

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5187**

Chapter 302, Laws of 2011

62nd Legislature  
2011 Regular Session

MENTAL HEALTH TREATMENT--MINORS--PARENTAL NOTIFICATION

EFFECTIVE DATE: 07/22/11

Passed by the Senate April 21, 2011  
YEAS 47 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 9, 2011  
YEAS 95 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved May 10, 2011, 4:07 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5187** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

May 11, 2011

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5187**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

**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; amending RCW 71.34.375, 70.41.130,  
5 and 71.12.590; and adding new sections to chapter 71.34 RCW.

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))~~ If a parent or guardian, for the purpose of mental  
10 health treatment or evaluation, brings his or her minor child to an  
11 evaluation and treatment facility, a hospital emergency room, an  
12 inpatient facility licensed under chapter 72.23 RCW, or an inpatient  
13 facility licensed under chapter 70.41 or 71.12 RCW operating inpatient  
14 psychiatric beds for minors, the facility is required to promptly  
15 provide written and verbal notice of all statutorily available  
16 treatment options contained in this chapter ~~((to every parent or~~  
17 ~~guardian of a minor child when the parent or guardian seeks to have his~~  
18 ~~or her minor child treated at an evaluation and treatment facility))~~.

1 The notice need not be given more than once if written and verbal  
2 notice has already been provided and documented by the facility.

3 (2) The provision of notice must be documented by the facilities  
4 required to give notice under subsection (1) of this section and must  
5 be accompanied by a signed acknowledgment of receipt by the parent or  
6 guardian. The notice must contain the following information:

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. The department must revise the  
14 written notification as necessary to reflect changes in the law.

15 NEW SECTION. Sec. 2. A new section is added to chapter 71.34 RCW  
16 to read as follows:

17 An evaluation and treatment facility that fails to comply with the  
18 requirement to provide verbal and written notice to a parent or  
19 guardian of a child under RCW 71.34.375 is subject to a civil penalty  
20 of one thousand dollars for each failure to provide adequate notice,  
21 unless the evaluation and treatment facility is a hospital licensed  
22 under chapter 70.41 RCW or a psychiatric hospital licensed under  
23 chapter 71.12 RCW in which case the department of health may enforce  
24 the notice requirements using its existing enforcement authority  
25 provided in chapters 70.41 and 71.12 RCW.

26 **Sec. 3.** RCW 70.41.130 and 1991 c 3 s 335 are each amended to read  
27 as follows:

28 The department is authorized to deny, suspend, revoke, or modify a  
29 license or provisional license in any case in which it finds that there  
30 has been a failure or refusal to comply with the requirements of this  
31 chapter or the standards or rules adopted under this chapter or the  
32 requirements of RCW 71.34.375. RCW 43.70.115 governs notice of a  
33 license denial, revocation, suspension, or modification and provides  
34 the right to an adjudicative proceeding.

1       **Sec. 4.** RCW 71.12.590 and 1983 c 3 s 180 are each amended to read  
2 as follows:

3       Failure to comply with any of the provisions of RCW 71.12.550  
4 through 71.12.570 or the requirements of RCW 71.34.375 shall constitute  
5 grounds for revocation of license: PROVIDED, HOWEVER, That nothing in  
6 this chapter or the rules and regulations adopted pursuant thereto  
7 shall be construed as authorizing the supervision, regulation, or  
8 control of the remedial care or treatment of residents or patients in  
9 any establishment, as defined in this chapter conducted in accordance  
10 with the practice and principles of the body known as Church of Christ,  
11 Scientist.

12       NEW SECTION. **Sec. 5.** A new section is added to chapter 71.34 RCW  
13 to read as follows:

14       (1) By December 1, 2011, facilities licensed under chapter 70.41,  
15 71.12, or 72.23 RCW are required to adopt policies and protocols  
16 regarding the notice requirements described in RCW 71.34.375; and

17       (2) By December 1, 2012, the department, in collaboration with the  
18 department of health, shall provide a detailed report to the  
19 legislature regarding the facilities' compliance with RCW 71.34.375 and  
20 subsection (1) of this section.

      Passed by the Senate April 21, 2011.

      Passed by the House April 9, 2011.

      Approved by the Governor May 10, 2011.

      Filed in Office of Secretary of State May 11, 2011.