S-3150.3

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**SENATE BILL 5655**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Dhingra, Lovick, and C. Wilson

AN ACT Relating to making state hospitals available for short-term detention and involuntary commitment; and adding new sections to chapter 72.23 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 72.23 RCW to read as follows:

(1) Each adult state hospital must establish and maintain capacity to provide treatment for patients detained for 120 hours or 14 days of involuntary treatment under RCW 71.05.150, 71.05.153, and 71.05.240. The priority use of this capacity shall be to provide treatment for patients who experience difficulty obtaining placement in local evaluation and treatment facilities or secure withdrawal management and stabilization facilities as defined under chapter 71.05 RCW.

(2) The department shall develop guidelines for obtaining admission for short-term 120-hour evaluation or 14-day treatment patients at each adult state hospital and distribute these guidelines to designated crisis responder agencies. The guidelines shall discuss factors used to determine admission priority such as: (a) Whether the person in need of treatment has a history of one or more violent acts which makes it difficult to obtain short-term placement in a community facility; (b) whether the person has a prior criminal charge with a finding of incompetence to stand trial; (c) whether reasonable attempts have been made to place the person at a community involuntary treatment facility without success; (d) the geographic location of the patient and availability of treatment resources in the area; (e) whether the person is receiving treatment in a facility certified pursuant to RCW 71.05.745; and (f) whether absent admission to a state hospital the designated crisis responder would be required to file a report under RCW 71.05.750 with respect to the person.

(3) The guidelines developed under subsection (2) of this section shall address acceptable procedures for obtaining any needed medical clearance and other means to overcome potential barriers to admission for qualified patients.

(4) For the purposes of this section:

(a) "History of one of more violent acts" refers to the period of time 10 years prior to the current period of detention for involuntary treatment, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction.

(b) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

NEW SECTION. **Sec.**  A new section is added to chapter 72.23 RCW to read as follows:

The department shall bill a patient's health insurance, or if the person does not have health insurance coverage or qualify for enrollment in medicaid the department shall bill the behavioral health administrative services organization that serves the region where the patient resides, for each day of treatment spent in detention for up to 120 hours under RCW 71.05.150 or 71.05.153 and spent in detention for up to 14 days under RCW 71.05.240. Payment shall be according to a rate published and determined by the department for each adult state hospital by July 1, 2022, and updated at least annually thereafter, which reflects the full expected cost for short-term involuntary treatment at that state hospital.

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