
SUBSTITUTE SENATE BILL 5229

State of Washington

69th Legislature

2025 Regular Session

By Senate Law & Justice (originally sponsored by Senator Wagoner)

READ FIRST TIME 02/03/25.

1 AN ACT Relating to facilitating civil commitment for treatment
2 for a person requiring revival by opioid overdose reversal
3 medication; reenacting and amending RCW 71.05.020 and 71.05.020;
4 providing a contingent effective date; and providing a contingent
5 expiration date.

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

7 **Sec. 1.** RCW 71.05.020 and 2024 c 371 s 17, 2024 c 209 s 5, and
8 2024 c 62 s 18 are each reenacted and amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "23-hour crisis relief center" has the same meaning as under
12 RCW 71.24.025;

13 (2) "Admission" or "admit" means a decision by a physician,
14 physician assistant, or psychiatric advanced registered nurse
15 practitioner that a person should be examined or treated as a patient
16 in a hospital;

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

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

3 (4) "Antipsychotic medications" means that class of drugs
4 primarily used to treat serious manifestations of mental illness
5 associated with thought disorders, which includes, but is not limited
6 to atypical antipsychotic medications;

7 (5) "Approved substance use disorder treatment program" means a
8 program for persons with a substance use disorder provided by a
9 treatment program certified by the department as meeting standards
10 adopted under chapter 71.24 RCW;

11 (6) "Attending staff" means any person on the staff of a public
12 or private agency having responsibility for the care and treatment of
13 a patient;

14 (7) "Authority" means the Washington state health care authority;

15 (8) "Behavioral health disorder" means either a mental disorder
16 as defined in this section, a substance use disorder as defined in
17 this section, or a co-occurring mental disorder and substance use
18 disorder;

19 (9) "Behavioral health service provider" means a public or
20 private agency that provides mental health, substance use disorder,
21 or co-occurring disorder services to persons with behavioral health
22 disorders as defined under this section and receives funding from
23 public sources. This includes, but is not limited to: Hospitals
24 licensed under chapter 70.41 RCW; evaluation and treatment facilities
25 as defined in this section; community mental health service delivery
26 systems or community behavioral health programs as defined in RCW
27 71.24.025; licensed or certified behavioral health agencies under RCW
28 71.24.037; an entity with a tribal attestation that it meets minimum
29 standards or a licensed or certified behavioral health agency as
30 defined in RCW 71.24.025; facilities conducting competency
31 evaluations and restoration under chapter 10.77 RCW; approved
32 substance use disorder treatment programs as defined in this section;
33 secure withdrawal management and stabilization facilities as defined
34 in this section; and correctional facilities operated by state,
35 local, and tribal governments;

36 (10) "Co-occurring disorder specialist" means an individual
37 possessing an enhancement granted by the department of health under
38 chapter 18.205 RCW that certifies the individual to provide substance
39 use disorder counseling subject to the practice limitations under RCW
40 18.205.105;

1 (11) "Commitment" means the determination by a court that a
2 person should be detained for a period of either evaluation or
3 treatment, or both, in an inpatient or a less restrictive setting;

4 (12) "Community behavioral health agency" has the same meaning as
5 "licensed or certified behavioral health agency" defined in RCW
6 71.24.025;

7 (13) "Conditional release" means a revocable modification of a
8 commitment, which may be revoked upon violation of any of its terms;

9 (14) "Crisis stabilization unit" means a short-term facility or a
10 portion of a facility licensed or certified by the department, such
11 as an evaluation and treatment facility or a hospital, which has been
12 designed to assess, diagnose, and treat individuals experiencing an
13 acute crisis without the use of long-term hospitalization, or to
14 determine the need for involuntary commitment of an individual;

15 (15) "Custody" means involuntary detention under the provisions
16 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
17 unconditional release from commitment from a facility providing
18 involuntary care and treatment;

19 (16) "Department" means the department of health;

20 (17) "Designated crisis responder" means a mental health
21 professional appointed by the county, by an entity appointed by the
22 county, or by the authority in consultation with a tribe or after
23 meeting and conferring with an Indian health care provider, to
24 perform the duties specified in this chapter;

25 (18) "Detention" or "detain" means the lawful confinement of a
26 person, under the provisions of this chapter;

27 (19) "Developmental disabilities professional" means a person who
28 has specialized training and three years of experience in directly
29 treating or working with persons with developmental disabilities and
30 is a psychiatrist, physician assistant working with a psychiatrist
31 who is acting as a participating physician as defined in RCW
32 18.71A.010, psychologist, psychiatric advanced registered nurse
33 practitioner, or social worker, and such other developmental
34 disabilities professionals as may be defined by rules adopted by the
35 secretary of the department of social and health services;

36 (20) "Developmental disability" means that condition defined in
37 RCW 71A.10.020(6);

38 (21) "Director" means the director of the authority;

1 (22) "Discharge" means the termination of hospital medical
2 authority. The commitment may remain in place, be terminated, or be
3 amended by court order;

4 (23) "Drug addiction" means a disease, characterized by a
5 dependency on psychoactive chemicals, loss of control over the amount
6 and circumstances of use, symptoms of tolerance, physiological or
7 psychological withdrawal, or both, if use is reduced or discontinued,
8 and impairment of health or disruption of social or economic
9 functioning;

10 (24) "Evaluation and treatment facility" means any facility which
11 can provide directly, or by direct arrangement with other public or
12 private agencies, emergency evaluation and treatment, outpatient
13 care, and timely and appropriate inpatient care to persons suffering
14 from a mental disorder, and which is licensed or certified as such by
15 the department. The authority may certify single beds as temporary
16 evaluation and treatment beds under RCW 71.05.745. A physically
17 separate and separately operated portion of a state hospital may be
18 designated as an evaluation and treatment facility. A facility which
19 is part of, or operated by, the department of social and health
20 services or any federal agency will not require certification. No
21 correctional institution or facility, or jail, shall be an evaluation
22 and treatment facility within the meaning of this chapter;

23 (25) "Gravely disabled" means a condition in which a person, as a
24 result of a behavioral health disorder: (a) Is in danger of serious
25 physical harm resulting from a failure to provide for his or her
26 essential human needs of health or safety; ~~((e))~~ (b) manifests
27 severe deterioration in routine functioning evidenced by repeated and
28 escalating loss of cognitive or volitional control over his or her
29 actions and is not receiving such care as is essential for his or her
30 health or safety; or (c) within the two weeks prior to the person's
31 initial detention has required revival by opioid overdose reversal
32 medication to prevent a fatality or probable fatality and he or she
33 is not receiving such care as is essential for his or her health or
34 safety;

35 (26) "Habilitative services" means those services provided by
36 program personnel to assist persons in acquiring and maintaining life
37 skills and in raising their levels of physical, mental, social, and
38 vocational functioning. Habilitative services include education,
39 training for employment, and therapy. The habilitative process shall
40 be undertaken with recognition of the risk to the public safety

1 presented by the person being assisted as manifested by prior charged
2 criminal conduct;

3 (27) "Hearing" means any proceeding conducted in open court that
4 conforms to the requirements of RCW 71.05.820;

5 (28) "History of one or more violent acts" refers to the period
6 of time ten years prior to the filing of a petition under this
7 chapter, excluding any time spent, but not any violent acts
8 committed, in a behavioral health facility, or in confinement as a
9 result of a criminal conviction;

10 (29) "Imminent" means the state or condition of being likely to
11 occur at any moment or near at hand, rather than distant or remote;

12 (30) "In need of assisted outpatient treatment" refers to a
13 person who meets the criteria for assisted outpatient treatment
14 established under RCW 71.05.148;

15 (31) "Individualized service plan" means a plan prepared by a
16 developmental disabilities professional with other professionals as a
17 team, for a person with developmental disabilities, which shall
18 state:

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

21 (b) The conditions and strategies necessary to achieve the
22 purposes of habilitation;

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

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

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

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

33 (g) The type of residence immediately anticipated for the person
34 and possible future types of residences;

35 (32) "Intoxicated person" means a person whose mental or physical
36 functioning is substantially impaired as a result of the use of
37 alcohol or other psychoactive chemicals;

38 (33) "Judicial commitment" means a commitment by a court pursuant
39 to the provisions of this chapter;

1 (34) "Legal counsel" means attorneys and staff employed by county
2 prosecutor offices or the state attorney general acting in their
3 capacity as legal representatives of public behavioral health service
4 providers under RCW 71.05.130;

5 (35) "Less restrictive alternative treatment" means a program of
6 individualized treatment in a less restrictive setting than inpatient
7 treatment that includes the services described in RCW 71.05.585. This
8 term includes: Treatment pursuant to a less restrictive alternative
9 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
10 to a conditional release under RCW 71.05.340; and treatment pursuant
11 to an assisted outpatient treatment order under RCW 71.05.148;

12 (36) "Licensed physician" means a person licensed to practice
13 medicine or osteopathic medicine and surgery in the state of
14 Washington;

15 (37) "Likelihood of serious harm" means:

16 (a) A substantial risk that: (i) Physical harm will be inflicted
17 by a person upon his or her own person, as evidenced by threats or
18 attempts to commit suicide or inflict physical harm on oneself; (ii)
19 physical harm will be inflicted by a person upon another, as
20 evidenced by behavior which has caused such harm or which places
21 another person or persons in reasonable fear of sustaining such harm;
22 or (iii) physical harm will be inflicted by a person upon the
23 property of others, as evidenced by behavior which has caused
24 substantial loss or damage to the property of others; or

25 (b) The person has threatened the physical safety of another and
26 has a history of one or more violent acts;

27 (38) "Medical clearance" means a physician or other health care
28 provider, including an Indian health care provider, has determined
29 that a person is medically stable and ready for referral to the
30 designated crisis responder or facility. For a person presenting in
31 the community, no medical clearance is required prior to
32 investigation by a designated crisis responder;

33 (39) "Mental disorder" means any organic, mental, or emotional
34 impairment which has substantial adverse effects on a person's
35 cognitive or volitional functions;

36 (40) "Mental health professional" means an individual practicing
37 within the mental health professional's statutory scope of practice
38 who is:

39 (a) A psychiatrist, psychologist, physician assistant working
40 with a psychiatrist who is acting as a participating physician as

1 defined in RCW 18.71A.010, psychiatric advanced registered nurse
2 practitioner, psychiatric nurse, or social worker, as defined in this
3 chapter and chapter 71.34 RCW;

4 (b) A mental health counselor, mental health counselor associate,
5 marriage and family therapist, or marriage and family therapist
6 associate, as defined in chapter 18.225 RCW;

7 (c) A certified or licensed agency affiliated counselor, as
8 defined in chapter 18.19 RCW; or

9 (d) A licensed psychological associate as described in chapter
10 18.83 RCW;

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

15 (42) "Physician assistant" means a person licensed as a physician
16 assistant under chapter 18.71A RCW;

17 (43) "Private agency" means any person, partnership, corporation,
18 or association that is not a public agency, whether or not financed
19 in whole or in part by public funds, which constitutes an evaluation
20 and treatment facility or private institution, or hospital, or
21 approved substance use disorder treatment program, which is conducted
22 for, or includes a department or ward conducted for, the care and
23 treatment of persons with behavioral health disorders;

24 (44) "Professional person" means a mental health professional,
25 substance use disorder professional, or designated crisis responder
26 and shall also mean a physician, physician assistant, psychiatric
27 advanced registered nurse practitioner, registered nurse, and such
28 others as may be defined by rules adopted by the secretary pursuant
29 to the provisions of this chapter;

30 (45) "Psychiatric advanced registered nurse practitioner" means a
31 person who is licensed as an advanced registered nurse practitioner
32 pursuant to chapter 18.79 RCW; and who is board certified in advanced
33 practice psychiatric and mental health nursing;

34 (46) "Psychiatrist" means a person having a license as a
35 physician and surgeon in this state who has in addition completed
36 three years of graduate training in psychiatry in a program approved
37 by the American medical association or the American osteopathic
38 association and is certified or eligible to be certified by the
39 American board of psychiatry and neurology;

1 (47) "Psychologist" means a person who has been licensed as a
2 psychologist pursuant to chapter 18.83 RCW;

3 (48) "Public agency" means any evaluation and treatment facility
4 or institution, secure withdrawal management and stabilization
5 facility, approved substance use disorder treatment program, or
6 hospital which is conducted for, or includes a department or ward
7 conducted for, the care and treatment of persons with behavioral
8 health disorders, if the agency is operated directly by federal,
9 state, county, or municipal government, or a combination of such
10 governments;

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

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

15 (51) "Secretary" means the secretary of the department of health,
16 or his or her designee;

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

24 (a) Provide the following services:

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

27 (ii) Clinical stabilization services;

28 (iii) Acute or subacute detoxification services for intoxicated
29 individuals; and

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

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

37 (c) Be licensed or certified as such by the department of health;

38 (53) "Social worker" means a person with a master's or further
39 advanced degree from a social work educational program accredited and
40 approved as provided in RCW 18.320.010;

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

7 (55) "Substance use disorder professional" means a person
8 certified as a substance use disorder professional by the department
9 of health under chapter 18.205 RCW;

10 (56) "Therapeutic court personnel" means the staff of a mental
11 health court or other therapeutic court which has jurisdiction over
12 defendants who are dually diagnosed with mental disorders, including
13 court personnel, probation officers, a court monitor, prosecuting
14 attorney, or defense counsel acting within the scope of therapeutic
15 court duties;

16 (57) "Treatment records" include registration and all other
17 records concerning persons who are receiving or who at any time have
18 received services for behavioral health disorders, which are
19 maintained by the department of social and health services, the
20 department, the authority, behavioral health administrative services
21 organizations and their staffs, managed care organizations and their
22 staffs, and by treatment facilities. Treatment records include mental
23 health information contained in a medical bill including but not
24 limited to mental health drugs, a mental health diagnosis, provider
25 name, and dates of service stemming from a medical service. Treatment
26 records do not include notes or records maintained for personal use
27 by a person providing treatment services for the department of social
28 and health services, the department, the authority, behavioral health
29 administrative services organizations, managed care organizations, or
30 a treatment facility if the notes or records are not available to
31 others;

32 (58) "Tribe" has the same meaning as in RCW 71.24.025;

33 (59) "Video," unless the context clearly indicates otherwise,
34 means the delivery of behavioral health services through the use of
35 interactive audio and video technology, permitting real-time
36 communication between a person and a designated crisis responder, for
37 the purpose of evaluation. "Video" does not include the use of audio-
38 only telephone, facsimile, email, or store and forward technology.
39 "Store and forward technology" means use of an asynchronous
40 transmission of a person's medical information from a mental health

1 service provider to the designated crisis responder which results in
2 medical diagnosis, consultation, or treatment;

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

5 **Sec. 2.** RCW 71.05.020 and 2024 c 371 s 18, 2024 c 209 s 6, and
6 2024 c 62 s 19 are each reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "23-hour crisis relief center" has the same meaning as under
10 RCW 71.24.025;

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

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

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

25 (5) "Approved substance use disorder treatment program" means a
26 program for persons with a substance use disorder provided by a
27 treatment program certified by the department as meeting standards
28 adopted under chapter 71.24 RCW;

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

32 (7) "Authority" means the Washington state health care authority;

33 (8) "Behavioral health disorder" means either a mental disorder
34 as defined in this section, a substance use disorder as defined in
35 this section, or a co-occurring mental disorder and substance use
36 disorder;

37 (9) "Behavioral health service provider" means a public or
38 private agency that provides mental health, substance use disorder,
39 or co-occurring disorder services to persons with behavioral health

1 disorders as defined under this section and receives funding from
2 public sources. This includes, but is not limited to: Hospitals
3 licensed under chapter 70.41 RCW; evaluation and treatment facilities
4 as defined in this section; community mental health service delivery
5 systems or community behavioral health programs as defined in RCW
6 71.24.025; licensed or certified behavioral health agencies under RCW
7 71.24.037; an entity with a tribal attestation that it meets minimum
8 standards or a licensed or certified behavioral health agency as
9 defined in RCW 71.24.025; facilities conducting competency
10 evaluations and restoration under chapter 10.77 RCW; approved
11 substance use disorder treatment programs as defined in this section;
12 secure withdrawal management and stabilization facilities as defined
13 in this section; and correctional facilities operated by state,
14 local, and tribal governments;

15 (10) "Co-occurring disorder specialist" means an individual
16 possessing an enhancement granted by the department of health under
17 chapter 18.205 RCW that certifies the individual to provide substance
18 use disorder counseling subject to the practice limitations under RCW
19 18.205.105;

20 (11) "Commitment" means the determination by a court that a
21 person should be detained for a period of either evaluation or
22 treatment, or both, in an inpatient or a less restrictive setting;

23 (12) "Community behavioral health agency" has the same meaning as
24 "licensed or certified behavioral health agency" defined in RCW
25 71.24.025;

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

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

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

38 (16) "Department" means the department of health;

39 (17) "Designated crisis responder" means a mental health
40 professional appointed by the county, by an entity appointed by the

1 county, or by the authority in consultation with a tribe or after
2 meeting and conferring with an Indian health care provider, to
3 perform the duties specified in this chapter;

4 (18) "Detention" or "detain" means the lawful confinement of a
5 person, under the provisions of this chapter;

6 (19) "Developmental disabilities professional" means a person who
7 has specialized training and three years of experience in directly
8 treating or working with persons with developmental disabilities and
9 is a psychiatrist, physician assistant working with a psychiatrist
10 who is acting as a participating physician as defined in RCW
11 18.71A.010, psychologist, psychiatric advanced registered nurse
12 practitioner, or social worker, and such other developmental
13 disabilities professionals as may be defined by rules adopted by the
14 secretary of the department of social and health services;

15 (20) "Developmental disability" means that condition defined in
16 RCW 71A.10.020(6);

17 (21) "Director" means the director of the authority;

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

21 (23) "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 (24) "Evaluation and treatment facility" means any facility which
28 can provide directly, or by direct arrangement with other public or
29 private agencies, emergency evaluation and treatment, outpatient
30 care, and timely and appropriate inpatient care to persons suffering
31 from a mental disorder, and which is licensed or certified as such by
32 the department. The authority may certify single beds as temporary
33 evaluation and treatment beds under RCW 71.05.745. A physically
34 separate and separately operated portion of a state hospital may be
35 designated as an evaluation and treatment facility. A facility which
36 is part of, or operated by, the department of social and health
37 services or any federal agency will not require certification. No
38 correctional institution or facility, or jail, shall be an evaluation
39 and treatment facility within the meaning of this chapter;

1 (25) "Gravely disabled" means a condition in which a person, as a
2 result of a behavioral health disorder: (a) Is in danger of serious
3 physical harm resulting from a failure to provide for his or her
4 essential human needs of health or safety; ~~((e))~~ (b) manifests
5 severe deterioration from safe behavior evidenced by repeated and
6 escalating loss of cognitive or volitional control over his or her
7 actions and is not receiving such care as is essential for his or her
8 health or safety; or (c) within the two weeks prior to the person's
9 initial detention has required revival by opioid overdose reversal
10 medication to prevent a fatality or probable fatality and he or she
11 is not receiving such care as is essential for his or her health or
12 safety;

13 (26) "Habilitative services" means those services provided by
14 program personnel to assist persons in acquiring and maintaining life
15 skills and in raising their levels of physical, mental, social, and
16 vocational functioning. Habilitative services include education,
17 training for employment, and therapy. The habilitative process shall
18 be undertaken with recognition of the risk to the public safety
19 presented by the person being assisted as manifested by prior charged
20 criminal conduct;

21 (27) "Hearing" means any proceeding conducted in open court that
22 conforms to the requirements of RCW 71.05.820;

23 (28) "History of one or more violent acts" refers to the period
24 of time ten years prior to the filing of a petition under this
25 chapter, excluding any time spent, but not any violent acts
26 committed, in a behavioral health facility, or in confinement as a
27 result of a criminal conviction;

28 (29) "Imminent" means the state or condition of being likely to
29 occur at any moment or near at hand, rather than distant or remote;

30 (30) "In need of assisted outpatient treatment" refers to a
31 person who meets the criteria for assisted outpatient treatment
32 established under RCW 71.05.148;

33 (31) "Individualized service plan" means a plan prepared by a
34 developmental disabilities professional with other professionals as a
35 team, for a person with developmental disabilities, which shall
36 state:

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

39 (b) The conditions and strategies necessary to achieve the
40 purposes of habilitation;

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

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

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

6 (f) Where relevant in light of past criminal behavior and due
7 consideration for public safety, the criteria for proposed movement
8 to less-restrictive settings, criteria for proposed eventual
9 discharge or release, and a projected possible date for discharge or
10 release; and

11 (g) The type of residence immediately anticipated for the person
12 and possible future types of residences;

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

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

18 (34) "Legal counsel" means attorneys and staff employed by county
19 prosecutor offices or the state attorney general acting in their
20 capacity as legal representatives of public behavioral health service
21 providers under RCW 71.05.130;

22 (35) "Less restrictive alternative treatment" means a program of
23 individualized treatment in a less restrictive setting than inpatient
24 treatment that includes the services described in RCW 71.05.585. This
25 term includes: Treatment pursuant to a less restrictive alternative
26 treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant
27 to a conditional release under RCW 71.05.340; and treatment pursuant
28 to an assisted outpatient treatment order under RCW 71.05.148;

29 (36) "Licensed physician" means a person licensed to practice
30 medicine or osteopathic medicine and surgery in the state of
31 Washington;

32 (37) "Likelihood of serious harm" means:

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

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

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

5 (38) "Medical clearance" means a physician or other health care
6 provider, including an Indian health care provider, has determined
7 that a person is medically stable and ready for referral to the
8 designated crisis responder or facility. For a person presenting in
9 the community, no medical clearance is required prior to
10 investigation by a designated crisis responder;

11 (39) "Mental disorder" means any organic, mental, or emotional
12 impairment which has substantial adverse effects on a person's
13 cognitive or volitional functions;

14 (40) "Mental health professional" means an individual practicing
15 within the mental health professional's statutory scope of practice
16 who is:

17 (a) A psychiatrist, psychologist, physician assistant working
18 with a psychiatrist who is acting as a participating physician as
19 defined in RCW 18.71A.010, psychiatric advanced registered nurse
20 practitioner, psychiatric nurse, or social worker, as defined in this
21 chapter and chapter 71.34 RCW;

22 (b) A mental health counselor, mental health counselor associate,
23 marriage and family therapist, or marriage and family therapist
24 associate, as defined in chapter 18.225 RCW;

25 (c) A certified or licensed agency affiliated counselor, as
26 defined in chapter 18.19 RCW; or

27 (d) A licensed psychological associate as described in chapter
28 18.83 RCW;

29 (41) "Peace officer" means a law enforcement official of a public
30 agency or governmental unit, and includes persons specifically given
31 peace officer powers by any state law, local ordinance, or judicial
32 order of appointment;

33 (42) "Physician assistant" means a person licensed as a physician
34 assistant under chapter 18.71A RCW;

35 (43) "Private agency" means any person, partnership, corporation,
36 or association that is not a public agency, whether or not financed
37 in whole or in part by public funds, which constitutes an evaluation
38 and treatment facility or private institution, or hospital, or
39 approved substance use disorder treatment program, which is conducted

1 for, or includes a department or ward conducted for, the care and
2 treatment of persons with behavioral health disorders;

3 (44) "Professional person" means a mental health professional,
4 substance use disorder professional, or designated crisis responder
5 and shall also mean a physician, physician assistant, psychiatric
6 advanced registered nurse practitioner, registered nurse, and such
7 others as may be defined by rules adopted by the secretary pursuant
8 to the provisions of this chapter;

9 (45) "Psychiatric advanced registered nurse practitioner" means a
10 person who is licensed as an advanced registered nurse practitioner
11 pursuant to chapter 18.79 RCW; and who is board certified in advanced
12 practice psychiatric and mental health nursing;

13 (46) "Psychiatrist" means a person having a license as a
14 physician and surgeon in this state who has in addition completed
15 three years of graduate training in psychiatry in a program approved
16 by the American medical association or the American osteopathic
17 association and is certified or eligible to be certified by the
18 American board of psychiatry and neurology;

19 (47) "Psychologist" means a person who has been licensed as a
20 psychologist pursuant to chapter 18.83 RCW;

21 (48) "Public agency" means any evaluation and treatment facility
22 or institution, secure withdrawal management and stabilization
23 facility, approved substance use disorder treatment program, or
24 hospital which is conducted for, or includes a department or ward
25 conducted for, the care and treatment of persons with behavioral
26 health disorders, if the agency is operated directly by federal,
27 state, county, or municipal government, or a combination of such
28 governments;

29 (49) "Release" means legal termination of the commitment under
30 the provisions of this chapter;

31 (50) "Resource management services" has the meaning given in
32 chapter 71.24 RCW;

33 (51) "Secretary" means the secretary of the department of health,
34 or his or her designee;

35 (52) "Secure withdrawal management and stabilization facility"
36 means a facility operated by either a public or private agency or by
37 the program of an agency which provides care to voluntary individuals
38 and individuals involuntarily detained and committed under this
39 chapter for whom there is a likelihood of serious harm or who are

1 gravely disabled due to the presence of a substance use disorder.
2 Secure withdrawal management and stabilization facilities must:

- 3 (a) Provide the following services:
 - 4 (i) Assessment and treatment, provided by certified substance use
 - 5 disorder professionals or co-occurring disorder specialists;
 - 6 (ii) Clinical stabilization services;
 - 7 (iii) Acute or subacute detoxification services for intoxicated
 - 8 individuals; and
 - 9 (iv) Discharge assistance provided by certified substance use
 - 10 disorder professionals or co-occurring disorder specialists,
 - 11 including facilitating transitions to appropriate voluntary or
 - 12 involuntary inpatient services or to less restrictive alternatives as
 - 13 appropriate for the individual;
- 14 (b) Include security measures sufficient to protect the patients,
- 15 staff, and community; and
- 16 (c) Be licensed or certified as such by the department of health;

17 (53) "Severe deterioration from safe behavior" means that a
18 person will, if not treated, suffer or continue to suffer severe and
19 abnormal mental, emotional, or physical distress, and this distress
20 is associated with significant impairment of judgment, reason, or
21 behavior;

22 (54) "Social worker" means a person with a master's or further
23 advanced degree from a social work educational program accredited and
24 approved as provided in RCW 18.320.010;

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

31 (56) "Substance use disorder professional" means a person
32 certified as a substance use disorder professional by the department
33 of health under chapter 18.205 RCW;

34 (57) "Therapeutic court personnel" means the staff of a mental
35 health court or other therapeutic court which has jurisdiction over
36 defendants who are dually diagnosed with mental disorders, including
37 court personnel, probation officers, a court monitor, prosecuting
38 attorney, or defense counsel acting within the scope of therapeutic
39 court duties;

1 (58) "Treatment records" include registration and all other
2 records concerning persons who are receiving or who at any time have
3 received services for behavioral health disorders, which are
4 maintained by the department of social and health services, the
5 department, the authority, behavioral health administrative services
6 organizations and their staffs, managed care organizations and their
7 staffs, and by treatment facilities. Treatment records include mental
8 health information contained in a medical bill including but not
9 limited to mental health drugs, a mental health diagnosis, provider
10 name, and dates of service stemming from a medical service. Treatment
11 records do not include notes or records maintained for personal use
12 by a person providing treatment services for the department of social
13 and health services, the department, the authority, behavioral health
14 administrative services organizations, managed care organizations, or
15 a treatment facility if the notes or records are not available to
16 others;

17 (59) "Tribe" has the same meaning as in RCW 71.24.025;

18 (60) "Video," unless the context clearly indicates otherwise,
19 means the delivery of behavioral health services through the use of
20 interactive audio and video technology, permitting real-time
21 communication between a person and a designated crisis responder, for
22 the purpose of evaluation. "Video" does not include the use of audio-
23 only telephone, facsimile, email, or store and forward technology.
24 "Store and forward technology" means use of an asynchronous
25 transmission of a person's medical information from a mental health
26 service provider to the designated crisis responder which results in
27 medical diagnosis, consultation, or treatment;

28 (61) "Violent act" means behavior that resulted in homicide,
29 attempted suicide, injury, or substantial loss or damage to property.

30 NEW SECTION. **Sec. 3.** Section 1 of this act expires when section
31 2 of this act takes effect.

32 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect when
33 the contingency in section 26, chapter 433, Laws of 2023 takes
34 effect.

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