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**SECOND SUBSTITUTE SENATE BILL 5853**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

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

READ FIRST TIME 02/05/24.

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, and 71.34.430;  
4 reenacting and amending RCW 71.24.025; adding a new section to  
5 chapter 71.34 RCW; and providing a contingent effective date.

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

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

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

11 (1) "23-hour crisis relief center" means a community-based  
12 facility or portion of a facility (~~(serving adults,)~~) which is  
13 licensed or certified by the department of health and open 24 hours a  
14 day, seven days a week, offering access to mental health and  
15 substance use care for no more than 23 hours and 59 minutes at a time  
16 per patient, and which accepts all behavioral health crisis walk-ins  
17 drop-offs from first responders, and individuals referred through the  
18 988 system regardless of behavioral health acuity, and meets the  
19 requirements under RCW 71.24.916.

20 (2) "988 crisis hotline" means the universal telephone number  
21 within the United States designated for the purpose of the national

1 suicide prevention and mental health crisis hotline system operating  
2 through the national suicide prevention lifeline.

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

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

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

10 (c) Presenting a likelihood of serious harm as defined in RCW  
11 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

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

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

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

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

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

38 (9) "Behavioral health aide" means a counselor, health educator,  
39 and advocate who helps address individual and community-based  
40 behavioral health needs, including those related to alcohol, drug,

1 and tobacco abuse as well as mental health problems such as grief,  
2 depression, suicide, and related issues and is certified by a  
3 community health aide program of the Indian health service or one or  
4 more tribes or tribal organizations consistent with the provisions of  
5 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).

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

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

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

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

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

22 (b) Has experienced a continuous psychiatric hospitalization or  
23 residential treatment exceeding six months' duration within the  
24 preceding year; or

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

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

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

38 (16) "Community behavioral health service delivery system" means  
39 public, private, or tribal agencies that provide services  
40 specifically to persons with mental disorders, substance use

1 disorders, or both, as defined under RCW 71.05.020 and receive  
2 funding from public sources.

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

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

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

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

38 (21) "Crisis stabilization services" means services such as 23-  
39 hour crisis relief centers, crisis stabilization units, short-term  
40 respite facilities, peer-run respite services, and same-day walk-in

1 behavioral health services, including within the overall crisis  
2 system components that operate like hospital emergency departments  
3 that accept all walk-ins, and ambulance, fire, and police drop-offs,  
4 or determine the need for involuntary hospitalization of an  
5 individual.

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

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

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

15 (25) "Designated crisis responder" has the same meaning as in RCW  
16 71.05.020.

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

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

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

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

34 (30) "Evidence-based" means a program or practice that has been  
35 tested in heterogeneous or intended populations with multiple  
36 randomized, or statistically controlled evaluations, or both; or one  
37 large multiple site randomized, or statistically controlled  
38 evaluation, or both, where the weight of the evidence from a systemic  
39 review demonstrates sustained improvements in at least one outcome.  
40 "Evidence-based" also means a program or practice that can be

1 implemented with a set of procedures to allow successful replication  
2 in Washington and, when possible, is determined to be cost-  
3 beneficial.

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

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

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

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

22 (a) An entity licensed or certified according to this chapter or  
23 chapter 71.05 RCW;

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

27 (c) An entity with a tribal attestation that it meets state  
28 minimum standards for a licensed or certified behavioral health  
29 agency.

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

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

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

37 (a) Services for individuals committed under chapter 71.05 RCW who  
38 are receiving services pursuant to a conditional release or a court-  
39 ordered less restrictive alternative to detention; or (b) services

1 for individuals voluntarily receiving less restrictive alternative  
2 treatment on the grounds of the state hospital.

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

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

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

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

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

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

36 (43) "Research-based" means a program or practice that has been  
37 tested with a single randomized, or statistically controlled  
38 evaluation, or both, demonstrating sustained desirable outcomes; or  
39 where the weight of the evidence from a systemic review supports

1 sustained outcomes as described in subsection (30) of this section  
2 but does not meet the full criteria for evidence-based.

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

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

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



1 designated crisis responders, evaluation and treatment facilities,  
2 and others as determined by the behavioral health administrative  
3 services organization or managed care organization, as applicable.

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

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

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

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

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

15 (d) Exhibits suicidal preoccupation or attempts; or

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

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

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

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

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

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

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

39 (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. In a 23-hour crisis relief  
14 center which proposes to serve both child and adult clients in the  
15 same facility, these standards must include separate entrances,  
16 spaces, and treatment areas such that no contact occurs between child  
17 and adult 23-hour crisis relief center clients.

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

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

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

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

1 (a) Not treat children in a shared space or allow them to have  
2 contact with adult clients;

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

5 (c) Have written policies and procedures defining how different  
6 age groups will be appropriately separated;

7 (d) Provide resources to connect children and their families with  
8 behavioral health supports;

9 (e) Coordinate with the department of children, youth, and  
10 families for children who do not need inpatient care and are unable  
11 to be discharged to home;

12 (f) Address discharge planning for a child who is at risk of  
13 dependency, out-of-home placement, or homelessness; and

14 (g) Be staffed 24 hours a day, seven days a week, with a  
15 pediatric multidisciplinary team.

16 (3) The secretary shall solicit input from stakeholders when  
17 engaging in rule making under subsection (2) of this section.

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

20 Unless the context clearly requires otherwise, the definitions in  
21 this section apply throughout this chapter.

22 (1) "Admission" or "admit" means a decision by a physician,  
23 physician assistant, or psychiatric advanced registered nurse  
24 practitioner that a minor should be examined or treated as a patient  
25 in a hospital.

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

27 (3) "Alcoholism" means a disease, characterized by a dependency  
28 on alcoholic beverages, loss of control over the amount and  
29 circumstances of use, symptoms of tolerance, physiological or  
30 psychological withdrawal, or both, if use is reduced or discontinued,  
31 and impairment of health or disruption of social or economic  
32 functioning.

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

37 (5) "Approved substance use disorder treatment program" means a  
38 program for minors with substance use disorders provided by a

1 treatment program licensed or certified by the department of health  
2 as meeting standards adopted under chapter 71.24 RCW.

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

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

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

9 (9) "Behavioral health disorder" means either a mental disorder  
10 as defined in this section, a substance use disorder as defined in  
11 this section, or a co-occurring mental disorder and substance use  
12 disorder.

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

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

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

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

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

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

32 (14) "Co-occurring disorder specialist" means an individual  
33 possessing an enhancement granted by the department of health under  
34 chapter 18.205 RCW that certifies the individual to provide substance  
35 use disorder counseling subject to the practice limitations under RCW  
36 18.205.105.

37 (15) "Crisis stabilization unit" means a short-term facility or a  
38 portion of a facility licensed or certified by the department of  
39 health under RCW 71.24.035, such as a residential treatment facility  
40 or a hospital, which has been designed to assess, diagnose, and treat

1 individuals experiencing an acute crisis without the use of long-term  
2 hospitalization, or to determine the need for involuntary commitment  
3 of an individual.

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

8 (17) "Department" means the department of social and health  
9 services.

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

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

14 (20) "Developmental disabilities professional" means a person who  
15 has specialized training and three years of experience in directly  
16 treating or working with persons with developmental disabilities and  
17 is a psychiatrist, physician assistant working with a supervising  
18 psychiatrist, psychologist, psychiatric advanced registered nurse  
19 practitioner, or social worker, and such other developmental  
20 disabilities professionals as may be defined by rules adopted by the  
21 secretary of the department.

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

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

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

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

39 (25) "Evaluation and treatment program" means the total system of  
40 services and facilities coordinated and approved by a county or

1 combination of counties for the evaluation and treatment of minors  
2 under this chapter.

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

10 (27) "Habilitative services" means those services provided by  
11 program personnel to assist minors in acquiring and maintaining life  
12 skills and in raising their levels of physical, behavioral, social,  
13 and vocational functioning. Habilitative services include education,  
14 training for employment, and therapy.

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

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

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

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

28 (b) The conditions and strategies necessary to achieve the  
29 purposes of habilitation;

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

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

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

35 (f) Where relevant in light of past criminal behavior and due  
36 consideration for public safety, the criteria for proposed movement  
37 to less-restrictive settings, criteria for proposed eventual  
38 discharge or release, and a projected possible date for discharge or  
39 release; and



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

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

10 (b) For purposes of family-initiated treatment under RCW  
11 71.34.600 through 71.34.670, "inpatient treatment" has the meaning  
12 included in (a) of this subsection and any other residential  
13 treatment facility licensed under chapter 71.12 RCW.

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

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

19 (34) "Kinship caregiver" has the same meaning as in RCW  
20 74.13.031(~~(19)~~) (22)(a).

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

25 (36) "Less restrictive alternative" or "less restrictive setting"  
26 means outpatient treatment provided to a minor as a program of  
27 individualized treatment in a less restrictive setting than inpatient  
28 treatment that includes the services described in RCW 71.34.755,  
29 including residential treatment.

30 (37) "Licensed physician" means a person licensed to practice  
31 medicine or osteopathic medicine and surgery in the state of  
32 Washington.

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

34 (a) A substantial risk that: (i) Physical harm will be inflicted  
35 by a minor upon his or her own person, as evidenced by threats or  
36 attempts to commit suicide or inflict physical harm on oneself; (ii)  
37 physical harm will be inflicted by a minor upon another individual,  
38 as evidenced by behavior which has caused such harm or which places  
39 another person or persons in reasonable fear of sustaining such harm;  
40 or (iii) physical harm will be inflicted by a minor upon the property

1 of others, as evidenced by behavior which has caused substantial loss  
2 or damage to the property of others; or

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

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

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

10 (41) "Medical necessity" for inpatient care means a requested  
11 service which is reasonably calculated to: (a) Diagnose, correct,  
12 cure, or alleviate a mental disorder or substance use disorder; or  
13 (b) prevent the progression of a mental disorder or substance use  
14 disorder that endangers life or causes suffering and pain, or results  
15 in illness or infirmity or threatens to cause or aggravate a  
16 disability, or causes physical deformity or malfunction, and there is  
17 no adequate less restrictive alternative available.

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

24 (43) "Mental health professional" (~~means a psychiatrist,~~  
25 ~~psychiatric advanced registered nurse practitioner, physician~~  
26 ~~assistant working with a supervising psychiatrist, psychologist,~~  
27 ~~psychiatric nurse, social worker, and such other mental health~~  
28 ~~professionals as defined by rules adopted by the secretary of the~~  
29 ~~department of health under this chapter.)) has the same meaning as  
30 provided in RCW 71.05.020.~~

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

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

35 (46) (a) "Parent" has the same meaning as defined in RCW  
36 26.26A.010, including either parent if custody is shared under a  
37 joint custody agreement, or a person or agency judicially appointed  
38 as legal guardian or custodian of the child.

39 (b) For purposes of family-initiated treatment under RCW  
40 71.34.600 through 71.34.670, "parent" also includes a person to whom

1 a parent defined in (a) of this subsection has given a signed  
2 authorization to make health care decisions for the adolescent, a  
3 stepparent who is involved in caring for the adolescent, a kinship  
4 caregiver who is involved in caring for the adolescent, or another  
5 relative who is responsible for the health care of the adolescent,  
6 who may be required to provide a declaration under penalty of perjury  
7 stating that he or she is a relative responsible for the health care  
8 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises  
9 between individuals authorized to act as a parent for the purpose of  
10 RCW 71.34.600 through 71.34.670, the disagreement must be resolved  
11 according to the priority established under RCW 7.70.065(2)(a).

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

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

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

26 (50) "Professional person in charge" or "professional person"  
27 means a physician, other mental health professional, or other person  
28 empowered by an evaluation and treatment facility, secure withdrawal  
29 management and stabilization facility, or approved substance use  
30 disorder treatment program with authority to make admission and  
31 discharge decisions on behalf of that facility.

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

36 (52) "Psychiatrist" means a person having a license as a  
37 physician in this state who has completed residency training in  
38 psychiatry in a program approved by the American Medical Association  
39 or the American Osteopathic Association, and is board eligible or  
40 board certified in psychiatry.

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

3 (54) "Public agency" means any evaluation and treatment facility  
4 or institution, or hospital, or approved substance use disorder  
5 treatment program that is conducted for, or includes a distinct unit,  
6 floor, or ward conducted for, the care and treatment of persons with  
7 mental illness, substance use disorders, or both mental illness and  
8 substance use disorders if the agency is operated directly by  
9 federal, state, county, or municipal government, or a combination of  
10 such governments.

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

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

15 (57) "Responsible other" means the minor, the minor's parent or  
16 estate, or any other person legally responsible for support of the  
17 minor.

18 (58) "Secretary" means the secretary of the department or  
19 secretary's designee.

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

27 (a) Provide the following services:

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

30 (ii) Clinical stabilization services;

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

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

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

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

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

4 (61) "Start of initial detention" means the time of arrival of  
5 the minor at the first evaluation and treatment facility, secure  
6 withdrawal management and stabilization facility, or approved  
7 substance use disorder treatment program offering inpatient treatment  
8 if the minor is being involuntarily detained at the time. With regard  
9 to voluntary patients, "start of initial detention" means the time at  
10 which the minor gives notice of intent to leave under the provisions  
11 of this chapter.

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

16 (63) "Substance use disorder" means a cluster of cognitive,  
17 behavioral, and physiological symptoms indicating that an individual  
18 continues using the substance despite significant substance-related  
19 problems. The diagnosis of a substance use disorder is based on a  
20 pathological pattern of behaviors related to the use of the  
21 substances.

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

25 (65) "Therapeutic court personnel" means the staff of a mental  
26 health court or other therapeutic court which has jurisdiction over  
27 defendants who are dually diagnosed with mental disorders, including  
28 court personnel, probation officers, a court monitor, prosecuting  
29 attorney, or defense counsel acting within the scope of therapeutic  
30 court duties.

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

1 services for the department, the department of health, the authority,  
2 behavioral health organizations, or a treatment facility if the notes  
3 or records are not available to others.

4 (67) "Video" means the delivery of behavioral health services  
5 through the use of interactive audio and video technology, permitting  
6 real-time communication between a person and a designated crisis  
7 responder, for the purpose of evaluation. "Video" does not include  
8 the use of audio-only telephone, facsimile, email, or store and  
9 forward technology.

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

12 (69) "23-hour crisis relief center" has the same meaning as  
13 provided in RCW 71.24.025.

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

16 Unless the context clearly requires otherwise, the definitions in  
17 this section apply throughout this chapter.

18 (1) "Admission" or "admit" means a decision by a physician,  
19 physician assistant, or psychiatric advanced registered nurse  
20 practitioner that a minor should be examined or treated as a patient  
21 in a hospital.

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

23 (3) "Alcoholism" means a disease, characterized by a dependency  
24 on alcoholic beverages, loss of control over the amount and  
25 circumstances of use, symptoms of tolerance, physiological or  
26 psychological withdrawal, or both, if use is reduced or discontinued,  
27 and impairment of health or disruption of social or economic  
28 functioning.

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

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

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

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

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

4 (9) "Behavioral health disorder" means either a mental disorder  
5 as defined in this section, a substance use disorder as defined in  
6 this section, or a co-occurring mental disorder and substance use  
7 disorder.

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

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

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

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

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

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

27 (14) "Co-occurring disorder specialist" means an individual  
28 possessing an enhancement granted by the department of health under  
29 chapter 18.205 RCW that certifies the individual to provide substance  
30 use disorder counseling subject to the practice limitations under RCW  
31 18.205.105.

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

39 (16) "Custody" means involuntary detention under the provisions  
40 of this chapter or chapter 10.77 RCW, uninterrupted by any period of

1 unconditional release from commitment from a facility providing  
2 involuntary care and treatment.

3 (17) "Department" means the department of social and health  
4 services.

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

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

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

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

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

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

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

34 (25) "Evaluation and treatment program" means the total system of  
35 services and facilities coordinated and approved by a county or  
36 combination of counties for the evaluation and treatment of minors  
37 under this chapter.

38 (26) "Gravely disabled minor" means a minor who, as a result of a  
39 behavioral health disorder, (a) is in danger of serious physical harm  
40 resulting from a failure to provide for his or her essential human



1 needs of health or safety, or (b) manifests severe deterioration from  
2 safe behavior evidenced by repeated and escalating loss of cognitive  
3 or volitional control over his or her actions and is not receiving  
4 such care as is essential for his or her health or safety.

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

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

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

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

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

23 (b) The conditions and strategies necessary to achieve the  
24 purposes of habilitation;

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

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

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

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

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

37 (31)(a) "Inpatient treatment" means twenty-four-hour-per-day  
38 mental health care provided within a general hospital, psychiatric  
39 hospital, residential treatment facility licensed or certified by the  
40 department of health as an evaluation and treatment facility for

1 minors, secure withdrawal management and stabilization facility for  
2 minors, or approved substance use disorder treatment program for  
3 minors.

4 (b) For purposes of family-initiated treatment under RCW  
5 71.34.600 through 71.34.670, "inpatient treatment" has the meaning  
6 included in (a) of this subsection and any other residential  
7 treatment facility licensed under chapter 71.12 RCW.

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

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

13 (34) "Kinship caregiver" has the same meaning as in RCW  
14 74.13.031(~~(19)~~) (22)(a).

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

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

24 (37) "Licensed physician" means a person licensed to practice  
25 medicine or osteopathic medicine and surgery in the state of  
26 Washington.

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

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

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

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

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

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

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

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

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

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

29 (46) (a) "Parent" has the same meaning as defined in RCW  
30 26.26A.010, including either parent if custody is shared under a  
31 joint custody agreement, or a person or agency judicially appointed  
32 as legal guardian or custodian of the child.

33 (b) For purposes of family-initiated treatment under RCW  
34 71.34.600 through 71.34.670, "parent" also includes a person to whom  
35 a parent defined in (a) of this subsection has given a signed  
36 authorization to make health care decisions for the adolescent, a  
37 stepparent who is involved in caring for the adolescent, a kinship  
38 caregiver who is involved in caring for the adolescent, or another  
39 relative who is responsible for the health care of the adolescent,  
40 who may be required to provide a declaration under penalty of perjury

1 stating that he or she is a relative responsible for the health care  
2 of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises  
3 between individuals authorized to act as a parent for the purpose of  
4 RCW 71.34.600 through 71.34.670, the disagreement must be resolved  
5 according to the priority established under RCW 7.70.065(2) (a).

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

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

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

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

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

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

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

37 (54) "Public agency" means any evaluation and treatment facility  
38 or institution, or hospital, or approved substance use disorder  
39 treatment program that is conducted for, or includes a distinct unit,  
40 floor, or ward conducted for, the care and treatment of persons with

1 mental illness, substance use disorders, or both mental illness and  
2 substance use disorders if the agency is operated directly by  
3 federal, state, county, or municipal government, or a combination of  
4 such governments.

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

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

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

12 (58) "Secretary" means the secretary of the department or  
13 secretary's designee.

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

21 (a) Provide the following services:

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

24 (ii) Clinical stabilization services;

25 (iii) Acute or subacute detoxification services for intoxicated  
26 individuals; and

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

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

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

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

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

4 (62) "Start of initial detention" means the time of arrival of  
5 the minor at the first evaluation and treatment facility, secure  
6 withdrawal management and stabilization facility, or approved  
7 substance use disorder treatment program offering inpatient treatment  
8 if the minor is being involuntarily detained at the time. With regard  
9 to voluntary patients, "start of initial detention" means the time at  
10 which the minor gives notice of intent to leave under the provisions  
11 of this chapter.

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

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

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

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

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

1 services for the department, the department of health, the authority,  
2 behavioral health organizations, or a treatment facility if the notes  
3 or records are not available to others.

4 (68) "Video" means the delivery of behavioral health services  
5 through the use of interactive audio and video technology, permitting  
6 real-time communication between a person and a designated crisis  
7 responder, for the purpose of evaluation. "Video" does not include  
8 the use of audio-only telephone, facsimile, email, or store and  
9 forward technology.

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

12 (70) "23-hour crisis relief center" has the same meaning as  
13 provided in RCW 71.24.025.

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

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

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

32 (1) If a parent or guardian, for the purpose of mental health  
33 treatment, substance use disorder treatment, or evaluation, brings  
34 his or her minor child to an evaluation and treatment facility, a  
35 hospital emergency room, an inpatient facility licensed under chapter  
36 72.23 RCW, an inpatient facility licensed under chapter 70.41 or  
37 71.12 RCW operating inpatient psychiatric beds for minors, a secure  
38 withdrawal management and stabilization facility, a 23-hour crisis

1 relief center, or an approved substance use disorder treatment  
2 program, the facility is required to promptly provide written and  
3 verbal notice of all statutorily available treatment options  
4 contained in this chapter. The notice need not be given more than  
5 once if written and verbal notice has already been provided and  
6 documented by the facility.

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

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

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

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

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

22 A mental health agency, psychiatric hospital, ~~((or))~~ evaluation  
23 and treatment facility, crisis stabilization unit, or 23-hour crisis  
24 relief center may release mental health information about an  
25 adolescent to a parent of the adolescent without the consent of the  
26 adolescent by following the limitations and restrictions of RCW  
27 70.02.240 and 70.02.265.

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 71.34  
29 RCW under the subchapter heading "GENERAL" to read as follows:

30 If an adolescent is brought to or accepted at a 23-hour crisis  
31 relief center and thereafter refuses to stay voluntarily, and the  
32 professional staff of the 23-hour crisis relief center regard the  
33 adolescent as presenting as a result of a behavioral health disorder  
34 an imminent likelihood of serious harm, or presenting as an imminent  
35 danger because of grave disability, they may detain the adolescent  
36 for sufficient time to enable the designated crisis responder to  
37 complete an evaluation but for no more than 12 hours from the time  
38 the professional staff notify the designated crisis responder of the



1 need for evaluation. If involuntary commitment criteria are met, the  
2 professional staff may authorize the adolescent being further held in  
3 custody or transported to a hospital emergency department, evaluation  
4 and treatment center, secure withdrawal management and stabilization  
5 facility, or approved substance use disorder treatment program  
6 pursuant to the provisions of this chapter.

7 NEW SECTION. **Sec. 9.** Section 4 of this act takes effect when  
8 section 13, chapter 433, Laws of 2023 takes effect.

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