

SENATE BILL REPORT

EHB 2088

As Reported by Senate Committee On:
Law & Justice, February 20, 2024

Title: An act relating to extending liability protections for responders dispatched from mobile rapid response crisis teams and community-based crisis teams.

Brief Description: Extending liability protections for responders dispatched from mobile rapid response crisis teams and community-based crisis teams.

Sponsors: Representatives Orwall, Reed, Ormsby, Ramel, Macri, Cheney, Lekanoff, Riccelli, Wylie and Reeves; by request of Health Care Authority.

Brief History: Passed House: 2/8/24, 96-0.

Committee Activity: Law & Justice: 2/19/24, 2/20/24 [DP].

Brief Summary of Bill

- Grants limited immunity from civil liability to certain entities for providing crisis stabilization services and operating mobile crisis teams.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

Staff: Kevin Black (786-7747)

Background: 988 Suicide and Crisis Lifeline. In July 2022 the National 988 Crisis Line was implemented in Washington, providing an easy-to-remember three digit number in every state which allows callers to reach the suicide prevention counseling service formerly known as the National Suicide Prevention Lifeline. 988 crisis call centers interact with individuals who reach out by cell phone, land line, text, chat, and voice-over-Internet

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devices. The 988 crisis call centers offer live interaction in Spanish and interpretation services in over 240 languages and dialects. Specialty services offered targeted at the needs of discrete communities include the Veteran's Crisis Line, LGBTQI+ Youth Subnetwork Line, the Native and Strong Lifeline serving American Indians and Alaska Natives, and an American Sign Language service.

988 Lifeline Crisis Centers. The Department of Health (DOH) currently contracts with three 988 call centers: Volunteers of America Western Washington, Frontier Behavioral Health, and Crisis Connections. These call centers have the ability to refer callers to 911 or regional crisis lines, and to request the dispatch of mobile crisis teams. DOH holds statutory responsibility to designate 988 contact hubs by January 1, 2026, which must meet statutory requirements which are under development by DOH in consultation with stakeholders including the Crisis Response Improvement Strategy Committee.

Civil Immunity Related to Crisis Call Centers and 988 Contact Hubs. The law grants limited immunity to certain persons and entities in connection with crisis call centers and designated 988 contact hubs. Covered persons and entities include:

- the clinical staff of the crisis call center or designated 988 contact hub or their clinical supervisors;
- the crisis call center or designated 988 contact hub or its officers, staff, or employees;
- any member of a mobile rapid response crisis team or community-based crisis team endorsed under state law;
- the certified public safety telecommunicator and their supervisor; and
- the public safety answering point or its officers, staff, or employees.

Covered persons and entities are immune from civil liability for all negligent acts and omissions that are:

- related to the dispatching decisions of any crisis call center staff or designated 988 contact hub staff with qualifying crisis team dispatching responsibilities;
- done or omitted in good faith within the scope of the individual's employment responsibilities; and
- done in accordance with adopted and approved dispatching procedures.

Immunity to civil liability for covered persons and entities does not apply to any act or omission that constitutes gross negligence or willful or wanton misconduct.

Summary of Bill: The staff of a mobile rapid response crisis team or community-based crisis team is exempt from liability for actions or omissions taken in good faith within the scope of the individual's employment duties related to the provision of:

- crisis stabilization services;
- professional on-site community-based intervention;
- outreach;
- de-escalation;
- stabilization;

- resource connection; or
- follow-up support.

This includes teams operated by tribes; staff of a crisis stabilization unit or 23-hour crisis relief center; officers of private, public or tribal agencies; government units, and contracted behavioral health agencies.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill extends the liability protection under the 988 bill to those providing mobile crisis and crisis stabilization services. The original bill left an unintended gap in this area. There are dedicated and wonderful personnel who respond in a crisis. They should be exempted from liability when they act in good faith. This strengthens the ability of individuals to receive timely and effective support when they need it.

Persons Testifying: PRO: Shawn O'Neill, Washington State Health Care Authority; Charles Wharton, Veterans Legislative Coalition; Paula Sardinias, Washington Build Back Black Alliance.

Persons Signed In To Testify But Not Testifying: No one.