
SENATE BILL 5047

State of Washington

66th Legislature

2019 Regular Session

By Senators O'Ban and Wagoner

Prefiled 12/24/18. Read first time 01/14/19. Referred to Committee on Health & Long Term Care.

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

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

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

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

19 (2) When a designated crisis responder receives information
20 alleging that a person, as the result of substance use disorder,
21 presents an imminent likelihood of serious harm, or is in imminent

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

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

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

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

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

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

35 (5) Within three hours after arrival, not counting time periods
36 prior to medical clearance, the person must be examined by a mental
37 health professional. After the initial examination but within the
38 same three hours after arrival, the facility shall inquire as to a
39 person's veteran status or eligibility for veteran's benefits. When a
40 person identified as a veteran or eligible for veterans services is

1 being treated for a mental health or substance use disorder, the
2 facility shall report to the Seattle veterans health administration
3 as soon as reasonably possible, taking into consideration the
4 person's emergency care needs, and refer the person to the Seattle
5 veterans health administration facility for treatment if permitted
6 under applicable medicaid laws. If the referral request is compliant
7 with all applicable medicaid laws and approved by the veterans health
8 administration, the person must be transported and released to the
9 accepting veterans health administration facility upon medical
10 clearance and in accordance with all applicable medicaid laws. Within
11 twelve hours of notice of the need for evaluation, not counting time
12 periods prior to medical clearance, the designated crisis responder
13 must determine whether the individual meets detention criteria. If
14 the individual is detained, the designated crisis responder shall
15 file a petition for detention or a supplemental petition as
16 appropriate and commence service on the designated attorney for the
17 detained person. If the individual is released to the community, the
18 mental health service provider shall inform the peace officer of the
19 release within a reasonable period of time after the release if the
20 peace officer has specifically requested notification and provided
21 contact information to the provider.

22 (6) Dismissal of a commitment petition is not the appropriate
23 remedy for a violation of the timeliness requirements of this section
24 based on the intent of this chapter under RCW 71.05.010 except in the
25 few cases where the facility staff or designated mental health
26 professional has totally disregarded the requirements of this
27 section.

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

30 (1) When a designated crisis responder receives information
31 alleging that a person, as the result of a mental disorder, presents
32 an imminent likelihood of serious harm, or is in imminent danger
33 because of being gravely disabled, after investigation and evaluation
34 of the specific facts alleged and of the reliability and credibility
35 of the person or persons providing the information if any, the
36 designated crisis responder may take such person, or cause by oral or
37 written order such person to be taken into emergency custody in an
38 evaluation and treatment facility for not more than seventy-two hours
39 as described in RCW 71.05.180.

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

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

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

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

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

30 (5) Within three hours after arrival, not counting time periods
31 prior to medical clearance, the person must be examined by a mental
32 health professional. After the initial examination but within the
33 same three hours after arrival, the facility shall inquire as to a
34 person's veteran status or eligibility for veteran's benefits. When a
35 person identified as a veteran or eligible for veterans services is
36 being treated for a mental health or substance use disorder, the
37 facility shall report to the Seattle veterans health administration
38 as soon as reasonably possible, taking into consideration the
39 person's emergency care needs, and refer the person to the Seattle
40 veterans health administration facility for treatment if permitted

1 under applicable medicaid laws. If the referral request is compliant
2 with all applicable medicaid laws and approved by the veterans health
3 administration, the person must be transported and released to the
4 accepting veterans health administration facility upon medical
5 clearance and in accordance with all applicable medicaid laws. Within
6 twelve hours of notice of the need for evaluation, not counting time
7 periods prior to medical clearance, the designated crisis responder
8 must determine whether the individual meets detention criteria. If
9 the individual is detained, the designated crisis responder shall
10 file a petition for detention or a supplemental petition as
11 appropriate and commence service on the designated attorney for the
12 detained person. If the individual is released to the community, the
13 mental health service provider shall inform the peace officer of the
14 release within a reasonable period of time after the release if the
15 peace officer has specifically requested notification and provided
16 contact information to the provider.

17 (6) Dismissal of a commitment petition is not the appropriate
18 remedy for a violation of the timeliness requirements of this section
19 based on the intent of this chapter under RCW 71.05.010 except in the
20 few cases where the facility staff or designated mental health
21 professional has totally disregarded the requirements of this
22 section.

23 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1,
24 2026.

25 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
26 2026.

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