
Judiciary Committee

HB 1170

Title: An act relating to triage facilities.

Brief Description: Concerning triage facilities.

Sponsors: Representatives Roberts, Hope, Dickerson, Dammeier, Green, Rolfes, Haigh, Appleton, Walsh, Ormsby, Darneille and Kenney.

Brief Summary of Bill

- Adds triage facilities to the types of facilities to which a law enforcement officer may take a person who is suspected of meeting involuntary commitment criteria, or who is known to suffer from a mental illness and is reasonably suspected of committing a non-felony offense that is not a serious offense.
- Defines "triage facility" as a short-term facility designed to assess and stabilize a person or determine the need for involuntary commitment of the person.

Hearing Date: 1/31/11

Staff: Edie Adams (786-7180).

Background:

The Involuntary Treatment Act provides requirements and procedures for the detention and civil commitment of persons with mental disorders. Generally, a person may be involuntarily detained for mental health assessment or treatment only under court order. However in emergency circumstances, persons may be detained without a court order.

Emergency Detention.

A person may be taken into custody and detained in an evaluation and treatment facility for up to 72 hours without a court order under emergency circumstances when a designated mental health

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professional receives information that the person, as a result of a mental disorder, presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled. "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

Law Enforcement Detention Authority.

Law enforcement officers have authority under certain circumstances to take into custody and deliver a person with a mental disorder to a facility for short-term detention for assessment and evaluation of the need for further detention.

When a peace officer has reasonable cause to believe a person is suffering from a mental disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled, the officer may take the person into custody and deliver the person to a crisis stabilization unit, evaluation and treatment facility, or emergency department of a local hospital. A person brought to one of these facilities by a peace officer may be held for up to 12 hours, as long as the person is evaluated within three hours of arrival. The designated mental health professional must determine within 12 hours whether the person meets criteria for detention, and if so, must file a petition for detention of the person.

When a police officer has reasonable cause to believe that an individual known to have a mental disorder has committed a non-felony crime that is not a serious offense, the officer may take the individual to a crisis stabilization unit, refer the individual to a mental health professional for evaluation under the mental health commitment statutes, or release the individual upon agreement to voluntary participation in outpatient treatment. If the individual is taken to a crisis stabilization unit, the person may be detained for up to 12 hours if the person is evaluated within the first three hours of arrival.

Crisis Stabilization Units.

In 2007, legislation was enacted creating crisis stabilization units as a type of facility to which law enforcement officers could take individuals suffering from mental disorders for up to 12-hour detention. A crisis stabilization unit is defined as a short-term facility for individuals who are experiencing an acute crisis and who need to be assessed, diagnosed, and provided short-term treatment. The Department of Social and Health Services (DSHS) certifies and establishes minimum standards for crisis stabilization units.

Summary of Bill:

"Triage facilities" are added to the types of facilities to which a law enforcement officer may take an individual whom the officer has reasonable cause to believe is suffering from a mental disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled, or whom the officer knows has a mental disorder and has reasonable cause to believe has committed a non-felony offense that is not a serious offense.

"Triage facility" is defined as a short-term facility or portion of a facility designed to assess and stabilize an individual or determine the need for involuntary commitment of an individual.

Triage facilities must be licensed by the Department of Health (DOH) and certified by the DSHS and meet DOH residential treatment facility standards.

Appropriation: None.

Fiscal Note: Requested on 1/27/2011.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.