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**SUBSTITUTE SENATE BILL 5047**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators O'Ban and Wagoner)

READ FIRST TIME 01/31/19.

1 AN ACT Relating to veteran diversion from involuntary commitment  
2 through increased coordination between the veterans administration  
3 and the health care authority; amending RCW 71.05.153 and 71.05.153;  
4 providing an effective date; and providing an expiration date.

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

6 **Sec. 1.** RCW 71.05.153 and 2016 sp.s. c 29 s 212 are each amended  
7 to read as follows:

8 (1) When a designated crisis responder receives information  
9 alleging that a person, as the result of a mental disorder, presents  
10 an imminent likelihood of serious harm, or is in imminent danger  
11 because of being gravely disabled, after investigation and evaluation  
12 of the specific facts alleged and of the reliability and credibility  
13 of the person or persons providing the information if any, the  
14 designated crisis responder may take such person, or cause by oral or  
15 written order such person to be taken into emergency custody in an  
16 evaluation and treatment facility for not more than seventy-two hours  
17 as described in RCW 71.05.180.

18 (2) When a designated crisis responder receives information  
19 alleging that a person, as the result of substance use disorder,  
20 presents an imminent likelihood of serious harm, or is in imminent  
21 danger because of being gravely disabled, after investigation and

1 evaluation of the specific facts alleged and of the reliability and  
2 credibility of the person or persons providing the information if  
3 any, the designated crisis responder may take the person, or cause by  
4 oral or written order the person to be taken, into emergency custody  
5 in a secure detoxification facility or approved substance use  
6 disorder treatment program for not more than seventy-two hours as  
7 described in RCW 71.05.180, if a secure detoxification facility or  
8 approved substance use disorder treatment program is available and  
9 has adequate space for the person.

10 (3) (a) Subject to (b) of this subsection, a peace officer may  
11 take or cause such person to be taken into custody and immediately  
12 delivered to a triage facility, crisis stabilization unit, evaluation  
13 and treatment facility, secure detoxification facility, approved  
14 substance use disorder treatment program, or the emergency department  
15 of a local hospital under the following circumstances:

16 (i) Pursuant to subsection (1) or (2) of this section; or

17 (ii) When he or she has reasonable cause to believe that such  
18 person is suffering from a mental disorder or substance use disorder  
19 and presents an imminent likelihood of serious harm or is in imminent  
20 danger because of being gravely disabled.

21 (b) A peace officer's delivery of a person, based on a substance  
22 use disorder, to a secure detoxification facility or approved  
23 substance use disorder treatment program is subject to the  
24 availability of a secure detoxification facility or approved  
25 substance use disorder treatment program with adequate space for the  
26 person.

27 (4) Persons delivered to a crisis stabilization unit, evaluation  
28 and treatment facility, emergency department of a local hospital,  
29 triage facility that has elected to operate as an involuntary  
30 facility, secure detoxification facility, or approved substance use  
31 disorder treatment program by peace officers pursuant to subsection  
32 (3) of this section may be held by the facility for a period of up to  
33 twelve hours, not counting time periods prior to medical clearance.

34 (5) Within three hours after arrival, not counting time periods  
35 prior to medical clearance, the person must be examined by a mental  
36 health professional. Within twelve hours of notice of the need for  
37 evaluation, not counting time periods prior to medical clearance, the  
38 designated crisis responder must determine whether the individual  
39 meets detention criteria. In conjunction with this evaluation, the  
40 facility where the patient is located must inquire as to a person's

1 veteran status or eligibility for veterans benefits and, if the  
2 person appears to be potentially eligible for these benefits, whether  
3 the person would be amenable to treatment by the veterans health  
4 administration compared to other relevant treatment options. This  
5 information must be shared with the designated crisis responder. If  
6 the person has been identified as being potentially eligible for  
7 veterans health administration services and as being amenable for  
8 those services, if appropriate in light of all reasonably available  
9 information about the person's circumstances, the designated crisis  
10 responder must first refer the person to the veterans health  
11 administration for mental health or substance use disorder treatment  
12 at a facility capable of meeting the needs of the person including,  
13 but not limited to, the involuntary treatment options available at  
14 the Seattle division of the VA Puget Sound health care system. If the  
15 person is accepted for treatment by the veterans health  
16 administration, and is willing to accept treatment by the veterans  
17 health administration as an alternative to other available treatment  
18 options, the designated crisis responder, the veterans health  
19 administration, and the facility where the patient is located must  
20 work to make arrangements to have the person transported to a  
21 veterans health administration facility. If the individual is  
22 detained, the designated crisis responder shall file a petition for  
23 detention or a supplemental petition as appropriate and commence  
24 service on the designated attorney for the detained person. If the  
25 individual is released to the community, the mental health service  
26 provider shall inform the peace officer of the release within a  
27 reasonable period of time after the release if the peace officer has  
28 specifically requested notification and provided contact information  
29 to the provider.

30 (6) Dismissal of a commitment petition is not the appropriate  
31 remedy for a violation of the timeliness requirements of this section  
32 based on the intent of this chapter under RCW 71.05.010 except in the  
33 few cases where the facility staff or designated mental health  
34 professional has totally disregarded the requirements of this  
35 section.

36 **Sec. 2.** RCW 71.05.153 and 2016 sp.s. c 29 s 213 are each amended  
37 to read as follows:

38 (1) When a designated crisis responder receives information  
39 alleging that a person, as the result of a mental disorder, presents

1 an imminent likelihood of serious harm, or is in imminent danger  
2 because of being gravely disabled, after investigation and evaluation  
3 of the specific facts alleged and of the reliability and credibility  
4 of the person or persons providing the information if any, the  
5 designated crisis responder may take such person, or cause by oral or  
6 written order such person to be taken into emergency custody in an  
7 evaluation and treatment facility for not more than seventy-two hours  
8 as described in RCW 71.05.180.

9 (2) When a designated crisis responder receives information  
10 alleging that a person, as the result of substance use disorder,  
11 presents an imminent likelihood of serious harm, or is in imminent  
12 danger because of being gravely disabled, after investigation and  
13 evaluation of the specific facts alleged and of the reliability and  
14 credibility of the person or persons providing the information if  
15 any, the designated crisis responder may take the person, or cause by  
16 oral or written order the person to be taken, into emergency custody  
17 in a secure detoxification facility or approved substance use  
18 disorder treatment program for not more than seventy-two hours as  
19 described in RCW 71.05.180.

20 (3) A peace officer may take or cause such person to be taken  
21 into custody and immediately delivered to a triage facility, crisis  
22 stabilization unit, evaluation and treatment facility, secure  
23 detoxification facility, approved substance use disorder treatment  
24 program, or the emergency department of a local hospital under the  
25 following circumstances:

26 (a) Pursuant to subsection (1) or (2) of this section; or

27 (b) When he or she has reasonable cause to believe that such  
28 person is suffering from a mental disorder or substance use disorder  
29 and presents an imminent likelihood of serious harm or is in imminent  
30 danger because of being gravely disabled.

31 (4) Persons delivered to a crisis stabilization unit, evaluation  
32 and treatment facility, emergency department of a local hospital,  
33 triage facility that has elected to operate as an involuntary  
34 facility, secure detoxification facility, or approved substance use  
35 disorder treatment program by peace officers pursuant to subsection  
36 (3) of this section may be held by the facility for a period of up to  
37 twelve hours, not counting time periods prior to medical clearance.

38 (5) Within three hours after arrival, not counting time periods  
39 prior to medical clearance, the person must be examined by a mental  
40 health professional. Within twelve hours of notice of the need for

1 evaluation, not counting time periods prior to medical clearance, the  
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3 meets detention criteria. In conjunction with this evaluation, the  
4 facility where the patient is located must inquire as to a person's  
5 veteran status or eligibility for veterans benefits and, if the  
6 person appears to be potentially eligible for these benefits, whether  
7 the person would be amenable to treatment by the veterans health  
8 administration compared to other relevant treatment options. This  
9 information must be shared with the designated crisis responder. If  
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11 veterans health administration services and as being amenable for  
12 those services, if appropriate in light of all reasonably available  
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14 responder must first refer the person to the veterans health  
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16 at a facility capable of meeting the needs of the person including,  
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22 options, the designated crisis responder, the veterans health  
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24 work to make arrangements to have the person transported to a  
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26 detained, the designated crisis responder shall file a petition for  
27 detention or a supplemental petition as appropriate and commence  
28 service on the designated attorney for the detained person. If the  
29 individual is released to the community, the mental health service  
30 provider shall inform the peace officer of the release within a  
31 reasonable period of time after the release if the peace officer has  
32 specifically requested notification and provided contact information  
33 to the provider.

34 (6) Dismissal of a commitment petition is not the appropriate  
35 remedy for a violation of the timeliness requirements of this section  
36 based on the intent of this chapter under RCW 71.05.010 except in the  
37 few cases where the facility staff or designated mental health  
38 professional has totally disregarded the requirements of this  
39 section.

1        NEW SECTION.    **Sec. 3.**    Section 1 of this act expires July 1,  
2 2026.

3        NEW SECTION.    **Sec. 4.**    Section 2 of this act takes effect July 1,  
4 2026.

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