
SUBSTITUTE SENATE BILL 5187

State of Washington

62nd Legislature

2011 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Becker, Keiser, Hargrove, Stevens, and Carrell)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to the accountability of mental health
2 professionals employed by an evaluation and treatment facility for
3 communicating with a parent or guardian about the option of parent-
4 initiated mental health treatment; and amending RCW 71.34.375 and
5 71.34.700.

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

7 **Sec. 1.** RCW 71.34.375 and 2003 c 107 s 1 are each amended to read
8 as follows:

9 (1) ((The)) An evaluation and treatment facility, facility
10 operating as an evaluation and treatment facility under this chapter
11 pursuant to a single-bed certification, and any mental health
12 professional employed or contracted by such a facility who has contact
13 with the parent or guardian of a minor child as part of his or her
14 professional duties is required to promptly provide written and verbal
15 notice of all statutorily available treatment options contained in this
16 chapter to every parent or guardian of a minor child when the parent or
17 guardian seeks to have his or her minor child treated at an evaluation
18 and treatment facility. The notice need not be given more than once if

1 written and verbal notice has already been provided and documented by
2 the facility.

3 (2) The notice must contain the following information and the
4 provision of notice must be documented by the evaluation and treatment
5 facility and accompanied by a signed acknowledgment of receipt by the
6 parent or guardian:

7 (a) All current statutorily available treatment options including
8 but not limited to those provided in this chapter; and

9 (b) The procedures to be followed to utilize the treatment options
10 described in this chapter.

11 (3) The department shall produce, and make available, the written
12 notification that must include, at a minimum, the information contained
13 in subsection (2) of this section.

14 (4) Failure to comply with notice provisions under this section is
15 presumed to be unprofessional conduct under RCW 18.130.180 (4) and (7).

16 **Sec. 2.** RCW 71.34.700 and 1985 c 354 s 4 are each amended to read
17 as follows:

18 If a minor, thirteen years or older, is brought to an evaluation
19 and treatment facility or hospital emergency room for immediate mental
20 health services, the professional person in charge of the facility
21 shall evaluate the minor's mental condition, determine whether the
22 minor suffers from a mental disorder, and whether the minor is in need
23 of immediate inpatient treatment. If it is determined that the minor
24 suffers from a mental disorder, inpatient treatment is required, and
25 the minor is unwilling to consent to voluntary admission, (~~and~~) the
26 professional person must give written and verbal notice to any parent
27 or guardian of the child who seeks to have his or her child treated of
28 all statutorily available treatment options as provided in RCW
29 71.34.375. If the professional person believes that the minor meets
30 the criteria for initial detention set forth herein, the facility may
31 detain or arrange for the detention of the minor for up to twelve hours
32 in order to enable a (~~county~~)designated mental health professional
33 to evaluate the minor and commence initial detention proceedings under
34 the provisions of this chapter.

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