

---

**HOUSE BILL 1811**

---

**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Salahuddin, Davis, Santos, Parshley, Zahn, Doglio, Reed, Ormsby, Nance, Taylor, Walen, Wylie, Pollet, Macri, Fosse, Hill, Street, Scott, Callan, Stearns, and Leavitt

Read first time 02/03/25. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to enhancing crisis response services through co-  
2 response integration and support; amending RCW 5.60.060 and  
3 51.32.181; reenacting and amending RCW 71.24.025; adding a new  
4 section to chapter 71.24 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The goals of co-response are to de-  
7 escalate situations, divert people from criminal justice and  
8 emergency medical systems, and bring medical and behavioral health  
9 care into the field to serve vulnerable populations.

10 Co-responders play a critical role in Washington's emergency  
11 response landscape, promoting a crisis care delivery system that  
12 appropriately responds to behavioral health emergencies and adapts to  
13 complex needs at the nexus of health and behavioral health. As  
14 Washington's crisis care delivery system continues to evolve, co-  
15 responders should be integrated into new and existing programs and  
16 legal frameworks in a way that consistently reflects their  
17 contributions to the health and well-being of the people of  
18 Washington and provides the necessary support for them to continue  
19 their critical work.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 71.24  
2    RCW to read as follows:

3        The University of Washington school of social work, in  
4    consultation with the authority, shall collaborate with a statewide  
5    organization focused on co-response outreach to develop a statewide  
6    internal peer support program designed to assist co-response  
7    professionals who have faced life-threatening or traumatic incidents  
8    that occur while on the job.

9        **Sec. 3.**    RCW 71.24.025 and 2024 c 368 s 2, 2024 c 367 s 1, and  
10    2024 c 121 s 25 are each reenacted and amended to read as follows:

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

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

22        (2) "988 crisis hotline" means the universal telephone number  
23    within the United States designated for the purpose of the national  
24    suicide prevention and mental health crisis hotline system operating  
25    through the national suicide prevention lifeline.

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

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

30        (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
31    case of a child, a gravely disabled minor as defined in RCW  
32    71.34.020; or

33        (c) Presenting a likelihood of serious harm as defined in RCW  
34    71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

35        (4) "Alcoholism" means a disease, characterized by a dependency  
36    on alcoholic beverages, loss of control over the amount and  
37    circumstances of use, symptoms of tolerance, physiological or  
38    psychological withdrawal, or both, if use is reduced or discontinued,

1 and impairment of health or disruption of social or economic  
2 functioning.

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

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

8 (7) "Available resources" means funds appropriated for the  
9 purpose of providing community behavioral health programs, federal  
10 funds, except those provided according to Title XIX of the Social  
11 Security Act, and state funds appropriated under this chapter or  
12 chapter 71.05 RCW by the legislature during any biennium for the  
13 purpose of providing residential services, resource management  
14 services, community support services, and other behavioral health  
15 services. This does not include funds appropriated for the purpose of  
16 operating and administering the state psychiatric hospitals.

17 (8) "Behavioral health administrative services organization"  
18 means an entity contracted with the authority to administer  
19 behavioral health services and programs under RCW 71.24.381,  
20 including crisis services and administration of chapter 71.05 RCW,  
21 the involuntary treatment act, for all individuals in a defined  
22 regional service area.

23 (9) "Behavioral health aide" means a counselor, health educator,  
24 and advocate who helps address individual and community-based  
25 behavioral health needs, including those related to alcohol, drug,  
26 and tobacco abuse as well as mental health problems such as grief,  
27 depression, suicide, and related issues and is certified by a  
28 community health aide program of the Indian health service or one or  
29 more tribes or tribal organizations consistent with the provisions of  
30 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).

31 (10) "Behavioral health provider" means a person licensed under  
32 chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as  
33 it applies to registered nurses and advanced practice registered  
34 (~~nurse practitioners~~) nurses.

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

1 (12) "Child" means a person under the age of 18 years.

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

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

7 (b) Has experienced a continuous behavioral health  
8 hospitalization or residential treatment exceeding six months'  
9 duration within the preceding year; or

10 (c) Has been unable to engage in any substantial gainful activity  
11 by reason of any mental disorder which has lasted for a continuous  
12 period of not less than 12 months. "Substantial gainful activity"  
13 shall be defined by the authority by rule consistent with Public Law  
14 92-603, as amended.

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

18 (15) "Co-response" means a multidisciplinary partnership between  
19 first responders and human services professionals that responds to  
20 emergency situations involving behavioral health crises and people  
21 experiencing complex medical needs. First responders participating in  
22 co-response include public safety telecommunicators, law enforcement  
23 officers, firefighters, emergency medical technicians, and  
24 paramedics. Human services professionals participating in co-response  
25 include social workers, behavioral health clinicians, advanced  
26 practice registered nurses, registered nurses, community health  
27 workers, and peer support specialists. Co-responders may provide  
28 call-for-service crisis response and follow-up care including case  
29 management, resource navigation, and transportation.

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

35 ((+16)) (17) "Community behavioral health service delivery  
36 system" means public, private, or tribal agencies that provide  
37 services specifically to persons with mental disorders, substance use  
38 disorders, or both, as defined under RCW 71.05.020 and receive  
39 funding from public sources.

1       (~~(17)~~) (18) "Community support services" means services  
2 authorized, planned, and coordinated through resource management  
3 services including, at a minimum, assessment, diagnosis, emergency  
4 crisis intervention available 24 hours, seven days a week,  
5 prescreening determinations for persons who are mentally ill being  
6 considered for placement in nursing homes as required by federal law,  
7 screening for patients being considered for admission to residential  
8 services, diagnosis and treatment for children who are acutely  
9 mentally ill or severely emotionally or behaviorally disturbed  
10 discovered under screening through the federal Title XIX early and  
11 periodic screening, diagnosis, and treatment program, investigation,  
12 legal, and other nonresidential services under chapter 71.05 RCW,  
13 case management services, psychiatric treatment including medication  
14 supervision, counseling, psychotherapy, assuring transfer of relevant  
15 patient information between service providers, recovery services, and  
16 other services determined by behavioral health administrative  
17 services organizations.

18       (~~(18)~~) (19) "Community-based crisis team" means a team that is  
19 part of an emergency medical services agency, a fire service agency,  
20 a public health agency, a medical facility, a nonprofit crisis  
21 response provider, or a city or county government entity, other than  
22 a law enforcement agency, that provides the on-site community-based  
23 interventions of a mobile rapid response crisis team for individuals  
24 who are experiencing a behavioral health crisis.

25       (~~(19)~~) (20) "Consensus-based" means a program or practice that  
26 has general support among treatment providers and experts, based on  
27 experience or professional literature, and may have anecdotal or case  
28 study support, or that is agreed but not possible to perform studies  
29 with random assignment and controlled groups.

30       (~~(20)~~) (21) "Coordinated regional behavioral health crisis  
31 response system" means the coordinated operation of 988 call centers,  
32 regional crisis lines, certified public safety telecommunicators, and  
33 other behavioral health crisis system partners within each regional  
34 service area.

35       (~~(21)~~) (22) "County authority" means the board of county  
36 commissioners, county council, or county executive having authority  
37 to establish a behavioral health administrative services  
38 organization, or two or more of the county authorities specified in  
39 this subsection which have entered into an agreement to establish a  
40 behavioral health administrative services organization.

1        ~~((22))~~ (23) "Crisis stabilization services" means services such  
2 as 23-hour crisis relief centers, crisis stabilization units, short-  
3 term respite facilities, peer-run respite services, and same-day  
4 walk-in behavioral health services, including within the overall  
5 crisis system components that operate like hospital emergency  
6 departments that accept all walk-ins, and ambulance, fire, and police  
7 drop-offs, or determine the need for involuntary hospitalization of  
8 an individual.

9        ~~((23))~~ (24) "Crisis stabilization unit" has the same meaning as  
10 under RCW 71.05.020.

11        ~~((24))~~ (25) "Department" means the department of health.

12        ~~((25))~~ (26) "Designated 988 contact hub" or "988 contact hub"  
13 means a state-designated contact center that streamlines clinical  
14 interventions and access to resources for people experiencing a  
15 behavioral health crisis and participates in the national suicide  
16 prevention lifeline network to respond to statewide or regional 988  
17 contacts that meets the requirements of RCW 71.24.890.

18        ~~((26))~~ (27) "Designated crisis responder" has the same meaning  
19 as in RCW 71.05.020.

20        ~~((27))~~ (28) "Director" means the director of the authority.

21        ~~((28))~~ (29) "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        ~~((29))~~ (30) "Early adopter" means a regional service area for  
28 which all of the county authorities have requested that the authority  
29 purchase medical and behavioral health services through a managed  
30 care health system as defined under RCW 71.24.380(7).

31        ~~((30))~~ (31) "Emerging best practice" or "promising practice"  
32 means a program or practice that, based on statistical analyses or a  
33 well 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 ~~((31))~~ (32) of this section.

37        ~~((31))~~ (32) "Evidence-based" means a program or practice that  
38 has been tested in heterogeneous or intended populations with  
39 multiple randomized, or statistically controlled evaluations, or  
40 both; or one large multiple site randomized, or statistically

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

7 ~~((32))~~ (33) "First responders" includes ambulance, fire, mobile  
8 rapid response crisis team, co-responder team, designated crisis  
9 responder, fire department mobile integrated health team, community  
10 assistance referral and education services program under RCW  
11 35.21.930, and law enforcement personnel.

12 ~~((33))~~ (34) "Immediate jeopardy" means a situation in which the  
13 licensed or certified behavioral health agency's noncompliance with  
14 one or more statutory or regulatory requirements has placed the  
15 health and safety of patients in its care at risk for serious injury,  
16 serious harm, serious impairment, or death.

17 ~~((34))~~ (35) "Indian health care provider" means a health care  
18 program operated by the Indian health service or by a tribe, tribal  
19 organization, or urban Indian organization as those terms are defined  
20 in the Indian health care improvement act (25 U.S.C. Sec. 1603).

21 ~~((35))~~ (36) "Intensive behavioral health treatment facility"  
22 means a community-based specialized residential treatment facility  
23 for individuals with behavioral health conditions, including  
24 individuals discharging from or being diverted from state and local  
25 hospitals, whose impairment or behaviors do not meet, or no longer  
26 meet, criteria for involuntary inpatient commitment under chapter  
27 71.05 RCW, but whose care needs cannot be met in other community-  
28 based placement settings.

29 ~~((36))~~ (37) "Licensed or certified behavioral health agency"  
30 means:

31 (a) An entity licensed or certified according to this chapter or  
32 chapter 71.05 RCW;

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

36 (c) An entity with a tribal attestation that it meets state  
37 minimum standards for a licensed or certified behavioral health  
38 agency.

1        ~~((37))~~ (38) "Licensed physician" means a person licensed to  
2 practice medicine or osteopathic medicine and surgery in the state of  
3 Washington.

4        ~~((38))~~ (39) "Long-term inpatient care" means inpatient services  
5 for persons committed for, or voluntarily receiving intensive  
6 treatment for, periods of 90 days or greater under chapter 71.05 RCW.  
7 "Long-term inpatient care" as used in this chapter does not include:  
8 (a) Services for individuals committed under chapter 71.05 RCW who  
9 are receiving services pursuant to a conditional release or a court-  
10 ordered less restrictive alternative to detention; or (b) services  
11 for individuals voluntarily receiving less restrictive alternative  
12 treatment on the grounds of the state hospital.

13        ~~((39))~~ (40) "Managed care organization" means an organization,  
14 having a certificate of authority or certificate of registration from  
15 the office of the insurance commissioner, that contracts with the  
16 authority under a comprehensive risk contract to provide prepaid  
17 health care services to enrollees under the authority's managed care  
18 programs under chapter 74.09 RCW.

19        ~~((40))~~ (41) "Mental health peer-run respite center" means a  
20 peer-run program to serve individuals in need of voluntary, short-  
21 term, noncrisis services that focus on recovery and wellness.

22        ~~((41))~~ (42) Mental health "treatment records" include  
23 registration and all other records concerning persons who are  
24 receiving or who at any time have received services for mental  
25 illness, which are maintained by the department of social and health  
26 services or the authority, by behavioral health administrative  
27 services organizations and their staffs, by managed care  
28 organizations and their staffs, or by treatment facilities.  
29 "Treatment records" do not include notes or records maintained for  
30 personal use by a person providing treatment services for the  
31 entities listed in this subsection, or a treatment facility if the  
32 notes or records are not available to others.

33        ~~((42))~~ (43) "Mentally ill persons," "persons who are mentally  
34 ill," and "the mentally ill" mean persons and conditions defined in  
35 subsections (3), (13), ~~((51))~~ (52), and ~~((52))~~ (53) of this  
36 section.

37        ~~((43))~~ (44) "Mobile rapid response crisis team" means a team  
38 that provides professional on-site community-based intervention such  
39 as outreach, de-escalation, stabilization, resource connection, and  
40 follow-up support for individuals who are experiencing a behavioral



1 health crisis, that shall include certified peer counselors as a best  
2 practice to the extent practicable based on workforce availability,  
3 and that meets standards for response times established by the  
4 authority.

5 ~~((44))~~ (45) "Recovery" means a process of change through which  
6 individuals improve their health and wellness, live a self-directed  
7 life, and strive to reach their full potential.

8 ~~((45))~~ (46) "Regional crisis line" means the behavioral health  
9 crisis hotline in each regional service area which provides crisis  
10 response services 24 hours a day, seven days a week, 365 days a year  
11 including but not limited to dispatch of mobile rapid response crisis  
12 teams, community-based crisis teams, and designated crisis  
13 responders.

14 ~~((46))~~ (47) "Research-based" means a program or practice that  
15 has been tested with a single randomized, or statistically controlled  
16 evaluation, or both, demonstrating sustained desirable outcomes; or  
17 where the weight of the evidence from a systemic review supports  
18 sustained outcomes as described in subsection ~~((31))~~ (32) of this  
19 section but does not meet the full criteria for evidence-based.

20 ~~((47))~~ (48) "Residential services" means a complete range of  
21 residences and supports authorized by resource management services  
22 and which may involve a facility, a distinct part thereof, or  
23 services which support community living, for persons who are acutely  
24 mentally ill, adults who are chronically mentally ill, children who  
25 are severely emotionally disturbed, or adults who are seriously  
26 disturbed and determined by the behavioral health administrative  
27 services organization or managed care organization to be at risk of  
28 becoming acutely or chronically mentally ill. The services shall  
29 include at least evaluation and treatment services as defined in  
30 chapter 71.05 RCW, acute crisis respite care, long-term adaptive and  
31 rehabilitative care, and supervised and supported living services,  
32 and shall also include any residential services developed to service  
33 persons who are mentally ill in nursing homes, residential treatment  
34 facilities, assisted living facilities, and adult family homes, and  
35 may include outpatient services provided as an element in a package  
36 of services in a supported housing model. Residential services for  
37 children in out-of-home placements related to their mental disorder  
38 shall not include the costs of food and shelter, except for  
39 children's long-term residential facilities existing prior to January  
40 1, 1991.

1       (~~(48)~~) (49) "Resilience" means the personal and community  
2 qualities that enable individuals to rebound from adversity, trauma,  
3 tragedy, threats, or other stresses, and to live productive lives.

4       (~~(49)~~) (50) "Resource management services" mean the planning,  
5 coordination, and authorization of residential services and community  
6 support services administered pursuant to an individual service plan  
7 for: (a) Adults and children who are acutely mentally ill; (b) adults  
8 who are chronically mentally ill; (c) children who are severely  
9 emotionally disturbed; or (d) adults who are seriously disturbed and  
10 determined by a behavioral health administrative services  
11 organization or managed care organization to be at risk of becoming  
12 acutely or chronically mentally ill. Such planning, coordination, and  
13 authorization shall include mental health screening for children  
14 eligible under the federal Title XIX early and periodic screening,  
15 diagnosis, and treatment program. Resource management services  
16 include seven day a week, 24 hour a day availability of information  
17 regarding enrollment of adults and children who are mentally ill in  
18 services and their individual service plan to designated crisis  
19 responders, evaluation and treatment facilities, and others as  
20 determined by the behavioral health administrative services  
21 organization or managed care organization, as applicable.

22       (~~(50)~~) (51) "Secretary" means the secretary of the department  
23 of health.

24       (~~(51)~~) (52) "Seriously disturbed person" means a person who:

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

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

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

34       (d) Exhibits suicidal preoccupation or attempts; or

35       (e) Is a child diagnosed by a mental health professional, as  
36 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
37 is clearly interfering with the child's functioning in family or  
38 school or with peers or is clearly interfering with the child's  
39 personality development and learning.

1       (~~(52)~~) (53) "Severely emotionally disturbed child" or "child  
2 who is severely emotionally disturbed" means a child who has been  
3 determined by the behavioral health administrative services  
4 organization or managed care organization, if applicable, to be  
5 experiencing a mental disorder as defined in chapter 71.34 RCW,  
6 including those mental disorders that result in a behavioral or  
7 conduct disorder, that is clearly interfering with the child's  
8 functioning in family or school or with peers and who meets at least  
9 one of the following criteria:

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

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

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

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

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

20       (ii) Changes in custodial adult;

21       (iii) Going to, residing in, or returning from any placement  
22 outside of the home, for example, behavioral health hospital, short-  
23 term inpatient, residential treatment, group or foster home, or a  
24 correctional facility;

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

26       (v) Drug or alcohol abuse; or

27       (vi) Homelessness.

28       (~~(53)~~) (54) "State minimum standards" means minimum  
29 requirements established by rules adopted and necessary to implement  
30 this chapter by:

31       (a) The authority for:

32       (i) Delivery of mental health and substance use disorder  
33 services; and

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

35       (b) The department of health for:

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

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

1 (iii) Residential services.

2 (~~(54)~~) (55) "Substance use disorder" means a cluster of  
3 cognitive, behavioral, and physiological symptoms indicating that an  
4 individual continues using the substance despite significant  
5 substance-related problems. The diagnosis of a substance use disorder  
6 is based on a pathological pattern of behaviors related to the use of  
7 the substances.

8 (~~(55)~~) (56) "Tribe," for the purposes of this section, means a  
9 federally recognized Indian tribe.

10 **Sec. 4.** RCW 5.60.060 and 2024 c 295 s 6 are each amended to read  
11 as follows:

12 (1) A spouse or domestic partner shall not be examined for or  
13 against his or her spouse or domestic partner, without the consent of  
14 the spouse or domestic partner; nor can either during marriage or  
15 during the domestic partnership or afterward, be without the consent  
16 of the other, examined as to any communication made by one to the  
17 other during the marriage or the domestic partnership. But this  
18 exception shall not apply to a civil action or proceeding by one  
19 against the other, nor to a criminal action or proceeding for a crime  
20 committed by one against the other, nor to a criminal action or  
21 proceeding against a spouse or domestic partner if the marriage or  
22 the domestic partnership occurred subsequent to the filing of formal  
23 charges against the defendant, nor to a criminal action or proceeding  
24 for a crime committed by said spouse or domestic partner against any  
25 child of whom said spouse or domestic partner is the parent or  
26 guardian, nor to a proceeding under chapter 71.05 or 71.09 RCW:  
27 PROVIDED, That the spouse or the domestic partner of a person sought  
28 to be detained under chapter 71.05 or 71.09 RCW may not be compelled  
29 to testify and shall be so informed by the court prior to being  
30 called as a witness.

31 (2)(a) An attorney or counselor shall not, without the consent of  
32 his or her client, be examined as to any communication made by the  
33 client to him or her, or his or her advice given thereon in the  
34 course of professional employment.

35 (b) A parent or guardian of a minor child arrested on a criminal  
36 charge may not be examined as to a communication between the child  
37 and his or her attorney if the communication was made in the presence  
38 of the parent or guardian. This privilege does not extend to  
39 communications made prior to the arrest.

1 (3) A member of the clergy, a Christian Science practitioner  
2 listed in the Christian Science Journal, or a priest shall not,  
3 without the consent of a person making the confession or sacred  
4 confidence, be examined as to any confession or sacred confidence  
5 made to him or her in his or her professional character, in the  
6 course of discipline enjoined by the church to which he or she  
7 belongs.

8 (4) Subject to the limitations under RCW 71.05.217 (6) and (7), a  
9 physician or surgeon or osteopathic physician or surgeon or podiatric  
10 physician or surgeon shall not, without the consent of his or her  
11 patient, be examined in a civil action as to any information acquired  
12 in attending such patient, which was necessary to enable him or her  
13 to prescribe or act for the patient, except as follows:

14 (a) In any judicial proceedings regarding a child's injury,  
15 neglect, or sexual abuse or the cause thereof; and

16 (b) Ninety days after filing an action for personal injuries or  
17 wrongful death, the claimant shall be deemed to waive the physician-  
18 patient privilege. Waiver of the physician-patient privilege for any  
19 one physician or condition constitutes a waiver of the privilege as  
20 to all physicians or conditions, subject to such limitations as a  
21 court may impose pursuant to court rules.

22 (5) A public officer shall not be examined as a witness as to  
23 communications made to him or her in official confidence, when the  
24 public interest would suffer by the disclosure.

25 (6)(a) A peer supporter shall not, without consent of the peer  
26 support services recipient making the communication, be compelled to  
27 testify about any communication made to the peer supporter by the  
28 peer support services recipient while receiving individual or group  
29 services. The peer supporter must be designated as such by their  
30 employing agency prior to providing peer support services. The  
31 privilege only applies when the communication was made to the peer  
32 supporter while acting in his or her capacity as a peer supporter.  
33 The privilege applies regardless of whether the peer support services  
34 recipient is an employee of the same agency as the peer supporter.  
35 Peer support services may be coordinated or designated among first  
36 responder agencies pursuant to chapter 10.93 RCW, interlocal  
37 agreement, or other similar provision, provided however that a  
38 written agreement is not required for the privilege to apply. The  
39 privilege does not apply if the peer supporter was an initial  
40 responding first responder, department of corrections staff person,

1 or jail staff person; a witness; or a party to the incident which  
2 prompted the delivery of peer support services to the peer support  
3 services recipient.

4 (b) For purposes of this section:

5 (i) "First responder" means:

6 (A) A law enforcement officer;

7 (B) A limited authority law enforcement officer;

8 (C) A firefighter;

9 (D) An emergency services dispatcher or recordkeeper;

10 (E) Emergency medical personnel, as licensed or certified by this  
11 state;

12 (F) A member or former member of the Washington national guard  
13 acting in an emergency response capacity pursuant to chapter 38.52  
14 RCW; ((~~or~~))

15 (G) A coroner or medical examiner, or a coroner's or medical  
16 examiner's agent or employee; or

17 (H) An individual engaged in co-response services, as defined in  
18 RCW 71.24.025.

19 (ii) "Law enforcement officer" means a general authority  
20 Washington peace officer as defined in RCW 10.93.020.

21 (iii) "Limited authority law enforcement officer" means a limited  
22 authority Washington peace officer as defined in RCW 10.93.020 who is  
23 employed by the department of corrections, state parks and recreation  
24 commission, department of natural resources, liquor and cannabis  
25 board, or Washington state gambling commission.

26 (iv) "Peer support services recipient" means:

27 (A) A first responder;

28 (B) A department of corrections staff person; or

29 (C) A jail staff person.

30 (v) "Peer supporter" means:

31 (A) A first responder, retired first responder, department of  
32 corrections staff person, or jail staff person or a civilian employee  
33 of a first responder entity or agency, local jail, or state agency  
34 who has received training to provide emotional and moral support and  
35 services to a peer support services recipient who needs those  
36 services as a result of an incident or incidents in which the peer  
37 support services recipient was involved while acting in his or her  
38 official capacity or to deal with other stress that is impacting the  
39 peer support services recipient's performance of official duties; or

1 (B) A nonemployee who has been designated by the first responder  
2 entity or agency, local jail, statewide organization focused on co-  
3 response outreach, or state agency to provide emotional and moral  
4 support and counseling to a peer support services recipient who needs  
5 those services as a result of an incident or incidents in which the  
6 peer support services recipient was involved while acting in his or  
7 her official capacity.

8 (7) A sexual assault advocate may not, without the consent of the  
9 victim, be examined as to any communication made between the victim  
10 and the sexual assault advocate.

11 (a) For purposes of this section, "sexual assault advocate" means  
12 the employee or volunteer from a community sexual assault program or  
13 underserved populations provider, victim assistance unit, program, or  
14 association, that provides information, medical or legal advocacy,  
15 counseling, or support to victims of sexual assault, who is  
16 designated by the victim to accompany the victim to the hospital or  
17 other health care facility and to proceedings concerning the alleged  
18 assault, including police and prosecution interviews and court  
19 proceedings.

20 (b) A sexual assault advocate may disclose a confidential  
21 communication without the consent of the victim if failure to  
22 disclose is likely to result in a clear, imminent risk of serious  
23 physical injury or death of the victim or another person. Any sexual  
24 assault advocate participating in good faith in the disclosing of  
25 records and communications under this section shall have immunity  
26 from any liability, civil, criminal, or otherwise, that might result  
27 from the action. In any proceeding, civil or criminal, arising out of  
28 a disclosure under this section, the good faith of the sexual assault  
29 advocate who disclosed the confidential communication shall be  
30 presumed.

31 (8) A domestic violence advocate may not, without the consent of  
32 the victim, be examined as to any communication between the victim  
33 and the domestic violence advocate.

34 (a) For purposes of this section, "domestic violence advocate"  
35 means an employee or supervised volunteer from a community-based  
36 domestic violence program or human services program that provides  
37 information, advocacy, counseling, crisis intervention, emergency  
38 shelter, or support to victims of domestic violence and who is not  
39 employed by, or under the direct supervision of, a law enforcement  
40 agency, a prosecutor's office, or the child protective services

1 section of the department of children, youth, and families as defined  
2 in RCW 26.44.020.

3 (b) A domestic violence advocate may disclose a confidential  
4 communication without the consent of the victim if failure to  
5 disclose is likely to result in a clear, imminent risk of serious  
6 physical injury or death of the victim or another person. This  
7 section does not relieve a domestic violence advocate from the  
8 requirement to report or cause to be reported an incident under RCW  
9 26.44.030(1) or to disclose relevant records relating to a child as  
10 required by RCW 26.44.030(15). Any domestic violence advocate  
11 participating in good faith in the disclosing of communications under  
12 this subsection is immune from liability, civil, criminal, or  
13 otherwise, that might result from the action. In any proceeding,  
14 civil or criminal, arising out of a disclosure under this subsection,  
15 the good faith of the domestic violence advocate who disclosed the  
16 confidential communication shall be presumed.

17 (9) A mental health counselor, independent clinical social  
18 worker, or marriage and family therapist licensed under chapter  
19 18.225 RCW may not disclose, or be compelled to testify about, any  
20 information acquired from persons consulting the individual in a  
21 professional capacity when the information was necessary to enable  
22 the individual to render professional services to those persons  
23 except:

24 (a) With the written authorization of that person or, in the case  
25 of death or disability, the person's personal representative;

26 (b) If the person waives the privilege by bringing charges  
27 against the mental health counselor licensed under chapter 18.225  
28 RCW;

29 (c) In response to a subpoena from the secretary of health. The  
30 secretary may subpoena only records related to a complaint or report  
31 under RCW 18.130.050;

32 (d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.217  
33 (6) or (7); or

34 (e) To any individual if the mental health counselor, independent  
35 clinical social worker, or marriage and family therapist licensed  
36 under chapter 18.225 RCW reasonably believes that disclosure will  
37 avoid or minimize an imminent danger to the health or safety of the  
38 individual or any other individual; however, there is no obligation  
39 on the part of the provider to so disclose.



1 (10) An individual who acts as a sponsor providing guidance,  
2 emotional support, and counseling in an individualized manner to a  
3 person participating in an alcohol or drug addiction recovery  
4 fellowship may not testify in any civil action or proceeding about  
5 any communication made by the person participating in the addiction  
6 recovery fellowship to the individual who acts as a sponsor except  
7 with the written authorization of that person or, in the case of  
8 death or disability, the person's personal representative.

9 (11)(a) Neither a union representative nor an employee the union  
10 represents or has represented shall be examined as to, or be required  
11 to disclose, any communication between an employee and union  
12 representative or between union representatives made in the course of  
13 union representation except:

14 (i) To the extent such examination or disclosure appears  
15 necessary to prevent the commission of a crime that is likely to  
16 result in a clear, imminent risk of serious physical injury or death  
17 of a person;

18 (ii) In actions, civil or criminal, in which the represented  
19 employee is accused of a crime or assault or battery;

20 (iii) In actions, civil or criminal, where a union member is a  
21 party to the action, the union member may obtain a copy of any  
22 statement previously given by that union member concerning the  
23 subject matter of the action and may elicit testimony concerning such  
24 statements. The right of the union member to obtain such statements,  
25 or the union member's possession of such statements, does not render  
26 them discoverable over the objection of the union member;

27 (iv) In actions, regulatory, civil, or criminal, against the  
28 union or its affiliated, subordinate, or parent bodies or their  
29 agents; or

30 (v) When an admission of, or intent to engage in, criminal  
31 conduct is revealed by the represented union member to the union  
32 representative.

33 (b) The privilege created in this subsection (11) does not apply  
34 to any record of communications that would otherwise be subject to  
35 disclosure under chapter 42.56 RCW.

36 (c) The privilege created in this subsection (11) may not  
37 interfere with an employee's or union representative's applicable  
38 statutory mandatory reporting requirements, including but not limited  
39 to duties to report in chapters 26.44, 43.101, and 74.34 RCW.

40 (d) For purposes of this subsection:

1 (i) "Employee" means a person represented by a certified or  
2 recognized union regardless of whether the employee is a member of  
3 the union.

4 (ii) "Union" means any lawful organization that has as one of its  
5 primary purposes the representation of employees in their employment  
6 relations with employers, including without limitation labor  
7 organizations defined by 29 U.S.C. Sec. 152(5) and 5 U.S.C. Sec.  
8 7103(a)(4), representatives defined by 45 U.S.C. Sec. 151, and  
9 bargaining representatives defined in RCW 41.56.030, and employee  
10 organizations as defined in RCW 28B.52.020, 41.59.020, 41.80.005,  
11 41.76.005, 47.64.011, and 53.18.010.

12 (iii) "Union representation" means action by a union on behalf of  
13 one or more employees it represents in regard to their employment  
14 relations with employers, including personnel matters, grievances,  
15 labor disputes, wages, rates of pay, hours of employment, conditions  
16 of work, or collective bargaining.

17 (iv) "Union representative" means a person authorized by a union  
18 to act for the union in regard to union representation.

19 (v) "Communication" includes any oral, written, or electronic  
20 communication or document containing such communication.

21 **Sec. 5.** RCW 51.32.181 and 2022 c 290 s 1 are each amended to  
22 read as follows:

23 (1) For frontline employees who are covered under this title,  
24 there exists a prima facie presumption that any infectious or  
25 contagious diseases that are transmitted through respiratory droplets  
26 or aerosols, or through contact with contaminated surfaces and are  
27 the subject of a public health emergency are occupational diseases  
28 under RCW 51.08.140 during a public health emergency.

29 (2) The frontline employee must provide verification, as required  
30 by the department by rule, to the department and the self-insured  
31 employer that the employee has contracted the infectious or  
32 contagious disease that is the subject of the public health  
33 emergency.

34 (3) This presumption of occupational disease may be rebutted by a  
35 preponderance of the evidence that:

36 (a) The exposure to the infectious or contagious disease which is  
37 the subject of the public health emergency occurred from other  
38 employment or nonemployment activities; or

1 (b) The employee was working from the employee's home, on leave  
2 from the employee's employment, or some combination thereof, for the  
3 period of quarantine consistent with recommended guidance from state  
4 and federal health officials for the disease immediately prior to the  
5 employee's injury, occupational disease, or period of incapacity that  
6 resulted from exposure to the disease which is the subject of the  
7 public health emergency.

8 (4) (a) RCW 51.32.090(7) does not apply to an occupational disease  
9 under this section except that no worker shall receive compensation  
10 for or during the day on which the occupational disease was  
11 contracted. For the purposes of this subsection (4), the day on which  
12 the occupational disease was contracted is whichever date occurs  
13 first of the following:

14 (i) The date that the worker first missed work due to symptoms of  
15 the infectious or contagious disease;

16 (ii) The date the worker was quarantined by a medical provider or  
17 public health official; or

18 (iii) The date the worker received a positive test result  
19 confirming contraction of the infectious or contagious disease.

20 (b) If leave or similar benefits are paid to the frontline  
21 employee as part of a federal or state program for these employees  
22 during the public health emergency, temporary total disability  
23 benefits are not payable for the same period of time covered by the  
24 federal or state program.

25 (5) When calculating assessments due to the department for which  
26 total claim costs are the basis, self-insured employers and self-  
27 insurance hospital groups formed under RCW 51.14.150 and 51.14.160  
28 may deduct the cost of payments made under this section from the  
29 total of all claim costs reported.

30 (6) Costs of the payments under this section shall not affect the  
31 experience rating of employers insured by the state fund.

32 (7) As used in this section:

33 (a) "Assisted living facility" has the same meaning as in RCW  
34 18.20.020.

35 (b) "Farm work" means work performed on a farm, in the employ of  
36 any person, in connection with the cultivation of the soil, or in  
37 connection with raising or harvesting any agricultural or  
38 horticultural commodity, including raising, shearing, feeding, caring  
39 for, training, and management of livestock, bees, poultry, and  
40 furbearing animals and wildlife, or in the employ of the owner or

1 tenant or other operator of a farm in connection with the operation,  
2 management, conservation, improvement, or maintenance of such farm  
3 and its tools and equipment. For the purposes of this subsection,  
4 "farm work" includes floriculture.

5 (c) "Food distribution work" means work where the primary duties  
6 include transporting food from food producers or manufacturers to  
7 food warehouses or food service operators and retailers.

8 (d) "Food manufacturing work" means work performed for an  
9 employer whose North American industry classification code is within  
10 "311."

11 (e) "Food processing work" means work handling or processing of  
12 any food in any manner of preparation for sale for an employer  
13 required to be licensed by the department of agriculture under  
14 chapter 69.07 RCW.

15 (f) "Frontline employee" includes the following employees:

16 (i) First responders, including law enforcement officers,  
17 firefighters, emergency medical service providers, paramedics,  
18 ~~((and)) ambulance drivers, and other members of first response teams~~  
19 engaged in co-response, as defined in RCW 71.24.025. "Firefighters"  
20 includes wildland firefighters when performing wildfire suppression  
21 or other emergency duties under the incident command system if the  
22 firefighter has in-person interaction with the general public or  
23 other firefighters as part of their job duties;

24 (ii) Employees performing food processing, food manufacturing,  
25 food distribution, farm, and meat packing work;

26 (iii) Maintenance, janitorial, and food service workers at any  
27 facility treating patients diagnosed with the infectious or  
28 contagious disease that is the subject of the public health  
29 emergency;

30 (iv) Drivers and operators employed by a transit agency or any  
31 other public entity authorized under state law to provide mass  
32 transportation services to the general public;

33 (v) Employees working at a child care facility licensed by the  
34 department of children, youth, and families under chapter 43.216 RCW,  
35 if the employee has in-person interaction with children or other  
36 members of the general public as part of their job duties;

37 (vi) Employees employed by a retail store that remains open to  
38 the general public during the public health emergency, if the  
39 employee has in-person interaction with the general public as part of  
40 their job duties or has in-person interaction with other employees.

1 For the purposes of this subsection, "retail store" means a business  
2 whose North American industry classification code is within "44-45";

3 (vii) Employees employed by a hotel, motel, or other transient  
4 accommodation licensed under chapter 70.62 RCW that remains open to  
5 the general public during the public health emergency, if the  
6 employee has in-person interaction with the general public as part of  
7 their job duties or has in-person interaction with other employees;

8 (viii) Employees employed by a restaurant, if the employee has  
9 in-person interaction with the general public as part of their job  
10 duties or works in the kitchen of the restaurant and has in-person  
11 interaction with other employees. For the purposes of this  
12 subsection, "restaurant" has the same meaning as in RCW 66.04.010;

13 (ix) Home care aides certified under chapter 18.88B RCW and home  
14 health aides that provide services under chapter 70.126 RCW that  
15 primarily work in the home of the individual receiving care;

16 (x) (A) Corrections officers and correctional support employees  
17 working at a correctional institution.

18 (B) For the purposes of this subsection (7) (f) (x):

19 (I) "Correctional institution" has the same meaning as in RCW  
20 9.94.049.

21 (II) "Corrections officer" means any corrections agency employee  
22 whose primary job function is to provide custody, safety, and  
23 security of prisoners in jails and detention facilities.

24 (III) "Correctional support employee" means any employee who  
25 provides food services or janitorial services in a correctional  
26 institution;

27 (xi) Educational employees, including classroom teachers,  
28 paraeducators, principals, librarians, school bus drivers, and other  
29 educational support staff, of any school district, or a contractor of  
30 a school district, that are required to be physically present at a  
31 school or on the grounds of a school where classes are being taught  
32 in person, in a transportation vehicle necessary for school  
33 operations, or in the home of a student as part of their job duties,  
34 if the employee has in-person interaction with students, a student's  
35 family members, or other employees as part of their job duties;

36 (xii) Employees of institutions of higher education that are  
37 required to be physically present on campus when classes are being  
38 taught in person, if the employee has in-person interaction with  
39 students or the general public as part of their job duties. For the

1 purposes of this subsection, "institution of higher education" has  
2 the same meaning as in RCW 28B.10.016;

3 (xiii) Employees employed by a public library that remains open  
4 to the general public during the public health emergency, if the  
5 employee has in-person interaction with the general public as part of  
6 their job duties or has in-person interaction with other employees.  
7 For the purposes of this subsection, "public library" means a library  
8 covered by chapter 27.12 RCW;

9 (xiv) Employees employed by the department of licensing who are  
10 assigned to review, process, approve, and issue driver licenses to  
11 the general public, if the employee has in-person interaction with  
12 the general public as part of their job duties or has in-person  
13 interaction with other employees.

14 (g) "Meat packing work" means work slaughtering animals and  
15 processing and packaging meat products for sale and the rendering of  
16 animal by-products.

17 (h) "Nursing home" means a nursing home licensed under chapter  
18 18.51 RCW.

19 (i) "Public health emergency" means a declaration or order  
20 concerning any infectious or contagious diseases, including a  
21 pandemic and is issued as follows:

22 (i) The president of the United States has declared a national or  
23 regional emergency that covers every county in the state of  
24 Washington; or

25 (ii) The governor of Washington has declared a state of emergency  
26 under RCW 43.06.010(12) in every county in the state.

27 (j) "School" has the same meaning as in RCW 28A.210.070.

--- END ---