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**ENGROSSED HOUSE BILL 2088**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

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

Prefiled 01/03/24. Read first time 01/08/24. Referred to Committee on Civil Rights & Judiciary.

1           AN ACT Relating to extending liability protections for responders  
2 dispatched from mobile rapid response crisis teams and community-  
3 based crisis teams; and amending RCW 71.24.907.

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

5           **Sec. 1.** RCW 71.24.907 and 2023 c 454 s 13 are each amended to  
6 read as follows:

7           (1) No act or omission related to the dispatching decisions of  
8 any crisis call center staff or designated 988 contact hub staff with  
9 endorsed mobile rapid response crisis team and community-based crisis  
10 team dispatching responsibilities done or omitted in good faith  
11 within the scope of the individual's employment responsibilities with  
12 the crisis call center or designated 988 contact hub and in  
13 accordance with dispatching procedures adopted both by the behavioral  
14 health administrative services organization and the crisis call  
15 center or the designated 988 contact hub and approved by the  
16 authority shall impose liability upon:

17           (a) The clinical staff of the crisis call center or designated  
18 988 contact hub or their clinical supervisors;

19           (b) The crisis call center or designated 988 contact hub or its  
20 officers, staff, or employees;

1 (c) Any member of a mobile rapid response crisis team or  
2 community-based crisis team endorsed under RCW 71.24.903;

3 (d) The certified public safety telecommunicator or the certified  
4 public safety telecommunicator's supervisor; or

5 (e) The public safety answering point or its officers, staff, or  
6 employees.

7 (2) No act or omission in the provision of crisis stabilization  
8 services, professional on-site community-based intervention,  
9 outreach, de-escalation, stabilization, resource connection, or  
10 follow-up support, and delivered under the clinical supervision of a  
11 mental health professional or an approved medical program director or  
12 their delegate, to a person who is experiencing a behavioral health  
13 crisis, and which is done or omitted in good faith within the scope  
14 of the individual's employment responsibilities, shall impose  
15 liability upon:

16 (a) Any staff of an endorsed or nonendorsed mobile rapid response  
17 crisis team or community-based crisis team, including teams operated  
18 by tribes, or staff of a crisis stabilization unit or a 23-hour  
19 crisis relief center, including facilities operated by tribes;

20 (b) Any officer of a public, private, or tribal agency, the  
21 superintendent, any professional person in charge or their  
22 professional designee, or any attending staff of any such agency; or

23 (c) Any federal, tribal, state, county, city, other local  
24 governmental unit, or contracted behavioral health agency, or  
25 employees of such units or agencies.

26 (3) This section shall apply to any act or omission by any person  
27 or entity listed in subsection (2) of this section involved in the  
28 transport of patients to behavioral health services, facilities  
29 providing crisis stabilization services, or other needed crisis  
30 services.

31 (4) This section shall not apply to any act or omission which  
32 constitutes either gross negligence or willful or wanton misconduct.

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