
SUBSTITUTE SENATE BILL 5853

State of Washington**68th Legislature****2024 Regular Session**

By Senate Health & Long Term Care (originally sponsored by Senators Dhingra, Wagoner, Frame, Hasegawa, Kuderer, Lovelett, Lovick, Muzzall, Nguyen, Nobles, Shewmake, Stanford, Torres, Valdez, and C. Wilson)

1 AN ACT Relating to extending the crisis relief center model to
2 provide behavioral health crisis services for minors; amending RCW
3 71.24.916, 71.34.020, 71.34.020, 71.34.351, 71.34.375, 71.34.430,
4 71.34.700, and 71.34.700; reenacting and amending RCW 71.24.025;
5 providing an effective date; providing a contingent effective date;
6 and providing an expiration date.

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

8 **Sec. 1.** RCW 71.24.025 and 2023 c 454 s 1 and 2023 c 433 s 1 are
9 each reenacted and amended to read as follows:

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

12 (1) "23-hour crisis relief center" means a community-based
13 facility or portion of a facility serving either adults or children,
14 but not serving both in the same treatment area, which is licensed or
15 certified by the department of health and open 24 hours a day, seven
16 days a week, offering access to mental health and substance use care
17 for no more than 23 hours and 59 minutes at a time per patient, and
18 which accepts all behavioral health crisis walk-ins drop-offs from
19 first responders, and individuals referred through the 988 system
20 regardless of behavioral health acuity, and meets the requirements
21 under RCW 71.24.916.

1 (2) "988 crisis hotline" means the universal telephone number
2 within the United States designated for the purpose of the national
3 suicide prevention and mental health crisis hotline system operating
4 through the national suicide prevention lifeline.

5 (3) "Acutely mentally ill" means a condition which is limited to
6 a short-term severe crisis episode of:

7 (a) A mental disorder as defined in RCW 71.05.020 or, in the case
8 of a child, as defined in RCW 71.34.020;

9 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the
10 case of a child, a gravely disabled minor as defined in RCW
11 71.34.020; or

12 (c) Presenting a likelihood of serious harm as defined in RCW
13 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

14 (4) "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 (5) "Approved substance use disorder treatment program" means a
21 program for persons with a substance use disorder provided by a
22 treatment program licensed or certified by the department as meeting
23 standards adopted under this chapter.

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

25 (7) "Available resources" means funds appropriated for the
26 purpose of providing community behavioral health programs, federal
27 funds, except those provided according to Title XIX of the Social
28 Security Act, and state funds appropriated under this chapter or
29 chapter 71.05 RCW by the legislature during any biennium for the
30 purpose of providing residential services, resource management
31 services, community support services, and other behavioral health
32 services. This does not include funds appropriated for the purpose of
33 operating and administering the state psychiatric hospitals.

34 (8) "Behavioral health administrative services organization"
35 means an entity contracted with the authority to administer
36 behavioral health services and programs under RCW 71.24.381,
37 including crisis services and administration of chapter 71.05 RCW,
38 the involuntary treatment act, for all individuals in a defined
39 regional service area.

1 (9) "Behavioral health aide" means a counselor, health educator,
2 and advocate who helps address individual and community-based
3 behavioral health needs, including those related to alcohol, drug,
4 and tobacco abuse as well as mental health problems such as grief,
5 depression, suicide, and related issues and is certified by a
6 community health aide program of the Indian health service or one or
7 more tribes or tribal organizations consistent with the provisions of
8 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).

9 (10) "Behavioral health provider" means a person licensed under
10 chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as
11 it applies to registered nurses and advanced registered nurse
12 practitioners.

13 (11) "Behavioral health services" means mental health services,
14 substance use disorder treatment services, and co-occurring disorder
15 treatment services as described in this chapter and chapter 71.36 RCW
16 that, depending on the type of service, are provided by licensed or
17 certified behavioral health agencies, behavioral health providers, or
18 integrated into other health care providers.

19 (12) "Child" means a person under the age of eighteen years.

20 (13) "Chronically mentally ill adult" or "adult who is
21 chronically mentally ill" means an adult who has a mental disorder
22 and meets at least one of the following criteria:

23 (a) Has undergone two or more episodes of hospital care for a
24 mental disorder within the preceding two years; or

25 (b) Has experienced a continuous psychiatric hospitalization or
26 residential treatment exceeding six months' duration within the
27 preceding year; or

28 (c) Has been unable to engage in any substantial gainful activity
29 by reason of any mental disorder which has lasted for a continuous
30 period of not less than twelve months. "Substantial gainful activity"
31 shall be defined by the authority by rule consistent with Public Law
32 92-603, as amended.

33 (14) "Clubhouse" means a community-based program that provides
34 rehabilitation services and is licensed or certified by the
35 department.

36 (15) "Community behavioral health program" means all
37 expenditures, services, activities, or programs, including reasonable
38 administration and overhead, designed and conducted to prevent or
39 treat substance use disorder, mental illness, or both in the
40 community behavioral health system.

1 (16) "Community behavioral health service delivery system" means
2 public, private, or tribal agencies that provide services
3 specifically to persons with mental disorders, substance use
4 disorders, or both, as defined under RCW 71.05.020 and receive
5 funding from public sources.

6 (17) "Community support services" means services authorized,
7 planned, and coordinated through resource management services
8 including, at a minimum, assessment, diagnosis, emergency crisis
9 intervention available twenty-four hours, seven days a week,
10 prescreening determinations for persons who are mentally ill being
11 considered for placement in nursing homes as required by federal law,
12 screening for patients being considered for admission to residential
13 services, diagnosis and treatment for children who are acutely
14 mentally ill or severely emotionally or behaviorally disturbed
15 discovered under screening through the federal Title XIX early and
16 periodic screening, diagnosis, and treatment program, investigation,
17 legal, and other nonresidential services under chapter 71.05 RCW,
18 case management services, psychiatric treatment including medication
19 supervision, counseling, psychotherapy, assuring transfer of relevant
20 patient information between service providers, recovery services, and
21 other services determined by behavioral health administrative
22 services organizations.

23 (18) "Community-based crisis team" means a team that is part of
24 an emergency medical services agency, a fire service agency, a public
25 health agency, a medical facility, a nonprofit crisis response
26 provider, or a city or county government entity, other than a law
27 enforcement agency, that provides the on-site community-based
28 interventions of a mobile rapid response crisis team for individuals
29 who are experiencing a behavioral health crisis.

30 (19) "Consensus-based" means a program or practice that has
31 general support among treatment providers and experts, based on
32 experience or professional literature, and may have anecdotal or case
33 study support, or that is agreed but not possible to perform studies
34 with random assignment and controlled groups.

35 (20) "County authority" means the board of county commissioners,
36 county council, or county executive having authority to establish a
37 behavioral health administrative services organization, or two or
38 more of the county authorities specified in this subsection which
39 have entered into an agreement to establish a behavioral health
40 administrative services organization.

1 (21) "Crisis stabilization services" means services such as 23-
2 hour crisis relief centers, crisis stabilization units, short-term
3 respite facilities, peer-run respite services, and same-day walk-in
4 behavioral health services, including within the overall crisis
5 system components that operate like hospital emergency departments
6 that accept all walk-ins, and ambulance, fire, and police drop-offs,
7 or determine the need for involuntary hospitalization of an
8 individual.

9 (22) "Crisis stabilization unit" has the same meaning as under
10 RCW 71.05.020.

11 (23) "Department" means the department of health.

12 (24) "Designated 988 contact hub" means a state-designated
13 contact center that streamlines clinical interventions and access to
14 resources for people experiencing a behavioral health crisis and
15 participates in the national suicide prevention lifeline network to
16 respond to statewide or regional 988 contacts that meets the
17 requirements of RCW 71.24.890.

18 (25) "Designated crisis responder" has the same meaning as in RCW
19 71.05.020.

20 (26) "Director" means the director of the authority.

21 (27) "Drug addiction" means a disease characterized by a
22 dependency on psychoactive chemicals, loss of control over the amount
23 and circumstances of use, symptoms of tolerance, physiological or
24 psychological withdrawal, or both, if use is reduced or discontinued,
25 and impairment of health or disruption of social or economic
26 functioning.

27 (28) "Early adopter" means a regional service area for which all
28 of the county authorities have requested that the authority purchase
29 medical and behavioral health services through a managed care health
30 system as defined under RCW 71.24.380(7).

31 (29) "Emerging best practice" or "promising practice" means a
32 program or practice that, based on statistical analyses or a well
33 established theory of change, shows potential for meeting the
34 evidence-based or research-based criteria, which may include the use
35 of a program that is evidence-based for outcomes other than those
36 listed in subsection (30) of this section.

37 (30) "Evidence-based" means a program or practice that has been
38 tested in heterogeneous or intended populations with multiple
39 randomized, or statistically controlled evaluations, or both; or one
40 large multiple site randomized, or statistically controlled

1 evaluation, or both, where the weight of the evidence from a systemic
2 review demonstrates sustained improvements in at least one outcome.
3 "Evidence-based" also means a program or practice that can be
4 implemented with a set of procedures to allow successful replication
5 in Washington and, when possible, is determined to be cost-
6 beneficial.

7 (31) "First responders" includes ambulance, fire, mobile rapid
8 response crisis team, coresponder team, designated crisis responder,
9 fire department mobile integrated health team, community assistance
10 referral and education services program under RCW 35.21.930, and law
11 enforcement personnel.

12 (32) "Indian health care provider" means a health care program
13 operated by the Indian health service or by a tribe, tribal
14 organization, or urban Indian organization as those terms are defined
15 in the Indian health care improvement act (25 U.S.C. Sec. 1603).

16 (33) "Intensive behavioral health treatment facility" means a
17 community-based specialized residential treatment facility for
18 individuals with behavioral health conditions, including individuals
19 discharging from or being diverted from state and local hospitals,
20 whose impairment or behaviors do not meet, or no longer meet,
21 criteria for involuntary inpatient commitment under chapter 71.05
22 RCW, but whose care needs cannot be met in other community-based
23 placement settings.

24 (34) "Licensed or certified behavioral health agency" means:

25 (a) An entity licensed or certified according to this chapter or
26 chapter 71.05 RCW;

27 (b) An entity deemed to meet state minimum standards as a result
28 of accreditation by a recognized behavioral health accrediting body
29 recognized and having a current agreement with the department; or

30 (c) An entity with a tribal attestation that it meets state
31 minimum standards for a licensed or certified behavioral health
32 agency.

33 (35) "Licensed physician" means a person licensed to practice
34 medicine or osteopathic medicine and surgery in the state of
35 Washington.

36 (36) "Long-term inpatient care" means inpatient services for
37 persons committed for, or voluntarily receiving intensive treatment
38 for, periods of ninety days or greater under chapter 71.05 RCW.

39 "Long-term inpatient care" as used in this chapter does not include:

40 (a) Services for individuals committed under chapter 71.05 RCW who

1 are receiving services pursuant to a conditional release or a court-
2 ordered less restrictive alternative to detention; or (b) services
3 for individuals voluntarily receiving less restrictive alternative
4 treatment on the grounds of the state hospital.

5 (37) "Managed care organization" means an organization, having a
6 certificate of authority or certificate of registration from the
7 office of the insurance commissioner, that contracts with the
8 authority under a comprehensive risk contract to provide prepaid
9 health care services to enrollees under the authority's managed care
10 programs under chapter 74.09 RCW.

11 (38) "Mental health peer-run respite center" means a peer-run
12 program to serve individuals in need of voluntary, short-term,
13 noncrisis services that focus on recovery and wellness.

14 (39) Mental health "treatment records" include registration and
15 all other records concerning persons who are receiving or who at any
16 time have received services for mental illness, which are maintained
17 by the department of social and health services or the authority, by
18 behavioral health administrative services organizations and their
19 staffs, by managed care organizations and their staffs, or by
20 treatment facilities. "Treatment records" do not include notes or
21 records maintained for personal use by a person providing treatment
22 services for the entities listed in this subsection, or a treatment
23 facility if the notes or records are not available to others.

24 (40) "Mentally ill persons," "persons who are mentally ill," and
25 "the mentally ill" mean persons and conditions defined in subsections
26 (3), (13), (48), and (49) of this section.

27 (41) "Mobile rapid response crisis team" means a team that
28 provides professional on-site community-based intervention such as
29 outreach, de-escalation, stabilization, resource connection, and
30 follow-up support for individuals who are experiencing a behavioral
31 health crisis, that shall include certified peer counselors as a best
32 practice to the extent practicable based on workforce availability,
33 and that meets standards for response times established by the
34 authority.

35 (42) "Recovery" means a process of change through which
36 individuals improve their health and wellness, live a self-directed
37 life, and strive to reach their full potential.

38 (43) "Research-based" means a program or practice that has been
39 tested with a single randomized, or statistically controlled
40 evaluation, or both, demonstrating sustained desirable outcomes; or

1 where the weight of the evidence from a systemic review supports
2 sustained outcomes as described in subsection (30) of this section
3 but does not meet the full criteria for evidence-based.

4 (44) "Residential services" means a complete range of residences
5 and supports authorized by resource management services and which may
6 involve a facility, a distinct part thereof, or services which
7 support community living, for persons who are acutely mentally ill,
8 adults who are chronically mentally ill, children who are severely
9 emotionally disturbed, or adults who are seriously disturbed and
10 determined by the behavioral health administrative services
11 organization or managed care organization to be at risk of becoming
12 acutely or chronically mentally ill. The services shall include at
13 least evaluation and treatment services as defined in chapter 71.05
14 RCW, acute crisis respite care, long-term adaptive and rehabilitative
15 care, and supervised and supported living services, and shall also
16 include any residential services developed to service persons who are
17 mentally ill in nursing homes, residential treatment facilities,
18 assisted living facilities, and adult family homes, and may include
19 outpatient services provided as an element in a package of services
20 in a supported housing model. Residential services for children in
21 out-of-home placements related to their mental disorder shall not
22 include the costs of food and shelter, except for children's long-
23 term residential facilities existing prior to January 1, 1991.

24 (45) "Resilience" means the personal and community qualities that
25 enable individuals to rebound from adversity, trauma, tragedy,
26 threats, or other stresses, and to live productive lives.

27 (46) "Resource management services" mean the planning,
28 coordination, and authorization of residential services and community
29 support services administered pursuant to an individual service plan
30 for: (a) Adults and children who are acutely mentally ill; (b) adults
31 who are chronically mentally ill; (c) children who are severely
32 emotionally disturbed; or (d) adults who are seriously disturbed and
33 determined by a behavioral health administrative services
34 organization or managed care organization to be at risk of becoming
35 acutely or chronically mentally ill. Such planning, coordination, and
36 authorization shall include mental health screening for children
37 eligible under the federal Title XIX early and periodic screening,
38 diagnosis, and treatment program. Resource management services
39 include seven day a week, twenty-four hour a day availability of
40 information regarding enrollment of adults and children who are

1 mentally ill in services and their individual service plan to
2 designated crisis responders, evaluation and treatment facilities,
3 and others as determined by the behavioral health administrative
4 services organization or managed care organization, as applicable.

5 (47) "Secretary" means the secretary of the department of health.

6 (48) "Seriously disturbed person" means a person who:

7 (a) Is gravely disabled or presents a likelihood of serious harm
8 to himself or herself or others, or to the property of others, as a
9 result of a mental disorder as defined in chapter 71.05 RCW;

10 (b) Has been on conditional release status, or under a less
11 restrictive alternative order, at some time during the preceding two
12 years from an evaluation and treatment facility or a state mental
13 health hospital;

14 (c) Has a mental disorder which causes major impairment in
15 several areas of daily living;

16 (d) Exhibits suicidal preoccupation or attempts; or

17 (e) Is a child diagnosed by a mental health professional, as
18 defined in chapter 71.34 RCW, as experiencing a mental disorder which
19 is clearly interfering with the child's functioning in family or
20 school or with peers or is clearly interfering with the child's
21 personality development and learning.

22 (49) "Severely emotionally disturbed child" or "child who is
23 severely emotionally disturbed" means a child who has been determined
24 by the behavioral health administrative services organization or
25 managed care organization, if applicable, to be experiencing a mental
26 disorder as defined in chapter 71.34 RCW, including those mental
27 disorders that result in a behavioral or conduct disorder, that is
28 clearly interfering with the child's functioning in family or school
29 or with peers and who meets at least one of the following criteria:

30 (a) Has undergone inpatient treatment or placement outside of the
31 home related to a mental disorder within the last two years;

32 (b) Has undergone involuntary treatment under chapter 71.34 RCW
33 within the last two years;

34 (c) Is currently served by at least one of the following child-
35 serving systems: Juvenile justice, child-protection/welfare, special
36 education, or developmental disabilities;

37 (d) Is at risk of escalating maladjustment due to:

38 (i) Chronic family dysfunction involving a caretaker who is
39 mentally ill or inadequate;

40 (ii) Changes in custodial adult;

1 (iii) Going to, residing in, or returning from any placement
2 outside of the home, for example, psychiatric hospital, short-term
3 inpatient, residential treatment, group or foster home, or a
4 correctional facility;

5 (iv) Subject to repeated physical abuse or neglect;

6 (v) Drug or alcohol abuse; or

7 (vi) Homelessness.

8 (50) "State minimum standards" means minimum requirements
9 established by rules adopted and necessary to implement this chapter
10 by:

11 (a) The authority for:

12 (i) Delivery of mental health and substance use disorder
13 services; and

14 (ii) Community support services and resource management services;

15 (b) The department of health for:

16 (i) Licensed or certified behavioral health agencies for the
17 purpose of providing mental health or substance use disorder programs
18 and services, or both;

19 (ii) Licensed behavioral health providers for the provision of
20 mental health or substance use disorder services, or both; and

21 (iii) Residential services.

22 (51) "Substance use disorder" means a cluster of cognitive,
23 behavioral, and physiological symptoms indicating that an individual
24 continues using the substance despite significant substance-related
25 problems. The diagnosis of a substance use disorder is based on a
26 pathological pattern of behaviors related to the use of the
27 substances.

28 (52) "Tribe," for the purposes of this section, means a federally
29 recognized Indian tribe.

30 **Sec. 2.** RCW 71.24.916 and 2023 c 433 s 2 are each amended to
31 read as follows:

32 (1) The secretary shall license or certify 23-hour crisis relief
33 centers that meet state minimum standards. The department shall
34 create rules in consultation with the authority by January 1, 2024,
35 to develop standards for licensure or certification of 23-hour crisis
36 relief centers.

37 ((+2)) (a) The rules, at a minimum, must require the 23-hour
38 crisis relief center to:

1 ~~((a))~~ (i) Offer walk-in options and drop-off options for first
2 responders and persons referred through the 988 system, without a
3 requirement for medical clearance for these individuals. The facility
4 must be structured to have the capacity to accept admissions 90
5 percent of the time when the facility is not at its full capacity,
6 and to have a no-refusal policy for law enforcement, with instances
7 of declined admission and the reasons for the declines tracked and
8 made available to the department;

9 ~~((b))~~ (ii) Provide services to address mental health and
10 substance use crisis issues;

11 ~~((c))~~ (iii) Maintain capacity to screen for physical health
12 needs, deliver minor wound care for nonlife-threatening wounds, and
13 provide care for most minor physical or basic health needs that can
14 be addressed without need for medical diagnosis or health care
15 prescriber orders, with an identified pathway to transfer the person
16 to more medically appropriate services if needed;

17 ~~((d))~~ (iv) Be staffed 24 hours a day, seven days a week, with a
18 multidisciplinary team capable of meeting the needs of individuals
19 experiencing all levels of crisis in the community, which includes
20 access to a prescriber and the ability to dispense medications
21 appropriate for 23-hour crisis relief center clients;

22 ~~((e))~~ (v) Screen all individuals for suicide risk and engage in
23 comprehensive suicide risk assessment and planning when clinically
24 indicated;

25 ~~((f))~~ (vi) Screen all individuals for violence risk and engage
26 in comprehensive violence risk assessment and planning when
27 clinically indicated;

28 ~~((g))~~ (vii) Limit patient stays to a maximum of 23 hours and 59
29 minutes except for patients waiting on a designated crisis responder
30 evaluation or making an imminent transition to another setting as
31 part of an established aftercare plan. Exceptions to the time limit
32 made under this subsection shall not cause a 23-hour crisis relief
33 center to be classified as a residential treatment facility under RCW
34 71.12.455;

35 ~~((h))~~ (viii) Maintain relationships with entities capable of
36 providing for reasonably anticipated ongoing service needs of
37 clients, unless the licensee itself provides sufficient services; and

38 ~~((i))~~ (ix) When appropriate, coordinate connection to ongoing
39 care.

1 ~~((3))~~ (b) The rules, at a minimum, must develop standards for
2 determining medical stability before an emergency medical services
3 drop-off.

4 ~~((4))~~ (c) The rules must include standards for the number of
5 recliner chairs that may be licensed or certified in a 23-hour crisis
6 relief center and the appropriate variance for temporarily exceeding
7 that number in order to provide the no-refusal policy for law
8 enforcement.

9 ~~((5))~~ (d) The department shall specify physical environment
10 standards for the construction review process that are responsive to
11 the unique characteristics of the types of interventions used to
12 provide care for all levels of acuity in facilities operating under
13 the 23-hour crisis relief center model.

14 ~~((6))~~ (e) The department shall coordinate with the authority
15 and department of social and health services to establish rules that
16 prohibit facilities that are licensed or required to be licensed
17 under chapter 18.51, 18.20, 70.97, 72.36, or 70.128 RCW from
18 discharging or transferring a resident to a 23-hour crisis relief
19 center.

20 ~~((7))~~ (f) The department shall coordinate with the authority to
21 establish rules that prohibit a hospital that is licensed under
22 chapter 70.41 RCW from discharging or transferring a patient to a 23-
23 hour crisis relief center unless the hospital has a formal
24 relationship with the 23-hour crisis relief center.

25 ~~((8))~~ (g) The authority shall take steps necessary to make 23-
26 hour crisis relief center services, including on-site physical health
27 care, eligible for medicaid billing to the maximum extent allowed by
28 federal law.

29 (2) By March 31, 2025, the secretary shall amend licensure and
30 certification rules for 23-hour crisis relief clinics in consultation
31 with the authority to create standards for licensure or certification
32 of 23-hour crisis relief centers which provide services to children.
33 To meet the needs of children in crisis and their families, 23-hour
34 crisis relief centers treating children must, in addition to meeting
35 the requirements of subsection (1) of this section:

36 (a) Not treat children in a shared space with clients over the
37 age of 18;

38 (b) Be structured to meet the crisis needs of children ages eight
39 and over and their families;

1 (c) Provide resources to connect children and their families with
2 behavioral health supports;

3 (d) Coordinate with the department of children, youth, and
4 families for children who do not need inpatient care and are unable
5 to be discharged to home; and

6 (e) Be staffed 24 hours a day, seven days a week, with a
7 pediatric multidisciplinary team.

8 **Sec. 3.** RCW 71.34.020 and 2023 c 433 s 12 are each amended to
9 read as follows:

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

12 (1) "Admission" or "admit" means a decision by a physician,
13 physician assistant, or psychiatric advanced registered nurse
14 practitioner that a minor should be examined or treated as a patient
15 in a hospital.

16 (2) "Adolescent" means a minor thirteen years of age or older.

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

23 (4) "Antipsychotic medications" means that class of drugs
24 primarily used to treat serious manifestations of mental illness
25 associated with thought disorders, which includes, but is not limited
26 to, atypical antipsychotic medications.

27 (5) "Approved substance use disorder treatment program" means a
28 program for minors with substance use disorders provided by a
29 treatment program licensed or certified by the department of health
30 as meeting standards adopted under chapter 71.24 RCW.

31 (6) "Attending staff" means any person on the staff of a public
32 or private agency having responsibility for the care and treatment of
33 a minor patient.

34 (7) "Authority" means the Washington state health care authority.

35 (8) "Behavioral health administrative services organization" has
36 the same meaning as provided in RCW 71.24.025.

37 (9) "Behavioral health disorder" means either a mental disorder
38 as defined in this section, a substance use disorder as defined in

1 this section, or a co-occurring mental disorder and substance use
2 disorder.

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

8 (11) "Children's mental health specialist" means:

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

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

16 (12) "Commitment" means a determination by a judge or court
17 commissioner, made after a commitment hearing, that the minor is in
18 need of inpatient diagnosis, evaluation, or treatment or that the
19 minor is in need of less restrictive alternative treatment.

20 (13) "Conditional release" means a revocable modification of a
21 commitment, which may be revoked upon violation of any of its terms.

22 (14) "Co-occurring disorder specialist" means an individual
23 possessing an enhancement granted by the department of health under
24 chapter 18.205 RCW that certifies the individual to provide substance
25 use disorder counseling subject to the practice limitations under RCW
26 18.205.105.

27 (15) "Crisis stabilization unit" means a short-term facility or a
28 portion of a facility licensed or certified by the department of
29 health under RCW 71.24.035, such as a residential treatment facility
30 or a hospital, which has been designed to assess, diagnose, and treat
31 individuals experiencing an acute crisis without the use of long-term
32 hospitalization, or to determine the need for involuntary commitment
33 of an individual.

34 (16) "Custody" means involuntary detention under the provisions
35 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
36 unconditional release from commitment from a facility providing
37 involuntary care and treatment.

38 (17) "Department" means the department of social and health
39 services.

1 (18) "Designated crisis responder" has the same meaning as
2 provided in RCW 71.05.020.

3 (19) "Detention" or "detain" means the lawful confinement of a
4 person, under the provisions of this chapter.

5 (20) "Developmental disabilities professional" means a person who
6 has specialized training and three years of experience in directly
7 treating or working with persons with developmental disabilities and
8 is a psychiatrist, physician assistant working with a supervising
9 psychiatrist, psychologist, psychiatric advanced registered nurse
10 practitioner, or social worker, and such other developmental
11 disabilities professionals as may be defined by rules adopted by the
12 secretary of the department.

13 (21) "Developmental disability" has the same meaning as defined
14 in RCW 71A.10.020.

15 (22) "Director" means the director of the authority.

16 (23) "Discharge" means the termination of hospital medical
17 authority. The commitment may remain in place, be terminated, or be
18 amended by court order.

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

30 (25) "Evaluation and treatment program" means the total system of
31 services and facilities coordinated and approved by a county or
32 combination of counties for the evaluation and treatment of minors
33 under this chapter.

34 (26) "Gravely disabled minor" means a minor who, as a result of a
35 behavioral health disorder, (a) is in danger of serious physical harm
36 resulting from a failure to provide for his or her essential human
37 needs of health or safety, or (b) manifests severe deterioration in
38 routine functioning evidenced by repeated and escalating loss of
39 cognitive or volitional control over his or her actions and is not
40 receiving such care as is essential for his or her health or safety.

1 (27) "Habilitative services" means those services provided by
2 program personnel to assist minors in acquiring and maintaining life
3 skills and in raising their levels of physical, behavioral, social,
4 and vocational functioning. Habilitative services include education,
5 training for employment, and therapy.

6 (28) "Hearing" means any proceeding conducted in open court that
7 conforms to the requirements of RCW 71.34.910.

8 (29) "History of one or more violent acts" refers to the period
9 of time five years prior to the filing of a petition under this
10 chapter, excluding any time spent, but not any violent acts
11 committed, in a mental health facility, a long-term substance use
12 disorder treatment facility, or in confinement as a result of a
13 criminal conviction.

14 (30) "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 states:

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

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

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

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

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

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

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

33 (31)(a) "Inpatient treatment" means twenty-four-hour-per-day
34 mental health care provided within a general hospital, psychiatric
35 hospital, residential treatment facility licensed or certified by the
36 department of health as an evaluation and treatment facility for
37 minors, secure withdrawal management and stabilization facility for
38 minors, or approved substance use disorder treatment program for
39 minors.

1 (b) For purposes of family-initiated treatment under RCW
2 71.34.600 through 71.34.670, "inpatient treatment" has the meaning
3 included in (a) of this subsection and any other residential
4 treatment facility licensed under chapter 71.12 RCW.

5 (32) "Intoxicated minor" means a minor whose mental or physical
6 functioning is substantially impaired as a result of the use of
7 alcohol or other psychoactive chemicals.

8 (33) "Judicial commitment" means a commitment by a court pursuant
9 to the provisions of this chapter.

10 (34) "Kinship caregiver" has the same meaning as in RCW
11 74.13.031(~~(19)~~) (22)(a).

12 (35) "Legal counsel" means attorneys and staff employed by county
13 prosecutor offices or the state attorney general acting in their
14 capacity as legal representatives of public behavioral health service
15 providers under RCW 71.05.130.

16 (36) "Less restrictive alternative" or "less restrictive setting"
17 means outpatient treatment provided to a minor as a program of
18 individualized treatment in a less restrictive setting than inpatient
19 treatment that includes the services described in RCW 71.34.755,
20 including residential treatment.

21 (37) "Licensed physician" means a person licensed to practice
22 medicine or osteopathic medicine and surgery in the state of
23 Washington.

24 (38) "Likelihood of serious harm" means:

25 (a) A substantial risk that: (i) Physical harm will be inflicted
26 by a minor upon his or her own person, as evidenced by threats or
27 attempts to commit suicide or inflict physical harm on oneself; (ii)
28 physical harm will be inflicted by a minor upon another individual,
29 as evidenced by behavior which has caused such harm or which places
30 another person or persons in reasonable fear of sustaining such harm;
31 or (iii) physical harm will be inflicted by a minor upon the property
32 of others, as evidenced by behavior which has caused substantial loss
33 or damage to the property of others; or

34 (b) The minor has threatened the physical safety of another and
35 has a history of one or more violent acts.

36 (39) "Managed care organization" has the same meaning as provided
37 in RCW 71.24.025.

38 (40) "Medical clearance" means a physician or other health care
39 provider has determined that a person is medically stable and ready
40 for referral to the designated crisis responder.

1 (41) "Medical necessity" for inpatient care means a requested
2 service which is reasonably calculated to: (a) Diagnose, correct,
3 cure, or alleviate a mental disorder or substance use disorder; or
4 (b) prevent the progression of a mental disorder or substance use
5 disorder that endangers life or causes suffering and pain, or results
6 in illness or infirmity or threatens to cause or aggravate a
7 disability, or causes physical deformity or malfunction, and there is
8 no adequate less restrictive alternative available.

9 (42) "Mental disorder" means any organic, mental, or emotional
10 impairment that has substantial adverse effects on an individual's
11 cognitive or volitional functions. The presence of alcohol abuse,
12 drug abuse, juvenile criminal history, antisocial behavior, or
13 intellectual disabilities alone is insufficient to justify a finding
14 of "mental disorder" within the meaning of this section.

15 (43) "Mental health professional" (~~(means a psychiatrist,~~
16 ~~psychiatric advanced registered nurse practitioner, physician~~
17 ~~assistant working with a supervising psychiatrist, psychologist,~~
18 ~~psychiatric nurse, social worker, and such other mental health~~
19 ~~professionals as defined by rules adopted by the secretary of the~~
20 ~~department of health under this chapter.)) has the same meaning as
21 provided in RCW 71.05.020.~~

22 (44) "Minor" means any person under the age of eighteen years.

23 (45) "Outpatient treatment" means any of the nonresidential
24 services mandated under chapter 71.24 RCW and provided by licensed or
25 certified behavioral health agencies as identified by RCW 71.24.025.

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

30 (b) For purposes of family-initiated treatment under RCW
31 71.34.600 through 71.34.670, "parent" also includes a person to whom
32 a parent defined in (a) of this subsection has given a signed
33 authorization to make health care decisions for the adolescent, a
34 stepparent who is involved in caring for the adolescent, a kinship
35 caregiver who is involved in caring for the adolescent, or another
36 relative who is responsible for the health care of the adolescent,
37 who may be required to provide a declaration under penalty of perjury
38 stating that he or she is a relative responsible for the health care
39 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises
40 between individuals authorized to act as a parent for the purpose of

1 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
2 according to the priority established under RCW 7.70.065(2) (a).

3 (47) "Peace officer" means a law enforcement official of a public
4 agency or governmental unit, and includes persons specifically given
5 peace officer powers by any state law, local ordinance, or judicial
6 order of appointment.

7 (48) "Physician assistant" means a person licensed as a physician
8 assistant under chapter 18.71A RCW.

9 (49) "Private agency" means any person, partnership, corporation,
10 or association that is not a public agency, whether or not financed
11 in whole or in part by public funds, that constitutes an evaluation
12 and treatment facility or private institution, or hospital, or
13 approved substance use disorder treatment program, that is conducted
14 for, or includes a distinct unit, floor, or ward conducted for, the
15 care and treatment of persons with mental illness, substance use
16 disorders, or both mental illness and substance use disorders.

17 (50) "Professional person in charge" or "professional person"
18 means a physician, other mental health professional, or other person
19 empowered by an evaluation and treatment facility, secure withdrawal
20 management and stabilization facility, or approved substance use
21 disorder treatment program with authority to make admission and
22 discharge decisions on behalf of that facility.

23 (51) "Psychiatric nurse" means a registered nurse who has
24 experience in the direct treatment of persons who have a mental
25 illness or who are emotionally disturbed, such experience gained
26 under the supervision of a mental health professional.

27 (52) "Psychiatrist" means a person having a license as a
28 physician in this state who has completed residency training in
29 psychiatry in a program approved by the American Medical Association
30 or the American Osteopathic Association, and is board eligible or
31 board certified in psychiatry.

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

34 (54) "Public agency" means any evaluation and treatment facility
35 or institution, or hospital, or approved substance use disorder
36 treatment program that is conducted for, or includes a distinct unit,
37 floor, or ward conducted for, the care and treatment of persons with
38 mental illness, substance use disorders, or both mental illness and
39 substance use disorders if the agency is operated directly by

1 federal, state, county, or municipal government, or a combination of
2 such governments.

3 (55) "Release" means legal termination of the commitment under
4 the provisions of this chapter.

5 (56) "Resource management services" has the meaning given in
6 chapter 71.24 RCW.

7 (57) "Responsible other" means the minor, the minor's parent or
8 estate, or any other person legally responsible for support of the
9 minor.

10 (58) "Secretary" means the secretary of the department or
11 secretary's designee.

12 (59) "Secure withdrawal management and stabilization facility"
13 means a facility operated by either a public or private agency or by
14 the program of an agency which provides care to voluntary individuals
15 and individuals involuntarily detained and committed under this
16 chapter for whom there is a likelihood of serious harm or who are
17 gravely disabled due to the presence of a substance use disorder.
18 Secure withdrawal management and stabilization facilities must:

19 (a) Provide the following services:

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

22 (ii) Clinical stabilization services;

23 (iii) Acute or subacute detoxification services for intoxicated
24 individuals; and

25 (iv) Discharge assistance provided by certified substance use
26 disorder professionals or co-occurring disorder specialists,
27 including facilitating transitions to appropriate voluntary or
28 involuntary inpatient services or to less restrictive alternatives as
29 appropriate for the individual;

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

32 (c) Be licensed or certified as such by the department of health.

33 (60) "Social worker" means a person with a master's or further
34 advanced degree from a social work educational program accredited and
35 approved as provided in RCW 18.320.010.

36 (61) "Start of initial detention" means the time of arrival of
37 the minor at the first evaluation and treatment facility, secure
38 withdrawal management and stabilization facility, or approved
39 substance use disorder treatment program offering inpatient treatment
40 if the minor is being involuntarily detained at the time. With regard

1 to voluntary patients, "start of initial detention" means the time at
2 which the minor gives notice of intent to leave under the provisions
3 of this chapter.

4 (62) "Store and forward technology" means use of an asynchronous
5 transmission of a person's medical information from a mental health
6 service provider to the designated crisis responder which results in
7 medical diagnosis, consultation, or treatment.

8 (63) "Substance use disorder" means a cluster of cognitive,
9 behavioral, and physiological symptoms indicating that an individual
10 continues using the substance despite significant substance-related
11 problems. The diagnosis of a substance use disorder is based on a
12 pathological pattern of behaviors related to the use of the
13 substances.

14 (64) "Substance use disorder professional" means a person
15 certified as a substance use disorder professional by the department
16 of health under chapter 18.205 RCW.

17 (65) "Therapeutic court personnel" means the staff of a mental
18 health court or other therapeutic court which has jurisdiction over
19 defendants who are dually diagnosed with mental disorders, including
20 court personnel, probation officers, a court monitor, prosecuting
21 attorney, or defense counsel acting within the scope of therapeutic
22 court duties.

23 (66) "Treatment records" include registration and all other
24 records concerning persons who are receiving or who at any time have
25 received services for mental illness, which are maintained by the
26 department, the department of health, the authority, behavioral
27 health organizations and their staffs, and by treatment facilities.
28 Treatment records include mental health information contained in a
29 medical bill including but not limited to mental health drugs, a
30 mental health diagnosis, provider name, and dates of service stemming
31 from a medical service. Treatment records do not include notes or
32 records maintained for personal use by a person providing treatment
33 services for the department, the department of health, the authority,
34 behavioral health organizations, or a treatment facility if the notes
35 or records are not available to others.

36 (67) "Video" means the delivery of behavioral health services
37 through the use of interactive audio and video technology, permitting
38 real-time communication between a person and a designated crisis
39 responder, for the purpose of evaluation. "Video" does not include

1 the use of audio-only telephone, facsimile, email, or store and
2 forward technology.

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

5 (69) "23-hour crisis relief center" has the same meaning as
6 provided in RCW 71.24.025.

7 **Sec. 4.** RCW 71.34.020 and 2023 c 433 s 13 are each amended to
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Admission" or "admit" means a decision by a physician,
12 physician assistant, or psychiatric advanced registered nurse
13 practitioner that a minor should be examined or treated as a patient
14 in a hospital.

15 (2) "Adolescent" means a minor thirteen years of age or older.

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

22 (4) "Antipsychotic medications" means that class of drugs
23 primarily used to treat serious manifestations of mental illness
24 associated with thought disorders, which includes, but is not limited
25 to, atypical antipsychotic medications.

26 (5) "Approved substance use disorder treatment program" means a
27 program for minors with substance use disorders provided by a
28 treatment program licensed or certified by the department of health
29 as meeting standards adopted under chapter 71.24 RCW.

30 (6) "Attending staff" means any person on the staff of a public
31 or private agency having responsibility for the care and treatment of
32 a minor patient.

33 (7) "Authority" means the Washington state health care authority.

34 (8) "Behavioral health administrative services organization" has
35 the same meaning as provided in RCW 71.24.025.

36 (9) "Behavioral health disorder" means either a mental disorder
37 as defined in this section, a substance use disorder as defined in
38 this section, or a co-occurring mental disorder and substance use
39 disorder.

1 (10) "Child psychiatrist" means a person having a license as a
2 physician and surgeon in this state, who has had graduate training in
3 child psychiatry in a program approved by the American Medical
4 Association or the American Osteopathic Association, and who is board
5 eligible or board certified in child psychiatry.

6 (11) "Children's mental health specialist" means:

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

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

14 (12) "Commitment" means a determination by a judge or court
15 commissioner, made after a commitment hearing, that the minor is in
16 need of inpatient diagnosis, evaluation, or treatment or that the
17 minor is in need of less restrictive alternative treatment.

18 (13) "Conditional release" means a revocable modification of a
19 commitment, which may be revoked upon violation of any of its terms.

20 (14) "Co-occurring disorder specialist" means an individual
21 possessing an enhancement granted by the department of health under
22 chapter 18.205 RCW that certifies the individual to provide substance
23 use disorder counseling subject to the practice limitations under RCW
24 18.205.105.

25 (15) "Crisis stabilization unit" means a short-term facility or a
26 portion of a facility licensed or certified by the department of
27 health under RCW 71.24.035, such as a residential treatment facility
28 or a hospital, which has been designed to assess, diagnose, and treat
29 individuals experiencing an acute crisis without the use of long-term
30 hospitalization, or to determine the need for involuntary commitment
31 of an individual.

32 (16) "Custody" means involuntary detention under the provisions
33 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
34 unconditional release from commitment from a facility providing
35 involuntary care and treatment.

36 (17) "Department" means the department of social and health
37 services.

38 (18) "Designated crisis responder" has the same meaning as
39 provided in RCW 71.05.020.

1 (19) "Detention" or "detain" means the lawful confinement of a
2 person, under the provisions of this chapter.

3 (20) "Developmental disabilities professional" means a person who
4 has specialized training and three years of experience in directly
5 treating or working with persons with developmental disabilities and
6 is a psychiatrist, physician assistant working with a supervising
7 psychiatrist, psychologist, psychiatric advanced registered nurse
8 practitioner, or social worker, and such other developmental
9 disabilities professionals as may be defined by rules adopted by the
10 secretary of the department.

11 (21) "Developmental disability" has the same meaning as defined
12 in RCW 71A.10.020.

13 (22) "Director" means the director of the authority.

14 (23) "Discharge" means the termination of hospital medical
15 authority. The commitment may remain in place, be terminated, or be
16 amended by court order.

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

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

32 (26) "Gravely disabled minor" means a minor who, as a result of a
33 behavioral health disorder, (a) is in danger of serious physical harm
34 resulting from a failure to provide for his or her essential human
35 needs of health or safety, or (b) manifests severe deterioration from
36 safe behavior evidenced by repeated and escalating loss of cognitive
37 or volitional control over his or her actions and is not receiving
38 such care as is essential for his or her health or safety.

39 (27) "Habilitative services" means those services provided by
40 program personnel to assist minors in acquiring and maintaining life

1 skills and in raising their levels of physical, behavioral, social,
2 and vocational functioning. Habilitative services include education,
3 training for employment, and therapy.

4 (28) "Hearing" means any proceeding conducted in open court that
5 conforms to the requirements of RCW 71.34.910.

6 (29) "History of one or more violent acts" refers to the period
7 of time five years prior to the filing of a petition under this
8 chapter, excluding any time spent, but not any violent acts
9 committed, in a mental health facility, a long-term substance use
10 disorder treatment facility, or in confinement as a result of a
11 criminal conviction.

12 (30) "Individualized service plan" means a plan prepared by a
13 developmental disabilities professional with other professionals as a
14 team, for a person with developmental disabilities, which states:

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

17 (b) The conditions and strategies necessary to achieve the
18 purposes of habilitation;

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

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

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

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

29 (g) The type of residence immediately anticipated for the person
30 and possible future types of residences.

31 (31)(a) "Inpatient treatment" means twenty-four-hour-per-day
32 mental health care provided within a general hospital, psychiatric
33 hospital, residential treatment facility licensed or certified by the
34 department of health as an evaluation and treatment facility for
35 minors, secure withdrawal management and stabilization facility for
36 minors, or approved substance use disorder treatment program for
37 minors.

38 (b) For purposes of family-initiated treatment under RCW
39 71.34.600 through 71.34.670, "inpatient treatment" has the meaning

1 included in (a) of this subsection and any other residential
2 treatment facility licensed under chapter 71.12 RCW.

3 (32) "Intoxicated minor" means a minor whose mental or physical
4 functioning is substantially impaired as a result of the use of
5 alcohol or other psychoactive chemicals.

6 (33) "Judicial commitment" means a commitment by a court pursuant
7 to the provisions of this chapter.

8 (34) "Kinship caregiver" has the same meaning as in RCW
9 74.13.031(~~((19))~~) (22)(a).

10 (35) "Legal counsel" means attorneys and staff employed by county
11 prosecutor offices or the state attorney general acting in their
12 capacity as legal representatives of public behavioral health service
13 providers under RCW 71.05.130.

14 (36) "Less restrictive alternative" or "less restrictive setting"
15 means outpatient treatment provided to a minor as a program of
16 individualized treatment in a less restrictive setting than inpatient
17 treatment that includes the services described in RCW 71.34.755,
18 including residential treatment.

19 (37) "Licensed physician" means a person licensed to practice
20 medicine or osteopathic medicine and surgery in the state of
21 Washington.

22 (38) "Likelihood of serious harm" means:

23 (a) A substantial risk that: (i) Physical harm will be inflicted
24 by a minor upon his or her own person, as evidenced by threats or
25 attempts to commit suicide or inflict physical harm on oneself; (ii)
26 physical harm will be inflicted by a minor upon another individual,
27 as evidenced by behavior which has caused harm, substantial pain, or
28 which places another person or persons in reasonable fear of harm to
29 themselves or others; or (iii) physical harm will be inflicted by a
30 minor upon the property of others, as evidenced by behavior which has
31 caused substantial loss or damage to the property of others; or

32 (b) The minor has threatened the physical safety of another and
33 has a history of one or more violent acts.

34 (39) "Managed care organization" has the same meaning as provided
35 in RCW 71.24.025.

36 (40) "Medical clearance" means a physician or other health care
37 provider has determined that a person is medically stable and ready
38 for referral to the designated crisis responder.

39 (41) "Medical necessity" for inpatient care means a requested
40 service which is reasonably calculated to: (a) Diagnose, correct,

1 cure, or alleviate a mental disorder or substance use disorder; or
2 (b) prevent the progression of a mental disorder or substance use
3 disorder that endangers life or causes suffering and pain, or results
4 in illness or infirmity or threatens to cause or aggravate a
5 disability, or causes physical deformity or malfunction, and there is
6 no adequate less restrictive alternative available.

7 (42) "Mental disorder" means any organic, mental, or emotional
8 impairment that has substantial adverse effects on an individual's
9 cognitive or volitional functions. The presence of alcohol abuse,
10 drug abuse, juvenile criminal history, antisocial behavior, or
11 intellectual disabilities alone is insufficient to justify a finding
12 of "mental disorder" within the meaning of this section.

13 (43) "Mental health professional" (~~means a psychiatrist,~~
14 ~~psychiatric advanced registered nurse practitioner, physician~~
15 ~~assistant working with a supervising psychiatrist, psychologist,~~
16 ~~psychiatric nurse, social worker, and such other mental health~~
17 ~~professionals as defined by rules adopted by the secretary of the~~
18 ~~department of health under this chapter.~~) has the same meaning as
19 provided in RCW 71.05.020.

20 (44) "Minor" means any person under the age of eighteen years.

21 (45) "Outpatient treatment" means any of the nonresidential
22 services mandated under chapter 71.24 RCW and provided by licensed or
23 certified behavioral health agencies as identified by RCW 71.24.025.

24 (46)(a) "Parent" has the same meaning as defined in RCW
25 26.26A.010, including either parent if custody is shared under a
26 joint custody agreement, or a person or agency judicially appointed
27 as legal guardian or custodian of the child.

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

1 (47) "Peace officer" means a law enforcement official of a public
2 agency or governmental unit, and includes persons specifically given
3 peace officer powers by any state law, local ordinance, or judicial
4 order of appointment.

5 (48) "Physician assistant" means a person licensed as a physician
6 assistant under chapter 18.71A RCW.

7 (49) "Private agency" means any person, partnership, corporation,
8 or association that is not a public agency, whether or not financed
9 in whole or in part by public funds, that constitutes an evaluation
10 and treatment facility or private institution, or hospital, or
11 approved substance use disorder treatment program, that is conducted
12 for, or includes a distinct unit, floor, or ward conducted for, the
13 care and treatment of persons with mental illness, substance use
14 disorders, or both mental illness and substance use disorders.

15 (50) "Professional person in charge" or "professional person"
16 means a physician, other mental health professional, or other person
17 empowered by an evaluation and treatment facility, secure withdrawal
18 management and stabilization facility, or approved substance use
19 disorder treatment program with authority to make admission and
20 discharge decisions on behalf of that facility.

21 (51) "Psychiatric nurse" means a registered nurse who has
22 experience in the direct treatment of persons who have a mental
23 illness or who are emotionally disturbed, such experience gained
24 under the supervision of a mental health professional.

25 (52) "Psychiatrist" means a person having a license as a
26 physician in this state who has completed residency training in
27 psychiatry in a program approved by the American Medical Association
28 or the American Osteopathic Association, and is board eligible or
29 board certified in psychiatry.

30 (53) "Psychologist" means a person licensed as a psychologist
31 under chapter 18.83 RCW.

32 (54) "Public agency" means any evaluation and treatment facility
33 or institution, or hospital, or approved substance use disorder
34 treatment program that is conducted for, or includes a distinct unit,
35 floor, or ward conducted for, the care and treatment of persons with
36 mental illness, substance use disorders, or both mental illness and
37 substance use disorders if the agency is operated directly by
38 federal, state, county, or municipal government, or a combination of
39 such governments.

1 (55) "Release" means legal termination of the commitment under
2 the provisions of this chapter.

3 (56) "Resource management services" has the meaning given in
4 chapter 71.24 RCW.

5 (57) "Responsible other" means the minor, the minor's parent or
6 estate, or any other person legally responsible for support of the
7 minor.

8 (58) "Secretary" means the secretary of the department or
9 secretary's designee.

10 (59) "Secure withdrawal management and stabilization facility"
11 means a facility operated by either a public or private agency or by
12 the program of an agency which provides care to voluntary individuals
13 and individuals involuntarily detained and committed under this
14 chapter for whom there is a likelihood of serious harm or who are
15 gravely disabled due to the presence of a substance use disorder.
16 Secure withdrawal management and stabilization facilities must:

17 (a) Provide the following services:

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

20 (ii) Clinical stabilization services;

21 (iii) Acute or subacute detoxification services for intoxicated
22 individuals; and

23 (iv) Discharge assistance provided by certified substance use
24 disorder professionals or co-occurring disorder specialists,
25 including facilitating transitions to appropriate voluntary or
26 involuntary inpatient services or to less restrictive alternatives as
27 appropriate for the individual;

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

30 (c) Be licensed or certified as such by the department of health.

31 (60) "Severe deterioration from safe behavior" means that a
32 person will, if not treated, suffer or continue to suffer severe and
33 abnormal mental, emotional, or physical distress, and this distress
34 is associated with significant impairment of judgment, reason, or
35 behavior.

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

39 (62) "Start of initial detention" means the time of arrival of
40 the minor at the first evaluation and treatment facility, secure

1 withdrawal management and stabilization facility, or approved
2 substance use disorder treatment program offering inpatient treatment
3 if the minor is being involuntarily detained at the time. With regard
4 to voluntary patients, "start of initial detention" means the time at
5 which the minor gives notice of intent to leave under the provisions
6 of this chapter.

7 (63) "Store and forward technology" means use of an asynchronous
8 transmission of a person's medical information from a mental health
9 service provider to the designated crisis responder which results in
10 medical diagnosis, consultation, or treatment.

11 (64) "Substance use disorder" means a cluster of cognitive,
12 behavioral, and physiological symptoms indicating that an individual
13 continues using the substance despite significant substance-related
14 problems. The diagnosis of a substance use disorder is based on a
15 pathological pattern of behaviors related to the use of the
16 substances.

17 (65) "Substance use disorder professional" means a person
18 certified as a substance use disorder professional by the department
19 of health under chapter 18.205 RCW.

20 (66) "Therapeutic court personnel" means the staff of a mental
21 health court or other therapeutic court which has jurisdiction over
22 defendants who are dually diagnosed with mental disorders, including
23 court personnel, probation officers, a court monitor, prosecuting
24 attorney, or defense counsel acting within the scope of therapeutic
25 court duties.

26 (67) "Treatment records" include registration and all other
27 records concerning persons who are receiving or who at any time have
28 received services for mental illness, which are maintained by the
29 department, the department of health, the authority, behavioral
30 health organizations and their staffs, and by treatment facilities.
31 Treatment records include mental health information contained in a
32 medical bill including but not limited to mental health drugs, a
33 mental health diagnosis, provider name, and dates of service stemming
34 from a medical service. Treatment records do not include notes or
35 records maintained for personal use by a person providing treatment
36 services for the department, the department of health, the authority,
37 behavioral health organizations, or a treatment facility if the notes
38 or records are not available to others.

39 (68) "Video" means the delivery of behavioral health services
40 through the use of interactive audio and video technology, permitting

1 real-time communication between a person and a designated crisis
2 responder, for the purpose of evaluation. "Video" does not include
3 the use of audio-only telephone, facsimile, email, or store and
4 forward technology.

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

7 (70) "23-hour crisis relief center" has the same meaning as
8 provided in RCW 71.24.025.

9 **Sec. 5.** RCW 71.34.351 and 2023 c 433 s 14 are each amended to
10 read as follows:

11 A peace officer may take or authorize a minor to be taken into
12 custody and immediately delivered to an appropriate crisis
13 stabilization unit, 23-hour crisis relief center, evaluation and
14 treatment facility, secure withdrawal management and stabilization
15 facility, approved substance use disorder treatment program, or the
16 emergency department of a local hospital when he or she has
17 reasonable cause to believe that such minor is suffering from a
18 behavioral health disorder and presents an imminent likelihood of
19 serious harm or is gravely disabled. Until July 1, 2026, a peace
20 officer's delivery of a minor to a secure withdrawal management and
21 stabilization facility or approved substance use disorder treatment
22 program is subject to the availability of a secure withdrawal
23 management and stabilization facility or approved substance use
24 disorder treatment program with adequate space for the minor.

25 **Sec. 6.** RCW 71.34.375 and 2019 c 446 s 25 are each amended to
26 read as follows:

27 (1) If a parent or guardian, for the purpose of mental health
28 treatment, substance use disorder treatment, or evaluation, brings
29 his or her minor child to an evaluation and treatment facility, a
30 hospital emergency room, an inpatient facility licensed under chapter
31 72.23 RCW, an inpatient facility licensed under chapter 70.41 or
32 71.12 RCW operating inpatient psychiatric beds for minors, a secure
33 withdrawal management and stabilization facility, a 23-hour crisis
34 relief center, or an approved substance use disorder treatment
35 program, the facility is required to promptly provide written and
36 verbal notice of all statutorily available treatment options
37 contained in this chapter. The notice need not be given more than

1 once if written and verbal notice has already been provided and
2 documented by the facility.

3 (2) The provision of notice must be documented by the facilities
4 required to give notice under subsection (1) of this section and must
5 be accompanied by a signed acknowledgment of receipt by the parent or
6 guardian. The notice must contain the following information:

7 (a) All current statutorily available treatment options including
8 but not limited to those provided in this chapter; and

9 (b) The procedures to be followed to utilize the treatment
10 options described in this chapter.

11 (3) The department of health shall produce, and make available,
12 the written notification that must include, at a minimum, the
13 information contained in subsection (2) of this section. The
14 department of health must revise the written notification as
15 necessary to reflect changes in the law.

16 **Sec. 7.** RCW 71.34.430 and 2019 c 381 s 22 are each amended to
17 read as follows:

18 A mental health agency, psychiatric hospital, ~~((or))~~ evaluation
19 and treatment facility, crisis stabilization unit, or 23-hour crisis
20 relief center may release mental health information about an
21 adolescent to a parent of the adolescent without the consent of the
22 adolescent by following the limitations and restrictions of RCW
23 70.02.240 and 70.02.265.

24 **Sec. 8.** RCW 71.34.700 and 2020 c 302 s 78 are each amended to
25 read as follows:

26 (1) If an adolescent is brought to an evaluation and treatment
27 facility, secure withdrawal management and stabilization facility
28 with available space, approved substance use disorder treatment
29 program with available space, crisis stabilization unit, 23-hour
30 crisis relief center, or hospital emergency room for immediate
31 behavioral health services, the professional person in charge of the
32 facility shall evaluate the adolescent's condition, determine whether
33 the adolescent suffers from a behavioral health disorder, and whether
34 the adolescent is in need of immediate inpatient treatment.

35 (2) If it is determined under subsection (1) of this section that
36 the adolescent suffers from a behavioral health disorder, inpatient
37 treatment is required, the adolescent is unwilling to consent to
38 voluntary admission, and the professional person believes that the

1 adolescent meets the criteria for initial detention, the facility may
2 detain or arrange for the detention of the adolescent for up to
3 twelve hours, not including time periods prior to medical clearance,
4 in order to enable a designated crisis responder to evaluate the
5 adolescent and commence initial detention proceedings under the
6 provisions of this chapter.

7 (3) Dismissal of a commitment petition is not the appropriate
8 remedy for a violation of the timeliness requirements of this
9 section, based on the purpose of this chapter under RCW 71.34.010,
10 except in the few cases where the facility staff or the designated
11 crisis responder have totally disregarded the requirements of this
12 section.

13 **Sec. 9.** RCW 71.34.700 and 2020 c 302 s 79 are each amended to
14 read as follows:

15 (1) If an adolescent is brought to an evaluation and treatment
16 facility, secure withdrawal management and stabilization facility,
17 approved substance use disorder treatment program, crisis
18 stabilization unit, 23-hour crisis relief center, or hospital
19 emergency room for immediate behavioral health services, the
20 professional person in charge of the facility shall evaluate the
21 adolescent's condition, determine whether the adolescent suffers from
22 a behavioral health disorder, and whether the adolescent is in need
23 of immediate inpatient treatment.

24 (2) If it is determined under subsection (1) of this section that
25 the adolescent suffers from a behavioral health disorder, inpatient
26 treatment is required, the adolescent is unwilling to consent to
27 voluntary admission, and the professional person believes that the
28 adolescent meets the criteria for initial detention, the facility may
29 detain or arrange for the detention of the adolescent for up to
30 twelve hours, not including time periods prior to medical clearance,
31 in order to enable a designated crisis responder to evaluate the
32 adolescent and commence initial detention proceedings under the
33 provisions of this chapter.

34 (3) Dismissal of a commitment petition is not the appropriate
35 remedy for a violation of the timeliness requirements of this
36 section, based on the purpose of this chapter under RCW 71.34.010,
37 except in the few cases where the facility staff or the designated
38 crisis responder have totally disregarded the requirements of this
39 section.

1 NEW SECTION. **Sec. 10.** Section 4 of this act takes effect when
2 section 13, chapter 433, Laws of 2023 takes effect.

3 NEW SECTION. **Sec. 11.** Section 8 of this act expires July 1,
4 2026.

5 NEW SECTION. **Sec. 12.** Section 9 of this act takes effect July
6 1, 2026.

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