77 RCW, uninterrupted by any
23 period of unconditional release from commitment from a facility
24 providing involuntary care and treatment;
25 (~~(13)~~) (12) "Department" means the department of health;
26 (~~(14)~~) (13) "Designated crisis responder" means a mental health
27 professional appointed by the county, an entity appointed by the
28 county, or the behavioral health organization to perform the duties
29 specified in this chapter;
30 (~~(15)~~) (14) "Detention" or "detain" means the lawful
31 confinement of a person, under the provisions of this chapter;
32 (~~(16)~~) (15) "Developmental disabilities professional" means a
33 person who has specialized training and three years of experience in
34 directly treating or working with persons with developmental
35 disabilities and is a psychiatrist, physician assistant working with
36 a supervising psychiatrist, psychologist, psychiatric advanced
37 registered nurse practitioner, or social worker, and such other
38 developmental disabilities professionals as may be defined by rules
39 adopted by the secretary of the department of social and health
40 services;

1 (~~(17)~~) (16) "Developmental disability" means that condition
2 defined in RCW 71A.10.020(5);

3 (~~(18)~~) (17) "Director" means the director of the authority;

4 (~~(19)~~) (18) "Discharge" means the termination of hospital
5 medical authority. The commitment may remain in place, be terminated,
6 or be amended by court order;

7 (~~(20)~~) (19) "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 (~~(21)~~) (20) "Evaluation and treatment facility" means any
14 facility which can provide directly, or by direct arrangement with
15 other public or private agencies, emergency evaluation and treatment,
16 outpatient care, and timely and appropriate inpatient care to persons
17 suffering from a mental disorder, and which is licensed or certified
18 as such by the department. The authority may certify single beds as
19 temporary evaluation and treatment beds under RCW 71.05.745. A
20 physically separate and separately operated portion of a state
21 hospital may be designated as an evaluation and treatment facility. A
22 facility which is part of, or operated by, the department of social
23 and health services or any federal agency will not require
24 certification. No correctional institution or facility, or jail,
25 shall be an evaluation and treatment facility within the meaning of
26 this chapter;

27 (~~(22)~~) (21) "Gravely disabled" means a condition in which a
28 person, as a result of a mental disorder, or as a result of the use
29 of alcohol or other psychoactive chemicals: (a) Is in danger of
30 serious physical harm resulting from a failure to provide for his or
31 her essential human needs of health or safety; or (b) manifests
32 severe deterioration in routine functioning evidenced by repeated and
33 escalating loss of cognitive or volitional control over his or her
34 actions and is not receiving such care as is essential for his or her
35 health or safety;

36 (~~(23)~~) (22) "Habilitative services" means those services
37 provided by program personnel to assist persons in acquiring and
38 maintaining life skills and in raising their levels of physical,
39 mental, social, and vocational functioning. Habilitative services
40 include education, training for employment, and therapy. The

1 habilitative process shall be undertaken with recognition of the risk
2 to the public safety presented by the person being assisted as
3 manifested by prior charged criminal conduct;

4 ~~((24))~~ (23) "Hearing" means any proceeding conducted in open
5 court. For purposes of this chapter, at any hearing the petitioner,
6 the respondent, the witnesses, and the presiding judicial officer may
7 be present and participate either in person or by video, as
8 determined by the court. The term "video" as used herein shall
9 include any functional equivalent. At any hearing conducted by video,
10 the technology used must permit the judicial officer, counsel, all
11 parties, and the witnesses to be able to see, hear, and speak, when
12 authorized, during the hearing; to allow attorneys to use exhibits or
13 other materials during the hearing; and to allow respondent's counsel
14 to be in the same location as the respondent unless otherwise
15 requested by the respondent or the respondent's counsel. Witnesses in
16 a proceeding may also appear in court through other means, including
17 telephonically, pursuant to the requirements of superior court civil
18 rule 43. Notwithstanding the foregoing, the court, upon its own
19 motion or upon a motion for good cause by any party, may require all
20 parties and witnesses to participate in the hearing in person rather
21 than by video. In ruling on any such motion, the court may allow in-
22 person or video testimony; and the court may consider, among other
23 things, whether the respondent's alleged mental illness affects the
24 respondent's ability to perceive or participate in the proceeding by
25 video;

26 ~~((25))~~ (24) "History of one or more violent acts" refers to the
27 period of time ten years prior to the filing of a petition under this
28 chapter, excluding any time spent, but not any violent acts
29 committed, in a mental health facility, a long-term alcoholism or
30 drug treatment facility, or in confinement as a result of a criminal
31 conviction;

32 ~~((26))~~ (25) "Imminent" means the state or condition of being
33 likely to occur at any moment or near at hand, rather than distant or
34 remote;

35 ~~((27))~~ (26) "Individualized service plan" means a plan prepared
36 by a developmental disabilities professional with other professionals
37 as a team, for a person with developmental disabilities, which shall
38 state:

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

1 (b) The conditions and strategies necessary to achieve the
2 purposes of habilitation;

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

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

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

8 (f) Where relevant in light of past criminal behavior and due
9 consideration for public safety, the criteria for proposed movement
10 to less-restrictive settings, criteria for proposed eventual
11 discharge or release, and a projected possible date for discharge or
12 release; and

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

15 ~~((28))~~ (27) "Information related to mental health services"
16 means all information and records compiled, obtained, or maintained
17 in the course of providing services to either voluntary or
18 involuntary recipients of services by a mental health service
19 provider. This may include documents of legal proceedings under this
20 chapter or chapter 71.34 or 10.77 RCW, or somatic health care
21 information;

22 ~~((29))~~ (28) "Intoxicated person" means a person whose mental or
23 physical functioning is substantially impaired as a result of the use
24 of alcohol or other psychoactive chemicals;

25 ~~((30))~~ (29) "In need of assisted outpatient behavioral health
26 treatment" means that a person, as a result of a mental disorder or
27 substance use disorder: (a) Has been committed by a court to
28 detention for involuntary behavioral health treatment during the
29 preceding thirty-six months; (b) is unlikely to voluntarily
30 participate in outpatient treatment without an order for less
31 restrictive alternative treatment, based on a history of nonadherence
32 with treatment or in view of the person's current behavior; (c) is
33 likely to benefit from less restrictive alternative treatment; and
34 (d) requires less restrictive alternative treatment to prevent a
35 relapse, decompensation, or deterioration that is likely to result in
36 the person presenting a likelihood of serious harm or the person
37 becoming gravely disabled within a reasonably short period of time;

38 ~~((31))~~ (30) "Judicial commitment" means a commitment by a court
39 pursuant to the provisions of this chapter;

1 (~~(32)~~) (31) "Legal counsel" means attorneys and staff employed
2 by county prosecutor offices or the state attorney general acting in
3 their capacity as legal representatives of public mental health and
4 substance use disorder service providers under RCW 71.05.130;

5 (~~(33)~~) (32) "Less restrictive alternative treatment" means a
6 program of individualized treatment in a less restrictive setting
7 than inpatient treatment that includes the services described in RCW
8 71.05.585;

9 (~~(34)~~) (33) "Licensed physician" means a person licensed to
10 practice medicine or osteopathic medicine and surgery in the state of
11 Washington;

12 (~~(35)~~) (34) "Likelihood of serious harm" means:

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

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

24 (~~(36)~~) (35) "Medical clearance" means a physician or other
25 health care provider has determined that a person is medically stable
26 and ready for referral to the designated crisis responder;

27 (~~(37)~~) (36) "Mental disorder" means any organic, mental, or
28 emotional impairment which has substantial adverse effects on a
29 person's cognitive or volitional functions;

30 (~~(38)~~) (37) "Mental health professional" means a psychiatrist,
31 psychologist, physician assistant working with a supervising
32 psychiatrist, psychiatric advanced registered nurse practitioner,
33 psychiatric nurse, or social worker, and such other mental health
34 professionals as may be defined by rules adopted by the secretary
35 pursuant to the provisions of this chapter;

36 (~~(39)~~) (38) "Mental health service provider" means a public or
37 private agency that provides mental health services to persons with
38 mental disorders or substance use disorders as defined under this
39 section and receives funding from public sources. This includes, but
40 is not limited to, hospitals licensed under chapter 70.41 RCW,

1 evaluation and treatment facilities as defined in this section,
2 community mental health service delivery systems or behavioral health
3 programs as defined in RCW 71.24.025, facilities conducting
4 competency evaluations and restoration under chapter 10.77 RCW,
5 approved substance use disorder treatment programs as defined in this
6 section, secure detoxification facilities as defined in this section,
7 and correctional facilities operated by state and local governments;

8 ~~((40))~~ (39) "Peace officer" means a law enforcement official of
9 a public agency or governmental unit, and includes persons
10 specifically given peace officer powers by any state law, local
11 ordinance, or judicial order of appointment;

12 ~~((41))~~ (40) "Physician assistant" means a person licensed as a
13 physician assistant under chapter 18.57A or 18.71A RCW;

14 ~~((42))~~ (41) "Private agency" means any person, partnership,
15 corporation, or association that is not a public agency, whether or
16 not financed in whole or in part by public funds, which constitutes
17 an evaluation and treatment facility or private institution, or
18 hospital, or approved substance use disorder treatment program, which
19 is conducted for, or includes a department or ward conducted for, the
20 care and treatment of persons with mental illness, substance use
21 disorders, or both mental illness and substance use disorders;

22 ~~((43))~~ (42) "Professional person" means a mental health
23 professional, ~~((chemical—dependency))~~ substance use disorder
24 professional, or designated crisis responder and shall also mean a
25 physician, physician assistant, psychiatric advanced registered nurse
26 practitioner, registered nurse, and such others as may be defined by
27 rules adopted by the secretary pursuant to the provisions of this
28 chapter;

29 ~~((44))~~ (43) "Psychiatric advanced registered nurse
30 practitioner" means a person who is licensed as an advanced
31 registered nurse practitioner pursuant to chapter 18.79 RCW; and who
32 is board certified in advanced practice psychiatric and mental health
33 nursing;

34 ~~((45))~~ (44) "Psychiatrist" means a person having a license as a
35 physician and surgeon in this state who has in addition completed
36 three years of graduate training in psychiatry in a program approved
37 by the American medical association or the American osteopathic
38 association and is certified or eligible to be certified by the
39 American board of psychiatry and neurology;

1 (~~(46)~~) (45) "Psychologist" means a person who has been licensed
2 as a psychologist pursuant to chapter 18.83 RCW;

3 (~~(47)~~) (46) "Public agency" means any evaluation and treatment
4 facility or institution, secure detoxification facility, approved
5 substance use disorder treatment program, or hospital which is
6 conducted for, or includes a department or ward conducted for, the
7 care and treatment of persons with mental illness, substance use
8 disorders, or both mental illness and substance use disorders, if the
9 agency is operated directly by federal, state, county, or municipal
10 government, or a combination of such governments;

11 (~~(48)~~) (47) "Release" means legal termination of the commitment
12 under the provisions of this chapter;

13 (~~(49)~~) (48) "Resource management services" has the meaning
14 given in chapter 71.24 RCW;

15 (~~(50)~~) (49) "Secretary" means the secretary of the department
16 of health, or his or her designee;

17 (~~(51)~~) (50) "Secure detoxification facility" means a facility
18 operated by either a public or private agency or by the program of an
19 agency that:

20 (a) Provides for intoxicated persons:

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

23 (ii) Acute or subacute detoxification services; and

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

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

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

32 (~~(52)~~) (51) "Serious violent offense" has the same meaning as
33 provided in RCW 9.94A.030;

34 (~~(53)~~) (52) "Social worker" means a person with a master's or
35 further advanced degree from a social work educational program
36 accredited and approved as provided in RCW 18.320.010;

37 (~~(54)~~) (53) "Substance use disorder" means a cluster of
38 cognitive, behavioral, and physiological symptoms indicating that an
39 individual continues using the substance despite significant
40 substance-related problems. The diagnosis of a substance use disorder

1 is based on a pathological pattern of behaviors related to the use of
2 the substances;

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

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

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

26 (57) "Triage facility" means a short-term facility or a portion
27 of a facility licensed or certified by the department under RCW
28 71.24.035, which is designed as a facility to assess and stabilize an
29 individual or determine the need for involuntary commitment of an
30 individual, and must meet department residential treatment facility
31 standards. A triage facility may be structured as a voluntary or
32 involuntary placement facility;

33 (58) "Violent act" means behavior that resulted in homicide,
34 attempted suicide, nonfatal injuries, or substantial damage to
35 property.

36 **Sec. 16.** RCW 71.34.020 and 2018 c 201 s 5002 are each amended to
37 read as follows:

38 Unless the context clearly requires otherwise, the definitions in
39 this section apply throughout this chapter.

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

7 (2) "Approved substance use disorder treatment program" means a
8 program for minors with substance use disorders provided by a
9 treatment program licensed or certified by the department of health
10 as meeting standards adopted under chapter 71.24 RCW.

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

12 (4) "Chemical dependency" means:

13 (a) Alcoholism;

14 (b) Drug addiction; or

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

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

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

25 ~~((7))~~ (6) "Children's mental health specialist" means:

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

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

33 ~~((8))~~ (7) "Commitment" means a determination by a judge or
34 court commissioner, made after a commitment hearing, that the minor
35 is in need of inpatient diagnosis, evaluation, or treatment or that
36 the minor is in need of less restrictive alternative treatment.

37 ~~((9))~~ (8) "Department" means the department of social and
38 health services.

1 ~~((10))~~ (9) "Designated crisis responder" means a person
2 designated by a behavioral health organization to perform the duties
3 specified in this chapter.

4 ~~((11))~~ (10) "Director" means the director of the authority.

5 ~~((12))~~ (11) "Drug addiction" means a disease, characterized by
6 a dependency on psychoactive chemicals, loss of control over the
7 amount and circumstances of use, symptoms of tolerance, physiological
8 or psychological withdrawal, or both, if use is reduced or
9 discontinued, and impairment of health or disruption of social or
10 economic functioning.

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

22 ~~((14))~~ (13) "Evaluation and treatment program" means the total
23 system of services and facilities coordinated and approved by a
24 county or combination of counties for the evaluation and treatment of
25 minors under this chapter.

26 ~~((15))~~ (14) "Gravely disabled minor" means a minor who, as a
27 result of a mental disorder, or as a result of the use of alcohol or
28 other psychoactive chemicals, is in danger of serious physical harm
29 resulting from a failure to provide for his or her essential human
30 needs of health or safety, or manifests severe deterioration in
31 routine functioning evidenced by repeated and escalating loss of
32 cognitive or volitional control over his or her actions and is not
33 receiving such care as is essential for his or her health or safety.

34 ~~((16))~~ (15) "Inpatient treatment" means twenty-four-hour-per-
35 day mental health care provided within a general hospital,
36 psychiatric hospital, residential treatment facility licensed or
37 certified by the department of health as an evaluation and treatment
38 facility for minors, secure detoxification facility for minors, or
39 approved substance use disorder treatment program for minors.

1 (~~(17)~~) (16) "Intoxicated minor" means a minor whose mental or
2 physical functioning is substantially impaired as a result of the use
3 of alcohol or other psychoactive chemicals.

4 (~~(18)~~) (17) "Less restrictive alternative" or "less restrictive
5 setting" means outpatient treatment provided to a minor who is not
6 residing in a facility providing inpatient treatment as defined in
7 this chapter.

8 (~~(19)~~) (18) "Likelihood of serious harm" means either: (a) A
9 substantial risk that physical harm will be inflicted by an
10 individual upon his or her own person, as evidenced by threats or
11 attempts to commit suicide or inflict physical harm on oneself; (b) a
12 substantial risk that physical harm will be inflicted by an
13 individual upon another, as evidenced by behavior which has caused
14 such harm or which places another person or persons in reasonable
15 fear of sustaining such harm; or (c) a substantial risk that physical
16 harm will be inflicted by an individual upon the property of others,
17 as evidenced by behavior which has caused substantial loss or damage
18 to the property of others.

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

27 (~~(21)~~) (20) "Mental disorder" means any organic, mental, or
28 emotional impairment that has substantial adverse effects on an
29 individual's cognitive or volitional functions. The presence of
30 alcohol abuse, drug abuse, juvenile criminal history, antisocial
31 behavior, or intellectual disabilities alone is insufficient to
32 justify a finding of "mental disorder" within the meaning of this
33 section.

34 (~~(22)~~) (21) "Mental health professional" means a psychiatrist,
35 psychiatric advanced registered nurse practitioner, physician
36 assistant working with a supervising psychiatrist, psychologist,
37 psychiatric nurse, or social worker, and such other mental health
38 professionals as may be defined by rules adopted by the secretary of
39 the department of health under this chapter.

1 (~~(23)~~) (22) "Minor" means any person under the age of eighteen
2 years.

3 (~~(24)~~) (23) "Outpatient treatment" means any of the
4 nonresidential services mandated under chapter 71.24 RCW and provided
5 by licensed or certified service providers as identified by RCW
6 71.24.025.

7 (~~(25)~~) (24) "Parent" means:

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

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

13 (~~(26)~~) (25) "Private agency" means any person, partnership,
14 corporation, or association that is not a public agency, whether or
15 not financed in whole or in part by public funds, that constitutes an
16 evaluation and treatment facility or private institution, or
17 hospital, or approved substance use disorder treatment program, that
18 is conducted for, or includes a distinct unit, floor, or ward
19 conducted for, the care and treatment of persons with mental illness,
20 substance use disorders, or both mental illness and substance use
21 disorders.

22 (~~(27)~~) (26) "Physician assistant" means a person licensed as a
23 physician assistant under chapter 18.57A or 18.71A RCW.

24 (~~(28)~~) (27) "Professional person in charge" or "professional
25 person" means a physician, other mental health professional, or other
26 person empowered by an evaluation and treatment facility, secure
27 detoxification facility, or approved substance use disorder treatment
28 program with authority to make admission and discharge decisions on
29 behalf of that facility.

30 (~~(29)~~) (28) "Psychiatric nurse" means a registered nurse who
31 has experience in the direct treatment of persons who have a mental
32 illness or who are emotionally disturbed, such experience gained
33 under the supervision of a mental health professional.

34 (~~(30)~~) (29) "Psychiatrist" means a person having a license as a
35 physician in this state who has completed residency training in
36 psychiatry in a program approved by the American Medical Association
37 or the American Osteopathic Association, and is board eligible or
38 board certified in psychiatry.

39 (~~(31)~~) (30) "Psychologist" means a person licensed as a
40 psychologist under chapter 18.83 RCW.

1 (~~(32)~~) (31) "Public agency" means any evaluation and treatment
2 facility or institution, or hospital, or approved substance use
3 disorder treatment program that is conducted for, or includes a
4 distinct unit, floor, or ward conducted for, the care and treatment
5 of persons with mental illness, substance use disorders, or both
6 mental illness and substance use disorders if the agency is operated
7 directly by federal, state, county, or municipal government, or a
8 combination of such governments.

9 (~~(33)~~) (32) "Responsible other" means the minor, the minor's
10 parent or estate, or any other person legally responsible for support
11 of the minor.

12 (~~(34)~~) (33) "Secretary" means the secretary of the department
13 or secretary's designee.

14 (~~(35)~~) (34) "Secure detoxification facility" means a facility
15 operated by either a public or private agency or by the program of an
16 agency that:

17 (a) Provides for intoxicated minors:

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

20 (ii) Acute or subacute detoxification services; and

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

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

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

29 (~~(36)~~) (35) "Social worker" means a person with a master's or
30 further advanced degree from a social work educational program
31 accredited and approved as provided in RCW 18.320.010.

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

1 (~~(38)~~) (37) "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 (38) "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 **Sec. 17.** RCW 71.34.720 and 2018 c 201 s 5017 are each amended to
11 read as follows:

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

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

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

38 (4) During the initial seventy-two hour treatment period, the
39 minor has a right to associate or receive communications from parents

1 or others unless the professional person in charge determines that
2 such communication would be seriously detrimental to the minor's
3 condition or treatment and so indicates in the minor's clinical
4 record, and notifies the minor's parents of this determination. In no
5 event may the minor be denied the opportunity to consult an attorney.

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

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

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

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

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

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

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

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

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

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

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

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

37 (a) Make the long-term placement of the minor in the most
38 appropriate, available state-funded evaluation and treatment facility
39 or approved substance use disorder treatment program, having

1 carefully considered factors including the treatment needs of the
2 minor, the most appropriate facility able to respond to the minor's
3 identified treatment needs, the geographic proximity of the facility
4 to the minor's family, the immediate availability of bed space, and
5 the probable impact of the placement on other residents of the
6 facility;

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

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

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

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

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

22 NEW SECTION. **Sec. 20.** (1) Section 12 of this act takes effect
23 August 1, 2020.

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

25 NEW SECTION. **Sec. 21.** (1) Section 11 of this act expires August
26 1, 2020.

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

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