HOUSE BILL 1401

State of Washington   **64th Legislature**   **2015 Regular Session**

By Representatives Cody, Harris, Riccelli, Caldier, Ortiz-Self, and McBride

Read first time 01/20/15.   Referred to Committee on Health Care & Wellness.

1   AN ACT Relating to data reporting concerning the collection of
2 data when a psychiatric patient meets detention criteria and no
3 evaluation and treatment bed is available; adding a new section to
4 chapter 71.05 RCW; and creating a new section.

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

6   NEW SECTION. **Sec. 1.**   The Washington state supreme court has
7 ruled that, with the exception of individuals with medical needs, the
8 involuntary treatment act does not allow the use of single bed
9 certifications without appropriate mental health treatment for
10 individuals who meet detention criteria under the involuntary
11 treatment act. In order to better understand the need for inpatient
12 psychiatric beds across the state and take appropriate action, the
13 legislature requires information. It is the intent of the legislature
14 to create a process for reporting that provides the data necessary
15 for legislative decision making.

16   NEW SECTION. **Sec. 2.**   A new section is added to chapter 71.05
17 RCW to read as follows:
18   (1) A designated mental health professional shall make a report
19 to the department when he or she determines an individual meets
20 detention criteria under RCW 71.05.150 or 71.05.153 and there are not

1 any beds available at an evaluation and treatment facility, the
2 individual has not been provisionally accepted for admission by a
3 facility, and the individual cannot be served on a single bed
4 certification or less restrictive alternative. Starting at the time
5 when the designated mental health professional determines an
6 individual meets detention criteria and the investigation has been
7 completed, the designated mental health professional has twenty-four
8 hours to submit a completed report to the department.

9 (2) The report required under subsection (1) of this section must
10 contain at a minimum:

11 (a) The date and time that the investigation was completed;

12 (b) The identity of the responsible regional support network or
13 behavioral health organization;

14 (c) The county in which the individual met detention criteria;
15 and

16 (d) The age of the individual.

17 (3) The department shall develop a standardized reporting form or
18 modify the current form used for single bed certifications for the
19 report required under subsection (2) of this section and may require
20 additional reporting elements as it determines are necessary or
21 supportive. The department shall also determine the method for the
22 transmission of the completed report from the designated mental
23 health professional to the department.

24 (4) The department shall create quarterly reports displayed on
25 its web site that summarize the information reported under subsection
26 (2) of this section. At a minimum, the reports must display data by
27 county and by month. The reports must also include the number of
28 single bed certifications granted by category. The categories must
29 include all of the reasons that the department recognizes for issuing
30 a single bed certification, as identified in rule.

31 (5) The reports provided according to this section may not
32 display "protected health information" as that term is used in the
33 federal health insurance portability and accountability act of 1996,
34 nor information contained in "mental health treatment records" as
35 that term is used in chapter 70.02 RCW or elsewhere in state law, and
36 must otherwise be compliant with state and federal privacy laws.

37 (6) For purposes of this section, the term "single bed
38 certification" means a situation in which an adult on a seventy-two
39 hour detention, fourteen-day commitment, or ninety-day commitment is
40 detained to a facility that is:

1   (a) Not certified as an inpatient evaluation and treatment
2 facility; or
3   (b) A certified inpatient evaluation and treatment facility that
4 is already at capacity.

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