

PSSB 5456

## Effect:

- A designated mental health professional (DMHP) must take serious consideration of observations and opinions of an examining physician related to civil detention. A physician who disagrees with a decision not to detain may submit a declaration describing the reasons why, and whether the physician is willing to testify to the physician's observations in court. If the DMHP does not initiate detention, the DMHP must provide a written response stating in particularity the reasons the person has not been detained.
- Language is added stating that the fact that a person has not has been involuntarily detained does not give the right to provide medical treatment against the person's will, except as specified by law.
- The two physician override provision is eliminated.

1 AN ACT Relating to detentions under the involuntary treatment act;  
2 amending RCW 71.05.040; and adding new sections to chapter 71.05 RCW.

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

4 **Sec. 1.** RCW 71.05.040 and 2004 c 166 s 2 are each amended to read  
5 as follows:

6 (1) Persons ((who are developmentally disabled)) with developmental  
7 disabilities, impaired by chronic alcoholism or drug abuse, or  
8 suffering from dementia shall not be detained for evaluation and  
9 treatment or judicially committed solely by reason of that condition  
10 unless such condition causes a person to be gravely disabled or as a  
11 result of a mental disorder such condition exists that constitutes a  
12 likelihood of serious harm: Provided however, That persons ((who are  
13 developmentally disabled)) with developmental disabilities, impaired by  
14 chronic alcoholism or drug abuse, or suffering from dementia and who  
15 otherwise meet the criteria for detention or judicial commitment are  
16 not ineligible for detention or commitment based on this condition  
17 alone.

18 (2) The fact that a mental disorder within the definition of RCW  
19 71.05.020 is caused by an underlying medical condition does not provide

1 a reason to withhold detention under this chapter. The fact that a  
2 person has been involuntarily detained does not give the right to  
3 provide medical treatment against the person's will, except as  
4 specified in RCW 71.05.217(7) and 71.05.360(10).

5 NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW  
6 to read as follows:

7 A designated mental health professional shall take serious  
8 consideration of observations and opinions by examining physicians in  
9 determining whether detention under this chapter is appropriate. An  
10 examining physician who disagrees with a determination not to initiate  
11 detention under RCW 71.05.150 or 71.05.153 may submit a declaration  
12 describing the reasons why, in the view of the physician, detention is  
13 appropriate and stating whether the physician is willing, if necessary,  
14 to testify to the physician's observations in court. A designated  
15 mental health professional who receives such a declaration and does not  
16 initiate detention must provide a written response stating with  
17 particularity the reason or reasons why the person has not been  
18 detained.

19 NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW  
20 to read as follows:

21 A designated mental health professional who conducts an evaluation  
22 for imminent likelihood of serious harm or imminent danger because of  
23 being gravely disabled under RCW 71.05.153 must also evaluate the  
24 person under RCW 71.05.150 for likelihood of serious harm or grave  
25 disability that does not meet the imminent standard for emergency  
26 detention.

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