
SENATE BILL 5585

State of Washington

68th Legislature

2023 Regular Session

By Senators Braun and Dhingra

1 AN ACT Relating to allowing licensed and certified behavioral
2 health agencies to designate certain individuals as mental health
3 professionals; amending RCW 71.05.020 and 71.05.020; adding a new
4 section to chapter 71.05 RCW; providing a contingent effective date;
5 and providing a contingent expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 71.05
8 RCW to read as follows:

9 A behavioral health agency may designate a person employed by the
10 agency as a mental health professional if the person holds a
11 bachelor's degree in counseling or one of the social sciences and has
12 at least five years of experience in direct treatment of persons with
13 a mental disorder, experience that was gained under the supervision
14 of a mental health professional recognized by the department or
15 attested to by the behavioral health agency.

16 **Sec. 2.** RCW 71.05.020 and 2022 c 210 s 1 are each amended to
17 read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

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

5 (2) "Alcoholism" means a disease, characterized by a dependency
6 on alcoholic beverages, loss of control over the amount and
7 circumstances of use, symptoms of tolerance, physiological or
8 psychological withdrawal, or both, if use is reduced or discontinued,
9 and impairment of health or disruption of social or economic
10 functioning;

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

15 (4) "Approved substance use disorder treatment program" means a
16 program for persons with a substance use disorder provided by a
17 treatment program certified by the department as meeting standards
18 adopted under chapter 71.24 RCW;

19 (5) "Attending staff" means any person on the staff of a public
20 or private agency having responsibility for the care and treatment of
21 a patient;

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

23 (7) "Behavioral health disorder" means either a mental disorder
24 as defined in this section, a substance use disorder as defined in
25 this section, or a co-occurring mental disorder and substance use
26 disorder;

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

1 (9) "Co-occurring disorder specialist" means an individual
2 possessing an enhancement granted by the department of health under
3 chapter 18.205 RCW that certifies the individual to provide substance
4 use disorder counseling subject to the practice limitations under RCW
5 18.205.105;

6 (10) "Commitment" means the determination by a court that a
7 person should be detained for a period of either evaluation or
8 treatment, or both, in an inpatient or a less restrictive setting;

9 (11) (~~"Community behavioral~~) "Behavioral health agency" has the
10 same meaning as "licensed or certified behavioral health agency"
11 defined in RCW 71.24.025;

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

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

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

23 (15) "Department" means the department of health;

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

30 (17) "Detention" or "detain" means the lawful confinement of a
31 person, under the provisions of this chapter;

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

1 (19) "Developmental disability" means that condition defined in
2 RCW 71A.10.020(~~(+5)~~);

3 (20) "Director" means the director of the authority;

4 (21) "Discharge" means the termination of hospital medical
5 authority. The commitment may remain in place, be terminated, or be
6 amended by court order;

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

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

26 (24) "Gravely disabled" means a condition in which a person, as a
27 result of a behavioral health disorder: (a) Is in danger of serious
28 physical harm resulting from a failure to provide for his or her
29 essential human needs of health or safety; or (b) manifests severe
30 deterioration in routine functioning evidenced by repeated and
31 escalating loss of cognitive or volitional control over his or her
32 actions and is not receiving such care as is essential for his or her
33 health or safety;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (37) "Medical clearance" means a physician or other health care
28 provider has determined that a person is medically stable and ready
29 for referral to the designated crisis responder;

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

33 (39) "Mental health professional" means a psychiatrist,
34 psychologist, physician assistant working with a supervising
35 psychiatrist, psychiatric advanced registered nurse practitioner,
36 psychiatric nurse, or social worker, and such other mental health
37 professionals as may be defined by rules adopted by the secretary
38 pursuant to the provisions of this chapter;

39 (40) "Peace officer" means a law enforcement official of a public
40 agency or governmental unit, and includes persons specifically given

1 peace officer powers by any state law, local ordinance, or judicial
2 order of appointment;

3 (41) "Physician assistant" means a person licensed as a physician
4 assistant under chapter 18.71A RCW;

5 (42) "Private agency" means any person, partnership, corporation,
6 or association that is not a public agency, whether or not financed
7 in whole or in part by public funds, which constitutes an evaluation
8 and treatment facility or private institution, or hospital, or
9 approved substance use disorder treatment program, which is conducted
10 for, or includes a department or ward conducted for, the care and
11 treatment of persons with behavioral health disorders;

12 (43) "Professional person" means a mental health professional,
13 substance use disorder professional, or designated crisis responder
14 and shall also mean a physician, physician assistant, psychiatric
15 advanced registered nurse practitioner, registered nurse, and such
16 others as may be defined by rules adopted by the secretary pursuant
17 to the provisions of this chapter;

18 (44) "Psychiatric advanced registered nurse practitioner" means a
19 person who is licensed as an advanced registered nurse practitioner
20 pursuant to chapter 18.79 RCW; and who is board certified in advanced
21 practice psychiatric and mental health nursing;

22 (45) "Psychiatrist" means a person having a license as a
23 physician and surgeon in this state who has in addition completed
24 three years of graduate training in psychiatry in a program approved
25 by the American medical association or the American osteopathic
26 association and is certified or eligible to be certified by the
27 American board of psychiatry and neurology;

28 (46) "Psychologist" means a person who has been licensed as a
29 psychologist pursuant to chapter 18.83 RCW;

30 (47) "Public agency" means any evaluation and treatment facility
31 or institution, secure withdrawal management and stabilization
32 facility, approved substance use disorder treatment program, or
33 hospital which is conducted for, or includes a department or ward
34 conducted for, the care and treatment of persons with behavioral
35 health disorders, if the agency is operated directly by federal,
36 state, county, or municipal government, or a combination of such
37 governments;

38 (48) "Release" means legal termination of the commitment under
39 the provisions of this chapter;

1 (49) "Resource management services" has the meaning given in
2 chapter 71.24 RCW;

3 (50) "Secretary" means the secretary of the department of health,
4 or his or her designee;

5 (51) "Secure withdrawal management and stabilization facility"
6 means a facility operated by either a public or private agency or by
7 the program of an agency which provides care to voluntary individuals
8 and individuals involuntarily detained and committed under this
9 chapter for whom there is a likelihood of serious harm or who are
10 gravely disabled due to the presence of a substance use disorder.
11 Secure withdrawal management and stabilization facilities must:

12 (a) Provide the following services:

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

15 (ii) Clinical stabilization services;

16 (iii) Acute or subacute detoxification services for intoxicated
17 individuals; and

18 (iv) Discharge assistance provided by certified substance use
19 disorder professionals or co-occurring disorder specialists,
20 including facilitating transitions to appropriate voluntary or
21 involuntary inpatient services or to less restrictive alternatives as
22 appropriate for the individual;

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

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

26 (52) "Social worker" means a person with a master's or further
27 advanced degree from a social work educational program accredited and
28 approved as provided in RCW 18.320.010;

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

35 (54) "Substance use disorder professional" means a person
36 certified as a substance use disorder professional by the department
37 of health under chapter 18.205 RCW;

38 (55) "Therapeutic court personnel" means the staff of a mental
39 health court or other therapeutic court which has jurisdiction over
40 defendants who are dually diagnosed with mental disorders, including

1 court personnel, probation officers, a court monitor, prosecuting
2 attorney, or defense counsel acting within the scope of therapeutic
3 court duties;

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

20 (57) "Triage facility" means a short-term facility or a portion
21 of a facility licensed or certified by the department, which is
22 designed as a facility to assess and stabilize an individual or
23 determine the need for involuntary commitment of an individual, and
24 must meet department residential treatment facility standards. A
25 triage facility may be structured as a voluntary or involuntary
26 placement facility;

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

37 (59) "Violent act" means behavior that resulted in homicide,
38 attempted suicide, injury, or substantial loss or damage to property.

1 **Sec. 3.** RCW 71.05.020 and 2022 c 210 s 2 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Admission" or "admit" means a decision by a physician,
6 physician assistant, or psychiatric advanced registered nurse
7 practitioner that a person should be examined or treated as a patient
8 in a hospital;

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

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

19 (4) "Approved substance use disorder treatment program" means a
20 program for persons with a substance use disorder provided by a
21 treatment program certified by the department as meeting standards
22 adopted under chapter 71.24 RCW;

23 (5) "Attending staff" means any person on the staff of a public
24 or private agency having responsibility for the care and treatment of
25 a patient;

26 (6) "Authority" means the Washington state health care authority;

27 (7) "Behavioral health disorder" means either a mental disorder
28 as defined in this section, a substance use disorder as defined in
29 this section, or a co-occurring mental disorder and substance use
30 disorder;

31 (8) "Behavioral health service provider" means a public or
32 private agency that provides mental health, substance use disorder,
33 or co-occurring disorder services to persons with behavioral health
34 disorders as defined under this section and receives funding from
35 public sources. This includes, but is not limited to: Hospitals
36 licensed under chapter 70.41 RCW; evaluation and treatment facilities
37 as defined in this section; community mental health service delivery
38 systems or community behavioral health programs as defined in RCW
39 71.24.025; licensed or certified behavioral health agencies under RCW
40 71.24.037; facilities conducting competency evaluations and

1 restoration under chapter 10.77 RCW; approved substance use disorder
2 treatment programs as defined in this section; secure withdrawal
3 management and stabilization facilities as defined in this section;
4 and correctional facilities operated by state and local governments;

5 (9) "Co-occurring disorder specialist" means an individual
6 possessing an enhancement granted by the department of health under
7 chapter 18.205 RCW that certifies the individual to provide substance
8 use disorder counseling subject to the practice limitations under RCW
9 18.205.105;

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

13 (11) (~~"Community behavioral")~~ "Behavioral health agency" has the
14 same meaning as "licensed or certified behavioral health agency"
15 defined in RCW 71.24.025;

16 (12) "Conditional release" means a revocable modification of a
17 commitment, which may be revoked upon violation of any of its terms;

18 (13) "Crisis stabilization unit" means a short-term facility or a
19 portion of a facility licensed or certified by the department, such
20 as an evaluation and treatment facility or a hospital, which has been
21 designed to assess, diagnose, and treat individuals experiencing an
22 acute crisis without the use of long-term hospitalization;

23 (14) "Custody" means involuntary detention under the provisions
24 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
25 unconditional release from commitment from a facility providing
26 involuntary care and treatment;

27 (15) "Department" means the department of health;

28 (16) "Designated crisis responder" means a mental health
29 professional appointed by the county, by an entity appointed by the
30 county, or by the authority in consultation with a federally
31 recognized Indian tribe or after meeting and conferring with an
32 Indian health care provider, to perform the duties specified in this
33 chapter;

34 (17) "Detention" or "detain" means the lawful confinement of a
35 person, under the provisions of this chapter;

36 (18) "Developmental disabilities professional" means a person who
37 has specialized training and three years of experience in directly
38 treating or working with persons with developmental disabilities and
39 is a psychiatrist, physician assistant working with a supervising
40 psychiatrist, psychologist, psychiatric advanced registered nurse

1 practitioner, or social worker, and such other developmental
2 disabilities professionals as may be defined by rules adopted by the
3 secretary of the department of social and health services;

4 (19) "Developmental disability" means that condition defined in
5 RCW 71A.10.020(~~(+5)~~);

6 (20) "Director" means the director of the authority;

7 (21) "Discharge" means the termination of hospital medical
8 authority. The commitment may remain in place, be terminated, or be
9 amended by court order;

10 (22) "Drug addiction" means a disease, characterized by a
11 dependency on psychoactive chemicals, loss of control over the amount
12 and circumstances of use, symptoms of tolerance, physiological or
13 psychological withdrawal, or both, if use is reduced or discontinued,
14 and impairment of health or disruption of social or economic
15 functioning;

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

29 (24) "Gravely disabled" means a condition in which a person, as a
30 result of a behavioral health disorder: (a) Is in danger of serious
31 physical harm resulting from a failure to provide for his or her
32 essential human needs of health or safety; or (b) manifests severe
33 deterioration from safe behavior evidenced by repeated and escalating
34 loss of cognitive or volitional control over his or her actions and
35 is not receiving such care as is essential for his or her health or
36 safety;

37 (25) "Habilitative services" means those services provided by
38 program personnel to assist persons in acquiring and maintaining life
39 skills and in raising their levels of physical, mental, social, and
40 vocational functioning. Habilitative services include education,

1 training for employment, and therapy. The habilitative process shall
2 be undertaken with recognition of the risk to the public safety
3 presented by the person being assisted as manifested by prior charged
4 criminal conduct;

5 (26) "Hearing" means any proceeding conducted in open court that
6 conforms to the requirements of RCW 71.05.820;

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

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

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

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

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

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

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

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

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

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

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

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

1 (32) "Judicial commitment" means a commitment by a court pursuant
2 to the provisions of this chapter;

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

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

14 (35) "Licensed physician" means a person licensed to practice
15 medicine or osteopathic medicine and surgery in the state of
16 Washington;

17 (36) "Likelihood of serious harm" means:

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

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

29 (37) "Medical clearance" means a physician or other health care
30 provider has determined that a person is medically stable and ready
31 for referral to the designated crisis responder;

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

35 (39) "Mental health professional" means a psychiatrist,
36 psychologist, physician assistant working with a supervising
37 psychiatrist, psychiatric advanced registered nurse practitioner,
38 psychiatric nurse, or social worker, and such other mental health
39 professionals as may be defined by rules adopted by the secretary
40 pursuant to the provisions of this chapter;

1 (40) "Peace officer" means a law enforcement official of a public
2 agency or governmental unit, and includes persons specifically given
3 peace officer powers by any state law, local ordinance, or judicial
4 order of appointment;

5 (41) "Physician assistant" means a person licensed as a physician
6 assistant under chapter 18.71A RCW;

7 (42) "Private agency" means any person, partnership, corporation,
8 or association that is not a public agency, whether or not financed
9 in whole or in part by public funds, which constitutes an evaluation
10 and treatment facility or private institution, or hospital, or
11 approved substance use disorder treatment program, which is conducted
12 for, or includes a department or ward conducted for, the care and
13 treatment of persons with behavioral health disorders;

14 (43) "Professional person" means a mental health professional,
15 substance use disorder professional, or designated crisis responder
16 and shall also mean a physician, physician assistant, psychiatric
17 advanced registered nurse practitioner, registered nurse, and such
18 others as may be defined by rules adopted by the secretary pursuant
19 to the provisions of this chapter;

20 (44) "Psychiatric advanced registered nurse practitioner" means a
21 person who is licensed as an advanced registered nurse practitioner
22 pursuant to chapter 18.79 RCW; and who is board certified in advanced
23 practice psychiatric and mental health nursing;

24 (45) "Psychiatrist" means a person having a license as a
25 physician and surgeon in this state who has in addition completed
26 three years of graduate training in psychiatry in a program approved
27 by the American medical association or the American osteopathic
28 association and is certified or eligible to be certified by the
29 American board of psychiatry and neurology;

30 (46) "Psychologist" means a person who has been licensed as a
31 psychologist pursuant to chapter 18.83 RCW;

32 (47) "Public agency" means any evaluation and treatment facility
33 or institution, secure withdrawal management and stabilization
34 facility, approved substance use disorder treatment program, or
35 hospital which is conducted for, or includes a department or ward
36 conducted for, the care and treatment of persons with behavioral
37 health disorders, if the agency is operated directly by federal,
38 state, county, or municipal government, or a combination of such
39 governments;

1 (48) "Release" means legal termination of the commitment under
2 the provisions of this chapter;

3 (49) "Resource management services" has the meaning given in
4 chapter 71.24 RCW;

5 (50) "Secretary" means the secretary of the department of health,
6 or his or her designee;

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

14 (a) Provide the following services:

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

17 (ii) Clinical stabilization services;

18 (iii) Acute or subacute detoxification services for intoxicated
19 individuals; and

20 (iv) Discharge assistance provided by certified substance use
21 disorder professionals or co-occurring disorder specialists,
22 including facilitating transitions to appropriate voluntary or
23 involuntary inpatient services or to less restrictive alternatives as
24 appropriate for the individual;

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

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

28 (52) "Severe deterioration from safe behavior" means that a
29 person will, if not treated, suffer or continue to suffer severe and
30 abnormal mental, emotional, or physical distress, and this distress
31 is associated with significant impairment of judgment, reason, or
32 behavior;

33 (53) "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 (54) "Substance use disorder" means a cluster of cognitive,
37 behavioral, and physiological symptoms indicating that an individual
38 continues using the substance despite significant substance-related
39 problems. The diagnosis of a substance use disorder is based on a

1 pathological pattern of behaviors related to the use of the
2 substances;

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

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

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

28 (58) "Triage facility" means a short-term facility or a portion
29 of a facility licensed or certified by the department, which is
30 designed as a facility to assess and stabilize an individual or
31 determine the need for involuntary commitment of an individual, and
32 must meet department residential treatment facility standards. A
33 triage facility may be structured as a voluntary or involuntary
34 placement facility;

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

1 "Store and forward technology" means use of an asynchronous
2 transmission of a person's medical information from a mental health
3 service provider to the designated crisis responder which results in
4 medical diagnosis, consultation, or treatment;

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

7 NEW SECTION. **Sec. 4.** Section 2 of this act expires when the
8 contingency in section 3 of this act takes effect.

--- END ---