

RCW 71.24.480 Reentry community services program—Limitation on liability due to treatment—Reporting requirements. (1) A licensed or certified behavioral health agency acting in the course of the agency's duties under this chapter and its individual employees are not liable for civil damages resulting from the injury or death of another caused by a participant in the reentry community services program who is a client of the agency, unless the act or omission of the agency or employee constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed or certified behavioral health agency shall report a reentry community services program participant's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed or certified behavioral health agency's mere act of treating a participant in the reentry community services program is not negligence. Nothing in this subsection alters the licensed or certified behavioral health agency's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed or certified behavioral health agencies and their employees and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the reentry community services program" means a person who has been identified under RCW 72.09.370 as a person who: (a) Is reasonably believed to present a danger to himself or herself or others if released to the community without supportive services; and (b) has a mental disorder. [2021 c 243 s 8; 2019 c 325 s 1031; 2018 c 201 s 4032; 2014 c 225 s 45; 2009 c 319 s 2; 2002 c 173 s 1.]

Findings—2021 c 243: See note following RCW 74.09.670.

Effective date—2019 c 325: See note following RCW 71.24.011.

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Effective date—2014 c 225: See note following RCW 71.24.016.