
SENATE BILL 5745

State of Washington 69th Legislature 2025 Regular Session

By Senators Dhingra, Bateman, Lovick, Nobles, and Pedersen

Read first time 02/13/25. Referred to Committee on Law & Justice.

1 AN ACT Relating to appointed counsel for individuals detained
2 under the involuntary treatment act; amending RCW 71.05.110,
3 71.05.130, 71.05.730, 72.23.010, 72.23.020, 2.70.020, and 2.70.023;
4 reenacting and amending RCW 71.05.020, 71.05.020, 71.34.020, and
5 71.34.020; repealing 2024 c 62 ss 26 and 27; providing contingent
6 effective dates; providing contingent expiration dates; and declaring
7 an emergency.

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

9 **Sec. 1.** RCW 71.05.020 and 2024 c 371 s 17, 2024 c 209 s 5, and
10 2024 c 62 s 18 are each reenacted and amended to read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "23-hour crisis relief center" has the same meaning as under
14 RCW 71.24.025;

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

19 (3) "Alcoholism" means a disease, characterized by a dependency
20 on alcoholic beverages, loss of control over the amount and
21 circumstances of use, symptoms of tolerance, physiological or

1 psychological withdrawal, or both, if use is reduced or discontinued,
2 and impairment of health or disruption of social or economic
3 functioning;

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

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

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

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

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

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

37 (10) "Co-occurring disorder specialist" means an individual
38 possessing an enhancement granted by the department of health under
39 chapter 18.205 RCW that certifies the individual to provide substance

1 use disorder counseling subject to the practice limitations under RCW
2 18.205.105;

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

6 (12) "Community behavioral health agency" has the same meaning as
7 "licensed or certified behavioral health agency" defined in RCW
8 71.24.025;

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

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

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

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

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

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

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

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

40 (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; or (b) manifests severe
27 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;

31 (26) "Habilitative services" means those services provided by
32 program personnel to assist persons in acquiring and maintaining life
33 skills and in raising their levels of physical, mental, social, and
34 vocational functioning. Habilitative services include education,
35 training for employment, and therapy. The habilitative process shall
36 be undertaken with recognition of the risk to the public safety
37 presented by the person being assisted as manifested by prior charged
38 criminal conduct;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (36) "Licensed physician" means a person licensed to practice
9 medicine or osteopathic medicine and surgery in the state of
10 Washington;

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

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

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

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

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

32 (40) "Mental health professional" means an individual practicing
33 within the mental health professional's statutory scope of practice
34 who is:

35 (a) A psychiatrist, psychologist, physician assistant working
36 with a psychiatrist who is acting as a participating physician as
37 defined in RCW 18.71A.010, psychiatric advanced registered nurse
38 practitioner, psychiatric nurse, or social worker, as defined in this
39 chapter and chapter 71.34 RCW;

1 (b) A mental health counselor, mental health counselor associate,
2 marriage and family therapist, or marriage and family therapist
3 associate, as defined in chapter 18.225 RCW;

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

6 (d) A licensed psychological associate as described in chapter
7 18.83 RCW;

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

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

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

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

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

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

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

39 (48) "Public agency" means any evaluation and treatment facility
40 or institution, secure withdrawal management and stabilization

1 facility, approved substance use disorder treatment program, or
2 hospital which is conducted for, or includes a department or ward
3 conducted for, the care and treatment of persons with behavioral
4 health disorders, if the agency is operated directly by federal,
5 state, county, or municipal government, or a combination of such
6 governments;

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

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

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

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

20 (a) Provide the following services:

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

23 (ii) Clinical stabilization services;

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

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

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

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

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

37 (54) "State hospital" means a hospital designated under RCW
38 72.23.020;

39 (55) "Substance use disorder" means a cluster of cognitive,
40 behavioral, and physiological symptoms indicating that an individual

1 continues using the substance despite significant substance-related
2 problems. The diagnosis of a substance use disorder is based on a
3 pathological pattern of behaviors related to the use of the
4 substances;

5 ~~((55))~~ (56) "Substance use disorder professional" means a
6 person certified as a substance use disorder professional by the
7 department of health under chapter 18.205 RCW;

8 ~~((56))~~ (57) "Therapeutic court personnel" means the staff of a
9 mental health court or other therapeutic court which has jurisdiction
10 over defendants who are dually diagnosed with mental disorders,
11 including court personnel, probation officers, a court monitor,
12 prosecuting attorney, or defense counsel acting within the scope of
13 therapeutic court duties;

14 ~~((57))~~ (58) "Treatment records" include registration and all
15 other records concerning persons who are receiving or who at any time
16 have received services for behavioral health disorders, which are
17 maintained by the department of social and health services, the
18 department, the authority, behavioral health administrative services
19 organizations and their staffs, managed care organizations and their
20 staffs, and by treatment facilities. Treatment records include mental
21 health information contained in a medical bill including but not
22 limited to mental health drugs, a mental health diagnosis, provider
23 name, and dates of service stemming from a medical service. Treatment
24 records do not include notes or records maintained for personal use
25 by a person providing treatment services for the department of social
26 and health services, the department, the authority, behavioral health
27 administrative services organizations, managed care organizations, or
28 a treatment facility if the notes or records are not available to
29 others;

30 ~~((58))~~ (59) "Tribe" has the same meaning as in RCW 71.24.025;

31 ~~((59))~~ (60) "Video," unless the context clearly indicates
32 otherwise, means the delivery of behavioral health services through
33 the use of interactive audio and video technology, permitting real-
34 time communication between a person and a designated crisis
35 responder, for the purpose of evaluation. "Video" does not include
36 the use of audio-only telephone, facsimile, email, or store and
37 forward technology. "Store and forward technology" means use of an
38 asynchronous transmission of a person's medical information from a
39 mental health service provider to the designated crisis responder
40 which results in medical diagnosis, consultation, or treatment;

1 (~~(60)~~) (61) "Violent act" means behavior that resulted in
2 homicide, attempted suicide, injury, or substantial loss or damage to
3 property.

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

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

8 (1) "23-hour crisis relief center" has the same meaning as under
9 RCW 71.24.025;

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

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

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

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

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

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

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

36 (9) "Behavioral health service provider" means a public or
37 private agency that provides mental health, substance use disorder,
38 or co-occurring disorder services to persons with behavioral health
39 disorders as defined under this section and receives funding from

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

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

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

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

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

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

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

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

38 (17) "Designated crisis responder" means a mental health
39 professional appointed by the county, by an entity appointed by the
40 county, or by the authority in consultation with a tribe or after

1 meeting and conferring with an Indian health care provider, to
2 perform the duties specified in this chapter;

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

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

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

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

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

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

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

39 (25) "Gravely disabled" means a condition in which a person, as a
40 result of a behavioral health disorder: (a) Is in danger of serious

1 physical harm resulting from a failure to provide for his or her
2 essential human needs of health or safety; or (b) manifests severe
3 deterioration from safe behavior evidenced by repeated and escalating
4 loss of cognitive or volitional control over his or her actions and
5 is not receiving such care as is essential for his or her health or
6 safety;

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

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

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

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

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

27 (31) "Individualized service plan" means a plan prepared by a
28 developmental disabilities professional with other professionals as a
29 team, for a person with developmental disabilities, which shall
30 state:

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

33 (b) The conditions and strategies necessary to achieve the
34 purposes of habilitation;

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

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

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

1 (f) Where relevant in light of past criminal behavior and due
2 consideration for public safety, the criteria for proposed movement
3 to less-restrictive settings, criteria for proposed eventual
4 discharge or release, and a projected possible date for discharge or
5 release; and

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

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

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

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

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

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

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

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

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

39 (38) "Medical clearance" means a physician or other health care
40 provider, including an Indian health care provider, has determined

1 that a person is medically stable and ready for referral to the
2 designated crisis responder or facility. For a person presenting in
3 the community, no medical clearance is required prior to
4 investigation by a designated crisis responder;

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

8 (40) "Mental health professional" means an individual practicing
9 within the mental health professional's statutory scope of practice
10 who is:

11 (a) A psychiatrist, psychologist, physician assistant working
12 with a psychiatrist who is acting as a participating physician as
13 defined in RCW 18.71A.010, psychiatric advanced registered nurse
14 practitioner, psychiatric nurse, or social worker, as defined in this
15 chapter and chapter 71.34 RCW;

16 (b) A mental health counselor, mental health counselor associate,
17 marriage and family therapist, or marriage and family therapist
18 associate, as defined in chapter 18.225 RCW;

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

21 (d) A licensed psychological associate as described in chapter
22 18.83 RCW;

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

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

29 (43) "Private agency" means any person, partnership, corporation,
30 or association that is not a public agency, whether or not financed
31 in whole or in part by public funds, which constitutes an evaluation
32 and treatment facility or private institution, or hospital, or
33 approved substance use disorder treatment program, which is conducted
34 for, or includes a department or ward conducted for, the care and
35 treatment of persons with behavioral health disorders;

36 (44) "Professional person" means a mental health professional,
37 substance use disorder professional, or designated crisis responder
38 and shall also mean a physician, physician assistant, psychiatric
39 advanced registered nurse practitioner, registered nurse, and such

1 others as may be defined by rules adopted by the secretary pursuant
2 to the provisions of this chapter;

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

7 (46) "Psychiatrist" means a person having a license as a
8 physician and surgeon in this state who has in addition completed
9 three years of graduate training in psychiatry in a program approved
10 by the American medical association or the American osteopathic
11 association and is certified or eligible to be certified by the
12 American board of psychiatry and neurology;

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

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

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

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

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

29 (52) "Secure withdrawal management and stabilization facility"
30 means a facility operated by either a public or private agency or by
31 the program of an agency which provides care to voluntary individuals
32 and individuals involuntarily detained and committed under this
33 chapter for whom there is a likelihood of serious harm or who are
34 gravely disabled due to the presence of a substance use disorder.
35 Secure withdrawal management and stabilization facilities must:

36 (a) Provide the following services:

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

39 (ii) Clinical stabilization services;

1 (iii) Acute or subacute detoxification services for intoxicated
2 individuals; and

3 (iv) Discharge assistance provided by certified substance use
4 disorder professionals or co-occurring disorder specialists,
5 including facilitating transitions to appropriate voluntary or
6 involuntary inpatient services or to less restrictive alternatives as
7 appropriate for the individual;

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

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

11 (53) "Severe deterioration from safe behavior" means that a
12 person will, if not treated, suffer or continue to suffer severe and
13 abnormal mental, emotional, or physical distress, and this distress
14 is associated with significant impairment of judgment, reason, or
15 behavior;

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

19 (55) "State hospital" means a hospital designated under RCW
20 72.23.020;

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

27 (~~(56)~~) (57) "Substance use disorder professional" means a
28 person certified as a substance use disorder professional by the
29 department of health under chapter 18.205 RCW;

30 (~~(57)~~) (58) "Therapeutic court personnel" means the staff of a
31 mental health court or other therapeutic court which has jurisdiction
32 over defendants who are dually diagnosed with mental disorders,
33 including court personnel, probation officers, a court monitor,
34 prosecuting attorney, or defense counsel acting within the scope of
35 therapeutic court duties;

36 (~~(58)~~) (59) "Treatment records" include registration and all
37 other records concerning persons who are receiving or who at any time
38 have received services for behavioral health disorders, which are
39 maintained by the department of social and health services, the
40 department, the authority, behavioral health administrative services

1 organizations and their staffs, managed care organizations and their
2 staffs, and by treatment facilities. Treatment records include mental
3 health information contained in a medical bill including but not
4 limited to mental health drugs, a mental health diagnosis, provider
5 name, and dates of service stemming from a medical service. Treatment
6 records do not include notes or records maintained for personal use
7 by a person providing treatment services for the department of social
8 and health services, the department, the authority, behavioral health
9 administrative services organizations, managed care organizations, or
10 a treatment facility if the notes or records are not available to
11 others;

12 ~~((59))~~ (60) "Tribe" has the same meaning as in RCW 71.24.025;

13 ~~((60))~~ (61) "Video," unless the context clearly indicates
14 otherwise, means the delivery of behavioral health services through
15 the use of interactive audio and video technology, permitting real-
16 time communication between a person and a designated crisis
17 responder, for the purpose of evaluation. "Video" does not include
18 the use of audio-only telephone, facsimile, email, or store and
19 forward technology. "Store and forward technology" means use of an
20 asynchronous transmission of a person's medical information from a
21 mental health service provider to the designated crisis responder
22 which results in medical diagnosis, consultation, or treatment;

23 ~~((61))~~ (62) "Violent act" means behavior that resulted in
24 homicide, attempted suicide, injury, or substantial loss or damage to
25 property.

26 **Sec. 3.** RCW 71.05.110 and 2019 c 325 s 3005 are each amended to
27 read as follows:

28 (1) The county where the person is detained shall administer
29 appointed counsel under this chapter, regardless of the person's
30 county of origin. Reimbursement for the costs of such representation
31 is specified under RCW 71.05.730. The county shall provide counsel:

32 (a) Directly;

33 (b) By contracting for that representation; or

34 (c) By submitting a request to the health care authority to
35 contract for such counsel with the office of public defense on the
36 county's behalf under chapter 2.70 RCW.

37 (2) Attorneys appointed for persons pursuant to this chapter
38 shall be compensated for their services as follows: ~~((1))~~ (a) The
39 person for whom an attorney is appointed shall, if he or she is

1 financially able pursuant to standards as to financial capability and
2 indigency set by the superior court of the county in which the
3 proceeding is held, bear the costs of such legal services; ~~((2))~~
4 (b) if such person is indigent pursuant to such standards, the
5 behavioral health administrative services organization shall
6 reimburse the county in which the proceeding is held for the direct
7 costs of such legal services, as provided in RCW 71.05.730.

8 (3) This section supersedes any local ordinance, charter, or
9 rule.

10 **Sec. 4.** RCW 71.05.130 and 2015 c 258 s 4 are each amended to
11 read as follows:

12 (1) In any judicial proceeding for involuntary commitment or
13 detention except under RCW 71.05.201, or in any proceeding
14 challenging involuntary commitment or detention, the prosecuting
15 attorney for the county in which the proceeding was initiated shall
16 represent the individuals or agencies petitioning for commitment or
17 detention and shall defend all challenges to such commitment or
18 detention, except that the attorney general shall represent and
19 provide legal services and advice to state hospitals ~~((or~~
20 institutions)) and facilities listed under subsection (2) of this
21 section with regard to all provisions of and proceedings under this
22 chapter other than proceedings initiated by such hospitals and
23 ~~((institutions)) facilities seeking ~~((fourteen—day))~~ 14-day~~
24 detention.

25 (2) Facilities where the attorney general shall represent and
26 provide legal services and advice under subsection (1) of this
27 section are:

28 (a) The center for behavioral health and learning located on the
29 University of Washington medical center northwest campus; and

30 (b) Facilities owned by the department of social and health
31 services that operate in Thurston and Clark counties and provide
32 inpatient services to individuals under this chapter.

33 **Sec. 5.** RCW 71.05.730 and 2024 c 209 s 28 are each amended to
34 read as follows:

35 (1) A county may apply to its behavioral health administrative
36 services organization on a quarterly basis for reimbursement of its
37 direct costs in providing judicial services for civil commitment
38 cases under this chapter and chapter 71.34 RCW. A tribe may apply to

1 the authority on a quarterly basis for reimbursement of its direct
2 costs in providing judicial services for civil commitment cases under
3 this chapter and chapter 71.34 RCW. The behavioral health
4 administrative services organization shall in turn be entitled to
5 reimbursement from the behavioral health administrative services
6 organization that serves the county of residence of the individual
7 who is the subject of the civil commitment case.

8 (2) Reimbursement for judicial services shall be provided per
9 civil commitment case at a rate to be determined based on an
10 independent assessment of the county's or tribe's actual direct
11 costs. This assessment must be based on an average of the
12 expenditures for judicial services within the county or tribe over
13 the past three years. In the event that a baseline cannot be
14 established because there is no significant history of similar cases
15 within the county or tribe, the reimbursement rate shall be equal to
16 80 percent of the median reimbursement rate of counties or tribes, if
17 applicable included in the independent assessment.

18 (3) For the purposes of this section:

19 (a) "Civil commitment case" includes all judicial hearings
20 related to a single episode of hospitalization or less restrictive
21 alternative treatment, except that the filing of a petition for a one
22 hundred eighty-day commitment under this chapter or a petition for a
23 successive 180-day commitment under chapter 71.34 RCW shall be
24 considered to be a new case regardless of whether there has been a
25 break in detention. "Civil commitment case" does not include the
26 filing of a petition for a 180-day commitment under this chapter on
27 behalf of a patient at a state (~~psychiatric~~) hospital.

28 (b) "Judicial services" means a county's or tribe's reasonable
29 direct costs in providing prosecutor services, assigned counsel and
30 defense services, court services, and court clerk services for civil
31 commitment cases under this chapter and chapter 71.34 RCW.

32 (4) In the case where a county has requested that the health care
33 authority contract for public defense services on the county's behalf
34 under RCW 71.05.110, the authority shall reduce the funding provided
35 to the county's behavioral health administrative services
36 organization equivalent to the authority's expense in contracting
37 with the office of public defense for that representation. The
38 county's behavioral health administrative services organization may
39 still seek reimbursement from the behavioral health administrative
40 services organization that serves the county of residence of the

1 individual who is the subject of the civil commitment case under
2 subsection (1) of this section.

3 (5) To the extent that resources have a shared purpose, the
4 behavioral health administrative services organization may only
5 reimburse counties to the extent such resources are necessary for and
6 devoted to judicial services as described in this section. To the
7 extent that resources have a shared purpose, the authority may only
8 reimburse tribes to the extent the resources are necessary for and
9 devoted to judicial services as described in this section.

10 ~~((5))~~ (6) No filing fee may be charged or collected for any
11 civil commitment case subject to reimbursement under this section.

12 **Sec. 6.** RCW 71.34.020 and 2024 c 367 s 3 and 2024 c 209 s 7 are
13 each reenacted and amended to read as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "23-hour crisis relief center" has the same meaning as
17 provided in RCW 71.24.025.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (44) "Mental health professional" has the same meaning as
22 provided in RCW 71.05.020.

23 (45) "Minor" means any person under the age of eighteen years.

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

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

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

1 between individuals authorized to act as a parent for the purpose of
2 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
3 according to the priority established under RCW 7.70.065(2) (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (a) Provide the following services:

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

22 (ii) Clinical stabilization services;

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

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

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

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

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

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

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

4 (63) "State hospital" means a hospital designated under RCW
5 72.23.020.

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

10 (~~(64)~~) (65) "Substance use disorder" means a cluster of
11 cognitive, behavioral, and physiological symptoms indicating that an
12 individual continues using the substance despite significant
13 substance-related problems. The diagnosis of a substance use disorder
14 is based on a pathological pattern of behaviors related to the use of
15 the substances.

16 (~~(65)~~) (66) "Substance use disorder professional" means a
17 person certified as a substance use disorder professional by the
18 department of health under chapter 18.205 RCW.

19 (~~(66)~~) (67) "Therapeutic court personnel" means the staff of a
20 mental health court or other therapeutic court which has jurisdiction
21 over defendants who are dually diagnosed with mental disorders,
22 including court personnel, probation officers, a court monitor,
23 prosecuting attorney, or defense counsel acting within the scope of
24 therapeutic court duties.

25 (~~(67)~~) (68) "Treatment records" include registration and all
26 other records concerning persons who are receiving or who at any time
27 have received services for mental illness, which are maintained by
28 the department, the department of health, the authority, behavioral
29 health organizations and their staffs, and by treatment facilities.
30 Treatment records include mental health information contained in a
31 medical bill including but not limited to mental health drugs, a
32 mental health diagnosis, provider name, and dates of service stemming
33 from a medical service. Treatment records do not include notes or
34 records maintained for personal use by a person providing treatment
35 services for the department, the department of health, the authority,
36 behavioral health organizations, or a treatment facility if the notes
37 or records are not available to others.

38 (~~(68)~~) (69) "Tribe" has the same meaning as in RCW 71.24.025.

39 (~~(69)~~) (70) "Video" means the delivery of behavioral health
40 services through the use of interactive audio and video technology,

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

5 ~~((70))~~ (71) "Violent act" means behavior that resulted in
6 homicide, attempted suicide, injury, or substantial loss or damage to
7 property.

8 **Sec. 7.** RCW 71.34.020 and 2024 c 367 s 4 and 2024 c 209 s 8 are
9 each reenacted and amended to read as follows:

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

12 (1) "23-hour crisis relief center" has the same meaning as
13 provided in RCW 71.24.025.

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

18 (3) "Adolescent" means a minor thirteen years of age or older.

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

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

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

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

36 (8) "Authority" means the Washington state health care authority.

37 (9) "Behavioral health administrative services organization" has
38 the same meaning as provided in RCW 71.24.025.

1 (10) "Behavioral health disorder" means either a mental disorder
2 as defined in this section, a substance use disorder as defined in
3 this section, or a co-occurring mental disorder and substance use
4 disorder.

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

10 (12) "Children's mental health specialist" means:

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

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

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

22 (14) "Conditional release" means a revocable modification of a
23 commitment, which may be revoked upon violation of any of its terms.

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

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

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

1 (18) "Department" means the department of social and health
2 services.

3 (19) "Designated crisis responder" has the same meaning as
4 provided in RCW 71.05.020.

5 (20) "Detention" or "detain" means the lawful confinement of a
6 person, under the provisions of this chapter.

7 (21) "Developmental disabilities professional" means a person who
8 has specialized training and three years of experience in directly
9 treating or working with persons with developmental disabilities and
10 is a psychiatrist, physician assistant working with a supervising
11 psychiatrist, 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.

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

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

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

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

36 (27) "Gravely disabled minor" means a minor who, as a result of a
37 behavioral health disorder, (a) is in danger of serious physical harm
38 resulting from a failure to provide for his or her essential human
39 needs of health or safety, or (b) manifests severe deterioration from
40 safe behavior evidenced by repeated and escalating loss of cognitive

1 or volitional control over his or her actions and is not receiving
2 such care as is essential for his or her health or safety.

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

8 (29) "Hearing" means any proceeding conducted in open court that
9 conforms to the requirements of RCW 71.34.910.

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

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

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

1 minors, or approved substance use disorder treatment program for
2 minors.

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

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

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

12 (35) "Kinship caregiver" has the same meaning as in RCW
13 74.13.031(~~((22)(a))~~).

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

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

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

26 (39) "Likelihood of serious harm" means:

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

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

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

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

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

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

21 (44) "Mental health professional" has the same meaning as
22 provided in RCW 71.05.020.

23 (45) "Minor" means any person under the age of eighteen years.

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

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

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

1 between individuals authorized to act as a parent for the purpose of
2 RCW 71.34.600 through 71.34.670, the disagreement must be resolved
3 according to the priority established under RCW 7.70.065(2) (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (a) Provide the following services:

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

22 (ii) Clinical stabilization services;

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

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

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

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

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

38 (62) "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 (63) "Start of initial detention" means the time of arrival of
2 the minor at the first evaluation and treatment facility, secure
3 withdrawal management and stabilization facility, or approved
4 substance use disorder treatment program offering inpatient treatment
5 if the minor is being involuntarily detained at the time. With regard
6 to voluntary patients, "start of initial detention" means the time at
7 which the minor gives notice of intent to leave under the provisions
8 of this chapter.

9 (64) "State hospital" means a hospital designated under RCW
10 72.23.020.

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

15 (~~(65)~~) (66) "Substance use disorder" means a cluster of
16 cognitive, behavioral, and physiological symptoms indicating that an
17 individual continues using the substance despite significant
18 substance-related problems. The diagnosis of a substance use disorder
19 is based on a pathological pattern of behaviors related to the use of
20 the substances.

21 (~~(66)~~) (67) "Substance use disorder professional" means a
22 person certified as a substance use disorder professional by the
23 department of health under chapter 18.205 RCW.

24 (~~(67)~~) (68) "Therapeutic court personnel" means the staff of a
25 mental health court or other therapeutic court which has jurisdiction
26 over defendants who are dually diagnosed with mental disorders,
27 including court personnel, probation officers, a court monitor,
28 prosecuting attorney, or defense counsel acting within the scope of
29 therapeutic court duties.

30 (~~(68)~~) (69) "Treatment records" include registration and all
31 other records concerning persons who are receiving or who at any time
32 have received services for mental illness, which are maintained by
33 the department, the department of health, the authority, behavioral
34 health organizations and their staffs, and by treatment facilities.
35 Treatment records include mental health information contained in a
36 medical bill including but not limited to mental health drugs, a
37 mental health diagnosis, provider name, and dates of service stemming
38 from a medical service. Treatment records do not include notes or
39 records maintained for personal use by a person providing treatment
40 services for the department, the department of health, the authority,

1 behavioral health organizations, or a treatment facility if the notes
2 or records are not available to others.

3 ~~((69))~~ (70) "Tribe" has the same meaning as in RCW 71.24.025.

4 ~~((70))~~ (71) "Video" means the delivery of behavioral health
5 services through the use of interactive audio and video technology,
6 permitting real-time communication between a person and a designated
7 crisis responder, for the purpose of evaluation. "Video" does not
8 include the use of audio-only telephone, facsimile, email, or store
9 and forward technology.

10 ~~((71))~~ (72) "Violent act" means behavior that resulted in
11 homicide, attempted suicide, injury, or substantial loss or damage to
12 property.

13 **Sec. 8.** RCW 72.23.010 and 2000 c 22 s 2 are each amended to read
14 as follows:

15 The definitions in this section apply throughout this chapter,
16 unless the context clearly requires otherwise.

17 (1) "Court" means the superior court of the state of Washington.

18 (2) "Department" means the department of social and health
19 services.

20 (3) "Employee" means an employee as defined in RCW 49.17.020.

21 (4) "Licensed physician" means an individual permitted to
22 practice as a physician under the laws of the state, or a medical
23 officer, similarly qualified, of the government of the United States
24 while in this state in performance of his or her official duties.

25 (5) "Mentally ill person" means any person who, pursuant to the
26 definitions contained in RCW 71.05.020, as a result of a mental
27 disorder presents a likelihood of serious harm to others or himself
28 or herself or is gravely disabled.

29 (6) "Patient" means a person under observation, care, or
30 treatment in a state hospital, or a person found mentally ill by the
31 court, and not discharged from a state hospital, or other facility,
32 to which such person had been ordered hospitalized.

33 (7) "Resident" means a resident of the state of Washington.

34 (8) "Secretary" means the secretary of social and health
35 services.

36 (9) "State hospital" means ~~((any))~~ a hospital ~~((, including a~~
37 ~~child study and treatment center, operated and maintained by the~~
38 ~~state of Washington for the care of the mentally ill))~~ designated
39 under RCW 72.23.020.

1 (10) "Superintendent" means the superintendent of a state
2 hospital.

3 (11) "Violence" or "violent act" means any physical assault or
4 attempted physical assault against an employee or patient of a state
5 hospital.

6 Wherever used in this chapter, the masculine shall include the
7 feminine and the singular shall include the plural.

8 **Sec. 9.** RCW 72.23.020 and 1959 c 28 s 72.23.020 are each amended
9 to read as follows:

10 There are hereby permanently located and established the
11 following state hospitals: Western state hospital at Fort Steilacoom,
12 Pierce county; eastern state hospital at Medical Lake, Spokane
13 county; and (~~northern state hospital near Sedro Woolley, Skagit~~
14 ~~county~~) the child study and treatment center at Fort Steilacoom,
15 Pierce county.

16 **Sec. 10.** RCW 2.70.020 and 2024 c 294 s 1 are each amended to
17 read as follows:

18 The director shall:

19 (1) Administer all state-funded services in the following program
20 areas:

21 (a) Trial court criminal indigent defense, as provided in chapter
22 10.101 RCW;

23 (b) Appellate indigent defense, as provided in this chapter and
24 RCW 10.73.150;

25 (c) Representation of indigent parents qualified for appointed
26 counsel in dependency and termination cases, as provided in RCW
27 13.34.090 and 13.34.092;

28 (d) Extraordinary criminal justice cost petitions, as provided in
29 RCW 43.330.190;

30 (e) Compilation of copies of DNA test requests by persons
31 convicted of felonies, as provided in RCW 10.73.170;

32 (f) Representation of indigent respondents qualified for
33 appointed counsel in sexually violent predator civil commitment
34 cases, as provided in chapter 71.09 RCW; (~~and~~)

35 (g) Representation of indigent persons who are acquitted by
36 reason of insanity and committed to state psychiatric care as
37 provided in chapter 10.77 RCW; and

1 (h) At the request of the health care authority on behalf of a
2 county under chapter 71.05 or 71.34 RCW, representation of indigent
3 persons qualified for appointed counsel in involuntary commitment
4 cases;

5 (2) Subject to availability of funds appropriated for this
6 specific purpose, provide access to counsel for indigent persons
7 incarcerated in a juvenile rehabilitation or adult correctional
8 facility to file and prosecute a first, timely personal restraint
9 petition under RCW 10.73.150. The office shall establish eligibility
10 criteria that prioritize access to counsel for youth under age 25,
11 youth or adults with sentences in excess of 120 months, youth or
12 adults with disabilities, and youth or adults with limited English
13 proficiency. Nothing in this subsection creates an entitlement to
14 counsel at state expense to file a personal restraint petition;

15 (3) Subject to the availability of funds appropriated for this
16 specific purpose, appoint counsel to petition the sentencing court if
17 the legislature creates an ability to petition the sentencing court,
18 or appoint counsel to challenge a conviction or sentence if a final
19 decision of an appellate court creates the ability to challenge a
20 conviction or sentence. Nothing in this subsection creates an
21 entitlement to counsel at state expense to petition the sentencing
22 court;

23 (4) Provide access to attorneys for juveniles contacted by a law
24 enforcement officer for whom a legal consultation is required under
25 RCW 13.40.740;

26 (5) Submit a biennial budget for all costs related to the
27 office's program areas;

28 (6) Establish administrative procedures, standards, and
29 guidelines for the office's program areas, including cost-efficient
30 systems that provide for authorized recovery of costs;

31 (7) Provide oversight and technical assistance to ensure the
32 effective and efficient delivery of services in the office's program
33 areas;

34 (8) Recommend criteria and standards for determining and
35 verifying indigency. In recommending criteria for determining
36 indigency, the director shall compile and review the indigency
37 standards used by other state agencies and shall periodically submit
38 the compilation and report to the legislature on the appropriateness
39 and consistency of such standards;

1 (9) Collect information regarding indigent defense services
2 funded by the state and report annually to the advisory committee,
3 the legislature, and the supreme court;

4 (10) Coordinate with the supreme court and the judges of each
5 division of the court of appeals to determine how appellate attorney
6 services should be provided.

7 **Sec. 11.** RCW 2.70.023 and 2024 c 294 s 2 are each amended to
8 read as follows:

9 (1) Except as otherwise provided in this section, the office of
10 public defense shall not provide direct representation of clients.

11 (2) In order to protect and preserve client rights when
12 administering the office's statutory duties to provide initial
13 telephonic or video consultation services, managing and supervising
14 attorneys of the office of public defense who meet applicable public
15 defense qualifications may provide limited short-term coverage for
16 the consultation services if office of public defense contracted
17 counsel is unavailable to provide the consultation services. The
18 office shall provide services in a manner consistent with the rules
19 of professional conduct, chapter 42.52 RCW, and applicable policies
20 of the office of public defense.

21 (3) The office of public defense may facilitate and supervise
22 placement of law clerks, externs, and interns with office of public
23 defense contracted counsel, in a manner consistent with the
24 Washington admission and practice rules, the rules of professional
25 conduct, chapter 42.52 RCW, and applicable policies of the office of
26 public defense.

27 (4) Employees of the office of public defense may provide pro
28 bono legal services in a manner consistent with the rules of
29 professional conduct, chapter 42.52 RCW, and applicable policies of
30 the office of public defense. The policies of the office of public
31 defense must require that employees providing pro bono legal services
32 obtain and provide to the office a written statement, signed by any
33 pro bono client, acknowledging that:

34 (a) The pro bono legal services are provided by the employee
35 acting in the employee's personal capacity and not as an employee of
36 the office of public defense; and

37 (b) The state of Washington may not be held liable for any claim
38 arising from the provision of pro bono legal services by the
39 employees of the office of public defense.

1 The office of public defense shall retain the written statements
2 in a manner consistent with records relating to potential conflicts
3 of interest.

4 (5) The office of public defense shall provide public defense
5 services in involuntary commitment cases under chapter 71.05 or 71.34
6 RCW at the request of the health care authority on behalf of a
7 county, either directly or by contracting with persons admitted to
8 practice law in this state or organizations that employ persons
9 admitted to practice law in this state, using funds provided by the
10 county pursuant to RCW 71.05.110.

11 NEW SECTION. Sec. 12. The following acts or parts of acts are
12 each repealed:

- 13 (1) 2024 c 62 s 26; and
14 (2) 2024 c 62 s 27.

15 NEW SECTION. Sec. 13. Section 1 of this act expires when
16 section 2 of this act takes effect.

17 NEW SECTION. Sec. 14. Section 2 of this act takes effect when
18 the contingency in section 26, chapter 433, Laws of 2023 takes
19 effect.

20 NEW SECTION. Sec. 15. Section 6 of this act expires when
21 section 7 of this act takes effect.

22 NEW SECTION. Sec. 16. Section 7 of this act takes effect when
23 the contingency in section 13, chapter 433, Laws of 2023 takes
24 effect.

25 NEW SECTION. Sec. 17. This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of
27 the state government and its existing public institutions, and takes
28 effect immediately.

--- END ---