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**SENATE BILL 6458**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senator Fortunato

1 AN ACT Relating to protecting persons with behavioral health  
2 disorders who manifest self-neglect; reenacting and amending RCW  
3 71.05.020 and 71.34.020; and creating new sections.

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

5 **Sec. 1.** RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and  
6 2019 c 325 s 3001 are each reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Admission" or "admit" means a decision by a physician,  
10 physician assistant, or psychiatric advanced registered nurse  
11 practitioner that a person should be examined or treated as a patient  
12 in a hospital;

13 (2) "Alcoholism" means a disease, characterized by a dependency  
14 on alcoholic beverages, loss of control over the amount and  
15 circumstances of use, symptoms of tolerance, physiological or  
16 psychological withdrawal, or both, if use is reduced or discontinued,  
17 and impairment of health or disruption of social or economic  
18 functioning;

19 (3) "Antipsychotic medications" means that class of drugs  
20 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 (4) "Approved substance use disorder treatment program" means a  
4 program for persons with a substance use disorder provided by a  
5 treatment program certified by the department as meeting standards  
6 adopted under chapter 71.24 RCW;

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

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

11 (7) "Co-occurring disorder specialist" means an individual  
12 possessing an enhancement granted by the department of health under  
13 chapter 18.205 RCW that certifies the individual to provide substance  
14 use disorder counseling subject to the practice limitations under RCW  
15 18.205.105;

16 (8) "Commitment" means the determination by a court that a person  
17 should be detained for a period of either evaluation or treatment, or  
18 both, in an inpatient or a less restrictive setting;

19 (9) "Conditional release" means a revocable modification of a  
20 commitment, which may be revoked upon violation of any of its terms;

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

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

30 (12) "Department" means the department of health;

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

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

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

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

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

6 (17) "Director" means the director of the authority;

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

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

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

29 (21) "Gravely disabled" means a condition in which a person, as a  
30 result of a mental disorder, or as a result of the use of alcohol or  
31 other psychoactive chemicals: (a) Is in danger of serious physical  
32 harm resulting from a failure to provide for his or her essential  
33 human needs of health or safety; ~~((or))~~ (b) manifests severe  
34 deterioration in routine functioning evidenced by repeated and  
35 escalating loss of cognitive or volitional control over his or her  
36 actions and is not receiving such care as is essential for his or her  
37 health or safety; or (c) manifests self-neglect by failing to provide  
38 for food, clothing, medicine, shelter, or medical services which a  
39 prudent person would consider essential for their well-being. Self-  
40 neglect may be manifested by poor hygiene, unpleasant aroma,

1 unexplained injuries, exposure to the elements, or other unsafe  
2 behavior;

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

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

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

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

1 (26) "In need of assisted outpatient behavioral health treatment"  
2 means that a person, as a result of a mental disorder or substance  
3 use disorder: (a) Has been committed by a court to detention for  
4 involuntary behavioral health treatment during the preceding thirty-  
5 six months; (b) is unlikely to voluntarily participate in outpatient  
6 treatment without an order for less restrictive alternative  
7 treatment, based on a history of nonadherence with treatment or in  
8 view of the person's current behavior; (c) is likely to benefit from  
9 less restrictive alternative treatment; and (d) requires less  
10 restrictive alternative treatment to prevent a relapse,  
11 decompensation, or deterioration that is likely to result in the  
12 person presenting a likelihood of serious harm or the person becoming  
13 gravely disabled within a reasonably short period of time;

14 (27) "Individualized service plan" means a plan prepared by a  
15 developmental disabilities professional with other professionals as a  
16 team, for a person with developmental disabilities, which shall  
17 state:

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

20 (b) The conditions and strategies necessary to achieve the  
21 purposes of habilitation;

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

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

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

27 (f) Where relevant in light of past criminal behavior and due  
28 consideration for public safety, the criteria for proposed movement  
29 to less-restrictive settings, criteria for proposed eventual  
30 discharge or release, and a projected possible date for discharge or  
31 release; and

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

34 (28) "Information related to mental health services" means all  
35 information and records compiled, obtained, or maintained in the  
36 course of providing services to either voluntary or involuntary  
37 recipients of services by a mental health service provider. This may  
38 include documents of legal proceedings under this chapter or chapter  
39 71.34 or 10.77 RCW, or somatic health care information;

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

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

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

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

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

16 (34) "Likelihood of serious harm" means:

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

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

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

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

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

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

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

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

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

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

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

38 (44) "Psychiatrist" means a person having a license as a  
39 physician and surgeon in this state who has in addition completed  
40 three years of graduate training in psychiatry in a program approved

1 by the American medical association or the American osteopathic  
2 association and is certified or eligible to be certified by the  
3 American board of psychiatry and neurology;

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

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

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

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

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

21 (50) "Secure withdrawal management and stabilization facility"  
22 means a facility operated by either a public or private agency or by  
23 the program of an agency which provides care to voluntary individuals  
24 and individuals involuntarily detained and committed under this  
25 chapter for whom there is a likelihood of serious harm or who are  
26 gravely disabled due to the presence of a substance use disorder.  
27 Secure withdrawal management and stabilization facilities must:

28 (a) Provide the following services:

29 (i) Assessment and treatment, provided by certified substance use  
30 disorder professionals or co-occurring disorder specialists;

31 (ii) Clinical stabilization services;

32 (iii) Acute or subacute detoxification services for intoxicated  
33 individuals; and

34 (iv) Discharge assistance provided by certified substance use  
35 disorder professionals or co-occurring disorder specialists, including  
36 facilitating transitions to appropriate voluntary or involuntary  
37 inpatient services or to less restrictive alternatives as appropriate  
38 for the individual;

39 (b) Include security measures sufficient to protect the patients,  
40 staff, and community; and



1 (c) Be licensed or certified as such by the department of health;  
2 (51) "Serious violent offense" has the same meaning as provided  
3 in RCW 9.94A.030;  
4 (52) "Social worker" means a person with a master's or further  
5 advanced degree from a social work educational program accredited and  
6 approved as provided in RCW 18.320.010;  
7 (53) "Substance use disorder" means a cluster of cognitive,  
8 behavioral, and physiological symptoms indicating that an individual  
9 continues using the substance despite significant substance-related  
10 problems. The diagnosis of a substance use disorder is based on a  
11 pathological pattern of behaviors related to the use of the  
12 substances;  
13 (54) "Substance use disorder professional" means a person  
14 certified as a substance use disorder professional by the department  
15 of health under chapter 18.205 RCW;  
16 (55) "Therapeutic court personnel" means the staff of a mental  
17 health court or other therapeutic court which has jurisdiction over  
18 defendants who are dually diagnosed with mental disorders, including  
19 court personnel, probation officers, a court monitor, prosecuting  
20 attorney, or defense counsel acting within the scope of therapeutic  
21 court duties;  
22 (56) "Treatment records" include registration and all other  
23 records concerning persons who are receiving or who at any time have  
24 received services for mental illness, which are maintained by the  
25 department of social and health services, the department, the  
26 authority, behavioral health administrative services organizations  
27 and their staffs, managed care organizations and their staffs, and by  
28 treatment facilities. Treatment records include mental health  
29 information contained in a medical bill including but not limited to  
30 mental health drugs, a mental health diagnosis, provider name, and  
31 dates of service stemming from a medical service. Treatment records  
32 do not include notes or records maintained for personal use by a  
33 person providing treatment services for the department of social and  
34 health services, the department, the authority, behavioral health  
35 administrative services organizations, managed care organizations, or  
36 a treatment facility if the notes or records are not available to  
37 others;  
38 (57) "Triage facility" means a short-term facility or a portion  
39 of a facility licensed or certified by the department, which is  
40 designed as a facility to assess and stabilize an individual or

1 determine the need for involuntary commitment of an individual, and  
2 must meet department residential treatment facility standards. A  
3 triage facility may be structured as a voluntary or involuntary  
4 placement facility;

5 (58) "Violent act" means behavior that resulted in homicide,  
6 attempted suicide, nonfatal injuries, or substantial damage to  
7 property.

8 **Sec. 2.** RCW 71.34.020 and 2019 c 446 s 24, 2019 c 444 s 17, 2019  
9 c 381 s 2, and 2019 c 325 s 2001 are each reenacted and amended to  
10 read as follows:

11 Unless the context clearly requires otherwise, the definitions in  
12 this section apply throughout this chapter.

13 (1) "Adolescent" means a minor thirteen years of age or older.

14 (2) "Alcoholism" means a disease, characterized by a dependency  
15 on alcoholic beverages, loss of control over the amount and  
16 circumstances of use, symptoms of tolerance, physiological or  
17 psychological withdrawal, or both, if use is reduced or discontinued,  
18 and impairment of health or disruption of social or economic  
19 functioning.

20 (3) "Approved substance use disorder treatment program" means a  
21 program for minors with substance use disorders provided by a  
22 treatment program licensed or certified by the department of health  
23 as meeting standards adopted under chapter 71.24 RCW.

24 (4) "Authority" means the Washington state health care authority.

25 (5) "Behavioral health administrative services organization" has  
26 the same meaning as provided in RCW 71.24.025.

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

32 (7) "Children's mental health specialist" means:

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

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

1 (8) "Commitment" means a determination by a judge or court  
2 commissioner, made after a commitment hearing, that the minor is in  
3 need of inpatient diagnosis, evaluation, or treatment or that the  
4 minor is in need of less restrictive alternative treatment.

5 (9) "Co-occurring disorder specialist" means an individual  
6 possessing an enhancement granted by the department of health under  
7 chapter 18.205 RCW that certifies the individual to provide substance  
8 use disorder counseling subject to the practice limitations under RCW  
9 18.205.105.

10 (10) "Department" means the department of social and health  
11 services.

12 (11) "Designated crisis responder" has the same meaning as  
13 provided in RCW 71.05.020.

14 (12) "Director" means the director of the authority.

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

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

30 (15) "Gravely disabled minor" means a minor who, as a result of a  
31 mental disorder, or as a result of the use of alcohol or other  
32 psychoactive chemicals(~~(, -is)~~): (a) Is in danger of serious physical  
33 harm resulting from a failure to provide for his or her essential  
34 human needs of health or safety(~~(, -or)~~); (b) manifests severe  
35 deterioration in routine functioning evidenced by repeated and  
36 escalating loss of cognitive or volitional control over his or her  
37 actions and is not receiving such care as is essential for his or her  
38 health or safety; or (c) manifests self-neglect by failing to provide  
39 for food, clothing, medicine, shelter, or medical services which a  
40 prudent person would consider essential for their well-being. Self-

1 neglect may be manifested by poor hygiene, unpleasant aroma,  
2 unexplained injuries, exposure to the elements, or other unsafe  
3 behavior.

4 (16) "Inpatient treatment" means twenty-four-hour-per-day mental  
5 health care provided within a general hospital, psychiatric hospital,  
6 residential treatment facility licensed or certified by the  
7 department of health as an evaluation and treatment facility for  
8 minors, secure withdrawal management and stabilization facility for  
9 minors, or approved substance use disorder treatment program for  
10 minors.

11 (17) "Intoxicated minor" means a minor whose mental or physical  
12 functioning is substantially impaired as a result of the use of  
13 alcohol or other psychoactive chemicals.

14 (18) "Kinship caregiver" has the same meaning as in RCW  
15 74.13.031(19) (a).

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

19 (20) "Likelihood of serious harm" means either: (a) A substantial  
20 risk that physical harm will be inflicted by an individual upon his  
21 or her own person, as evidenced by threats or attempts to commit  
22 suicide or inflict physical harm on oneself; (b) a substantial risk  
23 that physical harm will be inflicted by an individual upon another,  
24 as evidenced by behavior which has caused such harm or which places  
25 another person or persons in reasonable fear of sustaining such harm;  
26 or (c) a substantial risk that physical harm will be inflicted by an  
27 individual upon the property of others, as evidenced by behavior  
28 which has caused substantial loss or damage to the property of  
29 others.

30 (21) "Managed care organization" has the same meaning as provided  
31 in RCW 71.24.025.

32 (22) "Medical necessity" for inpatient care means a requested  
33 service which is reasonably calculated to: (a) Diagnose, correct,  
34 cure, or alleviate a mental disorder or substance use disorder; or  
35 (b) prevent the progression of a mental disorder or substance use  
36 disorder that endangers life or causes suffering and pain, or results  
37 in illness or infirmity or threatens to cause or aggravate a  
38 handicap, or causes physical deformity or malfunction, and there is  
39 no adequate less restrictive alternative available.

1 (23) "Mental disorder" means any organic, mental, or emotional  
2 impairment that has substantial adverse effects on an individual's  
3 cognitive or volitional functions. The presence of alcohol abuse,  
4 drug abuse, juvenile criminal history, antisocial behavior, or  
5 intellectual disabilities alone is insufficient to justify a finding  
6 of "mental disorder" within the meaning of this section.

7 (24) "Mental health professional" means a psychiatrist,  
8 psychiatric advanced registered nurse practitioner, physician  
9 assistant working with a supervising psychiatrist, psychologist,  
10 psychiatric nurse, social worker, and such other mental health  
11 professionals as defined by rules adopted by the secretary of the  
12 department of health under this chapter.

13 (25) "Minor" means any person under the age of eighteen years.

14 (26) "Outpatient treatment" means any of the nonresidential  
15 services mandated under chapter 71.24 RCW and provided by licensed or  
16 certified behavioral health agencies as identified by RCW 71.24.025.

17 (27) (a) "Parent" has the same meaning as defined in RCW  
18 26.26A.010, including either parent if custody is shared under a  
19 joint custody agreement, or a person or agency judicially appointed  
20 as legal guardian or custodian of the child.

21 (b) For purposes of family-initiated treatment under RCW  
22 71.34.600 through 71.34.670, "parent" also includes a person to whom  
23 a parent defined in (a) of this subsection has given a signed  
24 authorization to make health care decisions for the adolescent, a  
25 stepparent who is involved in caring for the adolescent, a kinship  
26 caregiver who is involved in caring for the adolescent, or another  
27 relative who is responsible for the health care of the adolescent,  
28 who may be required to provide a declaration under penalty of perjury  
29 stating that he or she is a relative responsible for the health care  
30 of the adolescent pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW. If  
31 a dispute arises between individuals authorized to act as a parent  
32 for the purpose of RCW 71.34.600 through 71.34.670, the disagreement  
33 must be resolved according to the priority established under RCW  
34 7.70.065(2) (a).

35 (28) "Physician assistant" means a person licensed as a physician  
36 assistant under chapter 18.57A or 18.71A RCW.

37 (29) "Private agency" means any person, partnership, corporation,  
38 or association that is not a public agency, whether or not financed  
39 in whole or in part by public funds, that constitutes an evaluation  
40 and treatment facility or private institution, or hospital, or

1 approved substance use disorder treatment program, that is conducted  
2 for, or includes a distinct unit, floor, or ward conducted for, the  
3 care and treatment of persons with mental illness, substance use  
4 disorders, or both mental illness and substance use disorders.

5 (30) "Professional person in charge" or "professional person"  
6 means a physician, other mental health professional, or other person  
7 empowered by an evaluation and treatment facility, secure withdrawal  
8 management and stabilization facility, or approved substance use  
9 disorder treatment program with authority to make admission and  
10 discharge decisions on behalf of that facility.

11 (31) "Psychiatric nurse" means a registered nurse who has  
12 experience in the direct treatment of persons who have a mental  
13 illness or who are emotionally disturbed, such experience gained  
14 under the supervision of a mental health professional.

15 (32) "Psychiatrist" means a person having a license as a  
16 physician in this state who has completed residency training in  
17 psychiatry in a program approved by the American Medical Association  
18 or the American Osteopathic Association, and is board eligible or  
19 board certified in psychiatry.

20 (33) "Psychologist" means a person licensed as a psychologist  
21 under chapter 18.83 RCW.

22 (34) "Public agency" means any evaluation and treatment facility  
23 or institution, or hospital, or approved substance use disorder  
24 treatment program that is conducted for, or includes a distinct unit,  
25 floor, or ward conducted for, the care and treatment of persons with  
26 mental illness, substance use disorders, or both mental illness and  
27 substance use disorders if the agency is operated directly by  
28 federal, state, county, or municipal government, or a combination of  
29 such governments.

30 (35) "Responsible other" means the minor, the minor's parent or  
31 estate, or any other person legally responsible for support of the  
32 minor.

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

35 (37) "Secure withdrawal management and stabilization facility"  
36 means a facility operated by either a public or private agency or by  
37 the program of an agency which provides care to voluntary individuals  
38 and individuals involuntarily detained and committed under this  
39 chapter for whom there is a likelihood of serious harm or who are

1 gravely disabled due to the presence of a substance use disorder.  
2 Secure withdrawal management and stabilization facilities must:

- 3 (a) Provide the following services:
  - 4 (i) Assessment and treatment, provided by certified substance use
  - 5 disorder professionals or co-occurring disorder specialists;
  - 6 (ii) Clinical stabilization services;
  - 7 (iii) Acute or subacute detoxification services for intoxicated
  - 8 individuals; and
  - 9 (iv) Discharge assistance provided by certified substance use
  - 10 disorder professionals or co-occurring disorder specialists,
  - 11 including facilitating transitions to appropriate voluntary or
  - 12 involuntary inpatient services or to less restrictive alternatives as
  - 13 appropriate for the individual;
- 14 (b) Include security measures sufficient to protect the patients,
- 15 staff, and community; and
- 16 (c) Be licensed or certified as such by the department of health.

17 (38) "Social worker" means a person with a master's or further  
18 advanced degree from a social work educational program accredited and  
19 approved as provided in RCW 18.320.010.

20 (39) "Start of initial detention" means the time of arrival of  
21 the minor at the first evaluation and treatment facility, secure  
22 withdrawal management and stabilization facility, or approved  
23 substance use disorder treatment program offering inpatient treatment  
24 if the minor is being involuntarily detained at the time. With regard  
25 to voluntary patients, "start of initial detention" means the time at  
26 which the minor gives notice of intent to leave under the provisions  
27 of this chapter.

28 (40) "Substance use disorder" means a cluster of cognitive,  
29 behavioral, and physiological symptoms indicating that an individual  
30 continues using the substance despite significant substance-related  
31 problems. The diagnosis of a substance use disorder is based on a  
32 pathological pattern of behaviors related to the use of the  
33 substances.

34 (41) "Substance use disorder professional" means a person  
35 certified as a substance use disorder professional by the department  
36 of health under chapter 18.205 RCW, or a person certified as a  
37 (~~chemical dependency~~) substance use disorder professional trainee  
38 under RCW 18.205.095 working under the direct supervision of a  
39 certified (~~chemical dependency~~) substance use disorder  
40 professional.

1        NEW SECTION.    **Sec. 3.**    The definition of self-neglect contained  
2 in this act does not apply to any member of the Washington state  
3 legislature while performing their official duties.

4        NEW SECTION.    **Sec. 4.**    This act may be known and cited as the  
5 blue flag law.

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